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No. 116

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

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

Let us pray.

Eternal Father, our souls long for You, for we find strength and joy in Your presence.

Guide our lawmakers to put their trust in You, seeking in every undertaking to know and do Your will. When they go through difficulties, may they remember that, with Your help, they can accomplish the seemingly impossible. Lord, give them a faith that will trust you even when the darkness is blacker than a thousand midnights. May they always find strength in Your providential meaning.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

The PRESIDING OFFICER (Mrs. BLACKBURN). The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak for 30 seconds in morning business.

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

JUDICIAL CONFIRMATIONS

Mr. GRASSLEY. Madam President, the Senate will soon cross the milestone of 200 judicial confirmations since President Trump came to the Presidency in 2017. These have been nominees in the molds of Justice Scalia, just as the President promised nearly 4 years ago. They will strictly interpret the Constitution and Federal

statutes. Their decisions will be driven by what the law actually says, not their own personal policy preferences.

This landmark achievement is the result of the President keeping his word and the unwavering determination of Leader McCONNELL, Chairman GRAHAM, and the Republican conference.

In the hands of these many strict constructionist judges, the future of American jurisprudence is very, very bright.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

JUDICIAL CONFIRMATIONS

Mr. McCONNELL. Madam President, in a few hours, the Senate will confirm Judge Cory T. Wilson to join the U.S. Court of Appeals for the Fifth Circuit. Yet again, President Trump has sent up an outstanding nominee for this important vacancy. Judge Wilson holds degrees from the University of Mississippi and Yale Law School. He has held a prestigious clerkship, found success in private practice, and spent years in public service as a lawyer and a judge. The American Bar Association rates Mr. Wilson "well qualified."

Once we confirm Judge Wilson today, the Senate will have confirmed 200—200—of President Trump's nominees to lifetime appointments on the Federal bench. Following No. 200, when we depart this Chamber today, there will not be a single circuit court vacancy anywhere in the Nation for the first time in at least 40 years. There will not be a single circuit court vacancy anywhere in the Nation for the first time in at least 40 years.

As I have said many times, our work with the administration to renew our Federal courts is not a partisan or political victory; it is a victory for the

rule of law and for the Constitution itself.

If judges applying the law and the Constitution as they are written strikes any of our colleagues as a threat to their political agenda, then the problem, I would argue, is with their agenda.

THE JUSTICE ACT

Mr. McCONNELL. Madam President, on another matter, today was supposed to bring progress for an issue that is weighing heavily on the minds of Americans. In the wake of the killings of Breonna Taylor and George Floyd, following weeks of passionate protests from coast to coast, the Senate was supposed to officially take up police reform on the floor today. Instead, our Democratic colleagues are poised to turn this routine step into a partisan impasse.

Frankly, to most Americans, the situation would sound like a satire of what goes on in the Senate: a heated argument over whether to invoke cloture on a motion to proceed to a proposal—a heated argument over whether to invoke cloture on a motion to proceed to a proposal. We are literally arguing about whether to stop arguing about whether to start arguing about something else.

I can stand here for an hour and extol the virtues of Senator TIM SCOTT's JUSTICE Act. His legislation has already earned 48 cosponsors because it is a straightforward plan based on facts, based on data, and based on lived experience. It focuses on improving accountability and restoring trust. It addresses key issues like choke holds and no-knock warrants. It expands reporting, transparency in hiring, and training for deescalation.

I am proud to stand with this legislation, but the reality is that nobody thought the first offer from the Republican side was going to be the final product that traveled out of the Senate. What is supposed to happen in this

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



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body is that we vote or agree to get onto a bill, and then we discuss, debate, and amend it until at least 60 Senators are satisfied, or it goes nowhere. It goes nowhere at the end until 60 Senators are satisfied.

So what are they giving up? Nothing. They don't want an outcome. The vote we will take in a few hours is just the first step. We aren't passing a bill. We aren't making policy decisions. It is just a procedural vote to say that police reform is the subject the Senate will tackle next. That is all it says—that police reform is the subject the Senate will tackle next.

Alas, our Democratic colleagues have suddenly begun to signal they are not willing to even begin the discussion on police reform. They are threatening to block the subject from even reaching the Senate floor.

Yesterday, in a letter to me and on the floor, the Democratic leader and the junior Senators from New Jersey and California put forward an argument that was almost nonsensical. First, they explained a number of policy differences they have with Senator SCOTT's proposal. No problem there. The Senate has a handy tool for settling such differences; it is called legislating. We take up bills. We debate them. We consider amendments from both sides. And only if and when 60 Senators are satisfied can we even vote on passage.

But this time, Senate Democrats say the legislative process should not happen. This time, the Democratic leader is saying he will not let the Senate take up the subject of police reform at all—at all—unless I pre-negotiate with him in private and rewrite our starting point until he is satisfied.

This last-minute ultimatum is particularly ironic given the weeks of rhetoric from leading Democrats about how very urgent—how very urgent—it was that Congress address police reform and racial justice. For weeks, the Democratic leader has blustered that the Senate simply had to address this issue before July 4. Well, that is what the vote this morning is about.

Last week, Speaker PELOSI said: "I hope there's a compromise to be reached in the Congress. . . ." because "How many more people have to die from police brutality?" So, as recently as last week, leading Democrats called it a life-or-death issue for the Senate to take up the subject this month. Well, here we are. Here we are. We are ready to address it. But now, in the last 48 hours, this bizarre, new ultimatum. Now they don't want to take up the issue. They don't want to debate. They don't want amendments. They will filibuster police reform from even reaching the floor of the Senate unless the majority lets the minority rewrite the bill behind closed doors in advance. Let me say that again. They will filibuster police reform from even reaching the floor unless the majority lets the minority rewrite the bill behind closed doors in advance.

Yesterday, the Speaker of the House told CBS News that because Senate Republicans do support Senator TIM SCOTT's reform bill, we are all—listen to this jaw-dropping comment—"trying to get away with murder . . . the murder of George Floyd." That is the Speaker of the House accusing Senate Republicans of trying to get away with murder.

Are you beginning to see how this game works? Two weeks ago, it was implied the Senate would have blood on our hands if we didn't take up police reform. Now Democrats say Senator SCOTT and 48 other Senators have blood on our hands because we are trying to take up police reform.

What fascinating times we live in. Armies of elites and Twitter mobs stand ready to pounce on any speech they deem problematic. Yet unhinged comments like these get a complete free pass—a complete free pass.

When our country needs unity, they are trying to keep us apart. When our Nation needs bipartisan solutions, they are staging partisan theater. This is political nonsense elevated to an art form.

In a body that has amendments and substitute amendments, it is nonsense to say a police reform bill cannot be the starting point for a police reform bill. It is nonsense for Democrats to say that, because they want to change Senator SCOTT's bill, they are going to block the Senate from taking it up and amending it. If they are confident in their positions, they should embrace the amendment process. If they aren't confident their views will persuade others, that just underscores why they don't get to insert these views in advance—in advance—behind closed doors.

No final legislation can pass without 60 votes. If Democrats do not like the final product, it will not pass. The only way there is any downside for Democrats to come to the table is that they would rather preserve this urgent subject as a live campaign issue than pass a bipartisan answer.

The majority has done everything we can to proceed to this issue in good faith. I have fast-tracked this issue to the floor this month, as our Democratic colleagues said they wanted until 48 hours ago. I have expressed my support for a robust amendment process, as our Democratic colleagues said they wanted until 48 hours ago.

So make no mistake about it: Senate Republicans are ready to make a law. We are ready to discuss and amend our way to a bipartisan product, pass it, and take it to conference with the House. The American people deserve an outcome, and we cannot get an outcome if Democrats will not even let us begin—not even let us begin.

I hope our colleagues reconsider and let the Senate consider police reform later today. If they do not, the next time another appalling incident makes our Nation sick to its stomach with grief and anger yet again, Senate

Democrats can explain to the Nation why they made sure the Senate did nothing.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Cory T. Wilson, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. will be equally divided between the two leaders or their designees.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

JUSTICE IN POLICING ACT

Mr. SCHUMER. Madam President, the names of George Floyd, Breonna Taylor, and Ahmaud Arbery continue to ring in the Nation's ears, a searing reminder of the desperate need to reform policing and truly address injustice in America. Their memory is a national call to action.

Democrats answered that call by proposing a broad, strong, comprehensive policing reform bill that would bring deep and lasting change to police departments across America. House Democrats will pass that bill, the Justice in Policing Act, as early as tomorrow.

However, here in the Senate, the Republican majority proposed the legislative equivalent of a fig leaf, something that provides a little cover but no real change. In less than an hour, Leader MCCONNELL will ask the Senate to proceed to the so-called policing reform bill.

We have all gone over the bill's deficiencies over and over. There are no good answers. Some on the other side have said the bills are similar. They are like night and day.

In response to the brutal killing of George Floyd—his wind pipe crushed by a police officer—my Republican friends drafted a bill that does not even fully ban the type of brutal tactics that led to his death.

In response to the death of Breonna Taylor, killed by police executing a no-knock warrant, my Republican friends have drafted a bill that doesn't even ban that type of tactic—what weak tea. For Leader McConnell to come on the floor with this bill and say he is solving the problem—no one believes that, except maybe a few ideologues who really don't want to solve the problem to begin with.

The bill doesn't ban choke holds. It doesn't back no-knock warrants. It does nothing to stop profiling, the militarization of police or reform, use of force standards, and qualified immunity—all of the things that need to be done, almost none of which are in this bill.

The last piece is particularly surprising. So much of the anger in the country right now is directed at the lack of accountability for police officers who violate Americans' rights. As far as I can tell, the Republican bill does not even attempt one significant reform—not one—to bring more accountability to police officers who are guilty of misconduct.

If you present a bill, as Republicans have here in the Senate, that does nothing on accountability and say they are solving or dealing with the problem in even close to an adequate way, they are sadly mistaken. No one—no one—believes that.

I could spend more time in describing what the Republican bill doesn't do than what it does do. The harsh fact of the matter is the bill is so deeply, fundamentally, and irrevocably flawed, it cannot serve as a useful starting point for real reform.

Don't ask me. Don't ask the Democrats here. Ask the leading civil rights organizations, which have declared their strong opposition not only to this bill but have urged us not to move forward because they know this bill is a sham, a cul-de-sac, which will lead to no reform whatsoever.

Yesterday, 138 civil rights groups sent an open letter to Senators demanding that we vote no on moving to proceed today. I have the letter here.

Madam President, I ask unanimous consent to have printed in the RECORD the full letter.

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

THE LEADERSHIP CONFERENCE ON
CIVIL AND HUMAN RIGHTS,
June 23, 2020.

VOTE NO ON THE MOTION TO PROCEED—S. 3985
THE JUSTICE ACT

DEAR SENATORS: On behalf of The Leadership Conference on Civil and Human Rights (The Leadership Conference), a coalition charged by its diverse membership of more than 220 national organizations to promote and protect civil and human rights in the United States, and the undersigned 138 orga-

nizations, we write to express our strong opposition to S. 3985, the Just and Unifying Solutions to Invigorate Communities Everywhere (JUSTICE) Act. The JUSTICE Act is an inadequate response to the decades of pain, hardship, and devastation that Black people have and continue to endure as a result of systemic racism and lax policies that fail to hold police accountable for misconduct. This bill falls woefully short of the comprehensive reform needed to address the current policing crisis and achieve meaningful law enforcement accountability. It is deeply problematic to meet this moment with a menial incremental approach that offers more funding to police, and few policies to effectively address the constant loss of Black lives at the hands of police. We therefore urge you to oppose the JUSTICE Act and vote no on the motion to proceed when this legislation is brought to the floor. The Leadership Conference will score this vote in our voting record for the 116th Congress.

Abusive policing practices, coupled with devastating state-sanctioned violence, have exacted systemic brutality and fatality upon Black people since our nation's founding. Police have shot and killed more than 1,000 people in the United States over the past year, and Black people are disproportionately more likely than white people to be killed by police. The chronic structural issue of police killings and lawlessness against Black people have escalated to a boiling point in recent weeks following the deaths of individuals like Breonna Taylor, Dreasjon "Sean" Reed, George Floyd, Tony McDade, and others. The current protests in our cities are a response not only to the unjust policing of Black people, but also a call for action to public officials to enact bold, comprehensive, and structural change.

That is why, on June 1, 2020, The Leadership Conference sent Congress a letter outlining accountability principles that must be adopted as a baseline to address rampant, systemic, white supremacy in law enforcement across America. In less than 12 hours, more than 450 of this country's most diverse civil rights, civil liberties, and racial justice organizations signed onto that letter because what was asked of Congress aligned with what advocates, policing experts, and other stakeholders agree is needed. The priorities highlighted are not only reasonable but reflect a bare minimum of what must be included in any policing legislation Congress adopts in order for systemic reform to occur.

These priorities are: (1) the creation of a use of force standard that allows force only when necessary and as a last resort; (2) a ban on chokeholds; (3) a ban on racial profiling; (4) the establishment of a police misconduct registry; (5) the inclusion of a "reckless" standard in 18 U.S.C. Section 242 that enables federal prosecutors to hold law enforcement accountable for criminal civil rights violations; (6) a prohibition on no-knock warrants, especially in drug cases; (7) the elimination of the judge-made doctrine of qualified immunity, which allows officers and other government actors to evade accountability when they violate individuals' rights; and (8) the demilitarization of law enforcement agencies. This accountability framework is reflected in S. 3912, the Justice in Policing Act of 2020.

Unfortunately, Senate majority leadership ignored these critical policies and introduced the JUSTICE Act, a bill that fails to align with our framework principles and will therefore not bring about the fundamental shift in policing our country needs. The bill does nothing to address current barriers to holding law enforcement accountable, such as abolishing qualified immunity or criminalizing the reckless use of force. It does not address, let alone prohibit, the perverse

yet pervasive practice of racial profiling, nor does it include explicit bans on dangerous practices like chokeholds or no-knock warrants. It fails to address the militarization of police or the need for a national standard restricting the use of force, and lacks the national, robust, and publicly available misconduct registry required for true transparency.

Further, the JUSTICE Act provides more than \$7 billion of additional federal dollars for law enforcement over the next five years, directly contradicting our coalition's call and that of those marching in the streets to redefine public safety by reducing the footprint of our criminal legal system. Many of the crises that currently involve police responses, and which too often lead to mistreatment and increased mistrust, would be better handled through the addition of health providers, social workers, and others who can meet the needs of communities in a non-punitive manner. Pouring additional funding into a broken system is bad policy. Furthermore, considering the limited financial resources prompted by the COVID-19 pandemic, all policing reform models must reprioritize how limited dollars are spent. The programs authorized by the JUSTICE Act will necessarily mean fewer funds to tackle other issues critical to longlasting safety, such as housing, education, and health care. Millions of people in the United States are calling for these kinds of direct investments into communities, and Congress should heed that call.

Now is the time for Congress to be bold and pass meaningful police accountability reform legislation. A vast and diverse collection of people from coast to coast are calling on lawmakers to prioritize Black communities and protect them from the systemic perils of over-policing, police brutality, misconduct, and harassment. It is your moral and ethical duty to ensure Black people and communities are free from the harm and threats from law enforcement and militarized police responses. It is also your responsibility to ensure that any legislation passed does not just provide lip service to these problems, but fully meets the critical needs of this moment and beyond. Passing watered-down legislation that fails to remedy the actual harms resulting in the loss of life is a moral statement that is inconsistent with a genuine belief that black lives matter. Anything less than full support for comprehensive legislation that holds police accountable is inexcusable. Further, any attempt to amend or salvage the JUSTICE Act will only serve to "check the box" and claim reform when, in actuality, no reform has occurred to combat police misconduct and to protect Black lives. For these reasons, we urge you to oppose the JUSTICE Act and vote no on the motion to proceed on this legislation.

Thank you for your leadership in advancing these important policy recommendations. If you have any questions about the issues raised in this letter, please contact Sakira Cook of The Leadership Conference at cook@civilrights.org or The Leadership Conference Justice Task Force co-chairs, Kanya Bennett of the ACLU, kbennett@aclu.org and Hilary Shelton of the NAACP at hoshleton@naacpnet.org.

Sincerely,

The Leadership Conference on Civil and Human Rights, A Little Piece Of Light, ActionAid USA, AFGE Local 3354, African American Ministers In Action, Alabama State Association of Cooperatives, Alianza Americas, Alianza Nacional de Campesinas, American Association for Justice, American Atheists, American Civil Liberties Union, American Family Voices, American Federation of Teachers, American Federation of

Labor and Congress of Industrial Organizations (AFL-CIO), American Humanist Association, American Indian Mothers Inc., American-Arab Anti-Discrimination Committee (ADC), Americans for Democratic Action (ADA), Amnesty International USA, Arkansas United.

Asian Americans Advancing Justice | AAJC, Atrisco Community, Autistic Self Advocacy Network, Autistic Women and Non-binary Network, Bazelon Center for Mental Health Law, Bend the Arc: Jewish Action, Black Farmers and Agriculturalists Association, Inc.; Bread for the World, Center for Disability Rights, Center for Law and Social Policy, Center for Responsible Lending, Center for the Study of Hate & Extremism-California State University, San Bernardino; Chi-Town GVP Summit, Church of Scientology National Affairs Office, Clearinghouse on Women's Issues, Climate Reality Project, Coalition of Black Trade Unionists, Coalition on Human Needs, Coalition to Stop Gun Violence, Common Cause.

CommonSpirit Health, Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces; Constitutional Accountability Center, Council on American-Islamic Relations (CAIR), CURE (Citizens United for Rehabilitation of Errants), Daniel Initiative Set Project, Defending Rights & Dissent, Demand Progress, DemCast USA, Democracy 21, Drug Policy Alliance, Earthjustice, End Citizens United // Let America Vote Action Fund, Equal Rights Advocates, Equality California, Farmworker Association of Florida, Feminist Majority Foundation, Government Information Watch, Hindu American Foundation, Hispanic Federation.

Human Rights Campaign, Human Rights First, Immigration Hub, IndivisAbility, Innocence Project, Japanese American Citizens League, Jewish Council for Public Affairs, Joint Action Committee, Justice in Aging, Justice Roundtable, Juvenile Law Center, Kansas Black Farmers Association Inc, Lambda Legal, Landowners Association of Texas, Leadership Conference on Civil & Human Rights, League of Women Voters of the United States, Mennonite Central Committee U.S. Washington Office, Mommieactivist and Sons, MomsRising, MoveOn.

Muslim Advocates, NAACP, NAACP Legal Defense and Educational Fund, Inc.; National Action Network, National Advocacy Center of the Sisters of the Good Shepherd, National Association of Human Rights Workers, National Association of Social Workers, National Center for Transgender Equality, National Council of Churches, National Council on Independent Living, National Domestic Workers Alliance, National Down Syndrome Congress, National Education Association, National Employment Law Project, National Equality Action Team (NEAT), National Housing Law Project, National Latino Farmers & Ranchers Trade Association, National LGBTQ Task Force Action Fund, National Organization for Women, National Partnership for Women & Families.

Natural Resources Defense Council, NETWORK Lobby for Catholic Social Justice, New America's Open Technology Institute, Oklahoma Black Historical Research Project, Inc.; Open Society Policy Center, Oxfam America, People For the American Way, People's Action, Pesticide Action Network, PFLAG National, Prison Policy Initiative, Public Citizen, Public Justice, Rabbinical Assembly, RAICES, Restore The Fourth, Rural Advancement Fund of the National Sharecroppers Fund, Rural Coalition, Silver State Equality-Nevada.

Southern Border Communities Coalition, SPLC Action Fund, Stand for Children, Stand Up America, Students for Sensible Drug Policy, T'ruah, Texas Progressive Action Network, Texas Watch, The Agenda

Project, The Black Alliance for Just Immigration (BAJI), The Daniel Initiative, The Sikh Coalition, The Workers Circle, Union for Reform Judaism, United Church of Christ, Justice and Witness Ministries; UNITED SIKHS, United We Dream Action, Voices for Progress, Win Without War, Woman's National Democratic Club (WNDC).

Mr. SCHUMER. Madam President, I want to ask the American people, I want to ask Republican Senators: Who is a better guardian of the civil rights of African Americans when it comes to police reform—the NAACP or MITCH MCCONNELL?

If this bill were such a good path to reform, why wouldn't civil rights organizations from one end of America to another say: Go forward; maybe we will get something done. Because they know the bill is a ruse, and nothing will get done. That is the way it is designed. Whom do you believe when it comes to civil rights and police accountability—MITCH MCCONNELL or the lawyer for the families of George Floyd and Breonna Taylor? Whom do you believe—the lawyer of the Floyd and Taylor families or MITCH MCCONNELL, whom we have never heard speak on this issue on the floor until the last few weeks? These groups have been speaking about it for decades.

The idea—the idea—that this bill is a step forward when it will lead to nowhere? It will not be. MITCH MCCONNELL keeps saying you can cut the bill off when you don't get your 60 votes. What kind of solution is that, when it is a junky bill, when it is a bill that doesn't go far enough at all? Why don't we put a good bill on the floor that can pass?

Let me read what the Leadership Conference on Civil and Human Rights said. They have had a hand in crafting every piece of meaningful legislation passed in Congress in the last few years.

The JUSTICE Act—

The Republican bill—

is an inadequate response to the decades of pain, hardship, and devastation that Black people have and continue to endure as a result of systemic racism and lax policies that fail to hold police accountable for misconduct. This bill falls woefully short of the comprehensive reform needed to address the current policing crisis and achieve meaningful law enforcement accountability.

Listen to this sentence, from 136 civil rights organizations about this bill that Leader MCCONNELL has put on the floor:

It is deeply problematic to meet this moment with a menial incremental approach that offers more funding to police, and few policies to effectively address the constant loss of Black lives at the hands of police.

Leader MCCONNELL, here is what the civil rights organizations say about your bill. They rip off any cloaking about what this bill really does and what it is. I want to read it again—specifically to our Republican leader, who thinks this is a good bill and a great attempt to go forward:

It is deeply problematic to meet this moment with a menial incremental approach that offers more funding to police, and few policies to effectively address the constant loss of Black lives at the hands of police.

Whom do you believe, America—the Leadership Conference on Civil Rights or MITCH MCCONNELL? Whom do you believe, America—the NAACP or the Republican caucus? Whom do you believe, America—the lawyer for the Taylor and Floyd families or Donald Trump, who has these Members quaking in their boots if they do something that he doesn't like?

That is one of the other reasons we are in such a pickle here. They are so afraid of Donald Trump, who is willing to say overtly racist statements, like "Kung Flu" several times yesterday, that they can't even bring themselves to put a bill on the floor that has a modicum of respect from the civil rights community? When you call it "menial," you are not respecting a bill.

The NAACP Legal Defense and Educational Fund, founded by the great Justice Thurgood Marshall—here is what it said. They have been fighting for these things for 80 on years, not 8 days. "It cannot support legislation that does not embody a strong accountability framework for police officers and [other] law enforcement who engage in misconduct."

Here is what Benjamin Crump, the lawyer, said: The Republican legislation is "in direct contrast to the demands of the people" who have been protesting; and "the Black Community is tired of lip service, and shocked that the [Republican proposal] can [even] be thought of as legislation." That is the lawyer for the Taylor and Floyd families. Leader MCCONNELL has invoked their names—that is the right thing to do—but then deviates totally from what their lawyer says needs to be done to deal with these kinds of deaths. Again, Benjamin Crump, the lawyer for the Floyd and Taylor families: "The Black community is tired of the lip service, and shocked that the [Republican proposal] can [even] be thought of as legislation."

Don't get on your sanctimonious horse, Leader MCCONNELL. You have none of the civil rights community behind you.

The most preeminent civil rights groups in our Nation's history are speaking. The lawyer representing the families of Americans who have lost their loved ones at the hands of those who are sworn to protect and serve are speaking. They have one simple, urgent goal, and it has nothing to do with politics.

Leader MCCONNELL accuses what we are doing as being filled with politics. Does Leader MCCONNELL accuse all 138 civil rights organizations of wanting to do this for politics? No, no, no. I think the shoe is on the other foot. I think the politics here is that Leader MCCONNELL wants to show that he is doing something and get nothing done.

He may be afraid of President Trump. He may be afraid of some police organizations. I don't know what it is.

Here is what they say in their letter: "We therefore urge you"—the Senators—"to oppose the JUSTICE Act and vote no on the motion to proceed."

I dare the leader to come out here and say they are playing politics—

come right out and say it—because it is false, and we, the Democrats, are aligned with what they believe.

This morning, we heard more predictable histrionics from the Republican leader—the accusation of mindless obstruction and outrageous hypocrisy. Leader MCCONNELL should spare us the lectures about how laws get made. He knows how. It is through bipartisanship. The leader talks about bipartisanship and introduces a totally partisan bill and introduces a process where Democrats have had no input. That is partisanship.

Do you want to be bipartisan, Leader MCCONNELL? Sit down, assemble a group—some from your side, maybe Senator SCOTT, who is greatly respected; some from our side, maybe Senators BOOKER and HARRIS, who are greatly respected; and a few others. Let them sit down and come up with a proposal. It does not have to be behind closed doors.

The leader is worried about closed doors? There is something called the Judiciary Committee. It doesn't meet in secret. Why wasn't this bill referred there, where there would be at least something of a bipartisan process? Who is he kidding? Who is he kidding?

You don't want closed doors, Leader MCCONNELL? Send it to the Judiciary Committee. Something as important as this should have gone through that to begin with.

Let me repeat: Republicans came here, dropped the bill on the floor, and said: Take it or leave it. Even if we were to get on the bill, there is no conceivable way to rectify all of its many problems. It is not realistic that we can fix this bill even with a series of amendments because they will require 60 votes, and we will not get 60 on any of them. If they believed in these ideas, as Senator HARRIS said, they would have put them in the bill to begin with. They didn't.

The Republican majority has given the Senate a bad bill and no credible way to sufficiently improve it. Senator MCCONNELL—cleverly, maybe cynically—designed a legislative cul-de-sac from which no bill—no bill at all—could emerge. And whether the bill lacks 60 votes now or 60 votes in a few days, we know the Republican leader will accuse Democrats of filibustering and claiming we are the opponents of progress, as he did this morning.

Please, does anyone believe that Democrats are the obstacles to reforming our police departments? Does anyone believe that? We announced a much bolder, stronger, better, more effective bill 3 weeks ago. And, unlike the Republican legislation, the Justice in Policing Act will actually pass a Chamber of Congress. When it passes the House, the Nation is going to say to Leader MCCONNELL: Get something moving in the Senate. And Leader MCCONNELL knows, and everyone in this body knows, that you have to do that in a bipartisan way. That is how the Senate has always worked and still does.

Senate Republicans and their President, who proclaims we should cherish the memory of Confederate traitors who fought to preserve slavery, who gleefully called the coronavirus “Kung Flu,” with hardly a word of criticism from his party, expects you to believe that Republicans are, all of a sudden, the true champions of racial justice and police reform? That is what Senate Republicans want America to believe, and America ain't buying it.

The same Republican majority that has demonstrated a complete lack of urgency to address the public health and economic crises that are devastating Black America, the same Republican majority that has refused time and again to call out President Trump's bigotry and intolerance, the same Republican majority that has run a conveyor belt of anti-civil rights votes for judicial nominees, including one today—today, the very same day we vote on policing reform—wants you to believe that all of a sudden they want to get something done. As they say in Brooklyn, forget about it.

When you hear President Trump and Senator MCCONNELL trying to cast blame for lack of progress on police reform, I have three words for you: Consider the source. Look at their history. Look at what they have done. Look at just today. Leader MCCONNELL proudly brags that he is putting someone on the Fifth Circuit who has opposed voting rights for his whole career. That is who wants to move things forward? I doubt it.

Here is the truth. Senator MCCONNELL has been around a long time and knows how to produce a workable outcome in the Senate if he really wants to. We have done it before on criminal justice reform, on annual budgets, on the national defense bill, and on the lands package we just passed.

Even on difficult issues like immigration, the Senate can function if the leadership allows it to. In 2013, a bipartisan group of Senators produced compromise immigration legislation that garnered two-thirds of this Chamber on immigration, no less. What do bills that pass have in common? Bipartisanship, sponsorship, and support. What does this bill have? Only partisan support. Not a single Democrat supports this bill, their bill.

While I certainly feel obligated to point out the contradictions and hypocrisy in the Republican leader's statements and history, I am not dismayed by the likely failure of the Republican bill today. All is not lost. There is a better path and one we should take once this bill fails to go forward.

After this bill goes down, there should be bipartisan discussions with the object of coming together around a constructive starting point for police reform. Leader MCCONNELL can pick a few of his Members as negotiators. I could designate a few from our caucus. They can sit down, talk to one another, and find a bill that we are ready to

start debating. We could send that bill to the committee and have an open process, as it would be refined. This is an important issue.

That, Leader MCCONNELL, is what successful legislating will be. I have no doubt that we could come up with a bill that is ready for the floor in a few weeks. We know how to do this. But in the rush to get this issue off their backs, to check some political box and move on, my Republican colleagues have forgotten or are simply ignoring everything they know about how the Senate works.

My hope, my prayer is that after this bill fails today, after Leader MCCONNELL's path reaches its preordained dead end, we can start down the path of bipartisanship—real bipartisanship—not a bill designed to be put on the floor by one party.

If Americans of all ages and colors and of all faiths can join together in a righteous chorus calling for change, as they have in big cities and small towns across America, then we in the Senate can at least try to come together to deliver it—Democrats and Republicans working together to solve an age-old problem that is a deep wound in America.

These past few weeks have magnified a very old wound in our country. The binding up of that wound is a project that demands more from all of us: Black Americans, White Americans, police departments, and the protesters in the streets—Democrats and Republicans.

So, please, let us not once again retreat to our partisan corners after today's vote. Let us appeal, instead, to the better angels of our nature, reach out to one another, Democrats and Republicans, and try to forge a path forward together.

I yield the floor.

The PRESIDING OFFICER (Mrs. LOEFFLER). The majority whip.

Mr. THUNE. Madam President, in just a few minutes, we will vote on whether to move forward on Senator SCOTT's policing reform bill.

We are at a turning point in our Nation's history—a moment when Americans of every background and political persuasion are united in a call for change. We have a chance to give it to them. Over the course of the next couple of weeks, we will have a chance to pass legislation that will permanently reform policing in this country—legislation that will improve training, increase accountability, and give increased security to families who worry that their sons or daughters could be the next George Floyd or Breonna Taylor. Senator SCOTT's legislation, the Just and Unifying Solutions to Invigorate Communities Everywhere Act, or the JUSTICE Act, is a product of years of serious work. It is an extensive bill that focuses on a number of areas that call for reform.

Make no mistake about it. When the Democrats vote today, if they do—and, I hope, there will be enough of them

who will not, so as to allow this legislation to move forward—they will be voting to block police reform legislation, because that is what this is. This is not Senator MCCONNELL's bill. The Democratic leader kept attacking Senator MCCONNELL and the McConnell legislation. This is a TIM SCOTT bill, crafted with input from other Senators, with input from communities of color from across this country, and with input from the law enforcement community—people who care deeply about not just talking about this issue but about actually solving this issue, people who care about action. The Democratic objection and vote to block this legislation from moving forward will prevent an open debate in front of the entire American public about an issue that has generated a tremendous amount of controversy, not only currently but throughout our Nation's history.

We cannot change our past—there are parts of it that we are not proud of—but we can change our future, and that could start today with this vote to get on this bill and then to have an open process.

The leader has promised that, if we can get on this bill, we will have an amendment process. If there are things in the bill that people on either side of the aisle think can be improved on, they will have an opportunity to offer amendments to make those improvements. Yet, by not even getting on the bill, they will be saying to the American people that we don't care about your having a voice in this process or being able to see what your elected leaders are actually doing to resolve this problem in our country.

That is what this would do. It would open it up. It would allow a piece of legislation to be brought to the floor; allow for a motion to proceed to get on it; allow us to open up the amendment process and to have a freewheeling, fulsome debate about each and every one of the issues that is involved in this legislation.

They have said that this doesn't go far enough, that it doesn't do this or that it doesn't do that. Sure, that is true. Perhaps, it doesn't, but it gets about 75 percent of the way there. If you look at the contents and the substance of this bill, it represents a lot of what both sides have been talking about. There are a lot of recommendations in it that have come forward from people across this country who have been directly impacted, none more so than Senator SCOTT. I can tell you Senator SCOTT doesn't view this as a messaging exercise. He views this as something that is deeply personal to him. Unfortunately, he has experienced the pain of racism, not only as a young boy, growing up in the South, but as an adult and as a U.S. Senator. He wants a solution, and we should all want a solution, but that starts by getting on the bill and debating it in the open, in the light of day.

The Democratic leader talks about: Why can't we go back behind closed

doors and negotiate this? Look, we have a piece of legislation that represents 75 percent of what the Democrats say they want, and we can finish the other 25 percent. Maybe we will not get to 100 percent. Nobody ever, usually, gets 100 percent of what one wants around here. Yet simply having a debate, allowing an open amendment process, and allowing the will of the U.S. Senate to be heard is all this is about. This isn't about the final bill. This isn't about the final contents. This is about whether or not this body—100 U.S. Senators—has listened enough to what is going on around this country to say: We want to have this debate. We want to get on this bill, and we want to have it in public, in the light of day, in front of the American people, not behind closed doors—an open debate, a fulsome debate, in which amendments can be offered and in which the American people can observe and see it. That is what this vote today is about.

Now, the Democrats will say that, if you allow us to get on the bill, then they will have no control over what will happen after that. Well, actually, they will, because it is not just a 60-vote threshold to get on the bill; it is a 60-vote threshold to get off the bill. So, if you want to stop this somewhere—anywhere in the process—you will have the opportunity to do that because it will take 60 votes to move it forward and to ultimately pass it, not just to get on it.

It takes 60 votes—a supermajority here in the U.S. Senate. I think it is fair to say that, historically, the way the Senate has worked on major pieces of legislation is it ends up being bipartisan because of the 60-vote threshold. There hasn't been a time since the popular election of Senators, at least on the Republican side, when we have had more than 55 votes in the U.S. Senate. The Democrats have had 60 a few times throughout history, but the Republicans have never had more than 55. So we know it is going to take a bipartisan solution, and we know that the Democrats' voice matters. We know that, in the end, if you are going to have a bipartisan product, you are going to have to have input from both sides.

That is what this is about. It is about getting on the bill that has been advanced and put forward by an individual, TIM SCOTT—it is a TIM SCOTT bill—again, with input from others. It is not a McConnell bill. It is a TIM SCOTT bill. He is someone who has personally experienced and felt the very frustration and anger that is being voiced by the American people across the country. He wants a solution. He doesn't want a messaging bill. We want a solution.

Let me just tell you quickly about a few of the things that are in this bill, which I think suggest that it would be really important to get on it and to, at least, have a debate.

One of the most important sections of the bill is the George Floyd and Wal-

ter Scott Notification Act, which would correct deficiencies in law enforcement's reporting of use-of-force incidents. Right now, the FBI's National Use-of-Force Data Collection only receives data on about 40 percent of law enforcement officers—40 percent. That needs to change. The only way we can understand the scope of the problems we are facing is to have full and accurate data—a complete data picture—that will allow us to pinpoint problems, identify troubled police departments, and develop best practices for use-of-force and deescalation training.

There are many police departments across the Nation that are doing an excellent job of policing and that are keenly interested in becoming still better. I recently met with law enforcement leaders back in my home State of South Dakota. Among other things, they have been participating in listening sessions with the community since George Floyd's death, and they are supportive of new measures that will help to ensure that every officer does his or her job in the best possible way. Yet, while there are a lot of excellent police departments out there, there are also troubled departments—departments that fail to train their officers properly and that overlook officer misbehavior. We need to identify those departments and demand their reform. Collecting full and accurate data on use-of-force incidents will help us to do just that.

Another important section of the JUSTICE Act focuses on police deescalation and duty-to-intervene training. Sometimes police end up using force in situations in which force could have been avoided simply because they lack the necessary training to deescalate a situation without the use of force. It may be understandable that well-meaning but overwhelmed police officers who are in dangerous circumstances will sometimes resort to the use of force too quickly, but that is not a situation that we can accept. Every police officer in this country should be given the kind of training that will ensure that the use of force is restricted only to those situations in which it is absolutely needed.

Another key area of the bill—one that is absolutely essential to getting bad cops off the streets—deals with law enforcement records retention. Too often, law enforcement officers with problematic records, like multiple excessive use-of-force complaints, manage to transfer to new jurisdictions because the hiring police departments never see their full records. That is a problem. Bad cops should not be able to find new homes in other jurisdictions. We can prevent that from happening by ensuring that every police department is able to access the full disciplinary record of any officer it is looking to hire.

The JUSTICE Act would help to make sure these records are readily available by requiring police departments to keep officers' records for at

least 30 years. It would also require any police department that hires a new officer to obtain a full employment and disciplinary record for that officer from all of his previous departments.

There are a lot of other important measures in the JUSTICE Act, from the funding of body cameras to expanding minority hiring, to developing best policing practices. With this legislation, we have a real chance of improving policing in this country and of ensuring that every officer is held to the highest standards.

Our ability to do that is going to depend on one thing, and that is the willingness of the Democrats to come to the table. It was disheartening to see the Democrats dismiss Senator SCOTT's bill before it had even been released, especially because, as I said, many of the proposals in the bill have been taken directly from earlier bipartisan bills. The word, of course, today, is that they are planning to block the bill without even allowing it to be considered on the floor.

The Democrats have spent a lot of time talking about police reform, but if they want to actually achieve reform and not just talk about it, they are going to have to decide to move beyond politics. Senator SCOTT's bill is a serious, wide-ranging bill. It is a common-sense bill. It is a bill that all of us, whichever our party, should be willing to agree on.

As I said, the Democrats have changes they would like to make, and the leader has made it clear there will be an opportunity for amendments. But to refuse even to allow debate on this bill suggests the Democrats are more interested in attempting to score political points on this issue rather than to actually do anything about reform. I hope that what we are hearing about the Democrats' plans to block this bill is wrong. I hope—I really, sincerely, hope—that we are going to see the Democrats—some courageous ones—come to the table and vote to move forward with debate on this legislation.

We have a chance to do something important here—a historic chance. With the JUSTICE Act, we can permanently improve policing in this country and bring real hope to those who have lost faith in law enforcement, but we are going to have to stand together to get this done. I urge my colleagues to vote, in a few minutes, to move forward on the JUSTICE Act and start the process of reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I come to the floor to talk about the civil rights of all Americans and ask my colleagues to vote for a process today that will lead to laws that will protect those civil rights. Unfortunately, the motion to proceed to predetermined legislation is just a predetermined outcome for a weak bill.

There is no agreement today by the majority leader and the minority lead-

er on a bipartisan bill. Everyone around here knows the way to get good bipartisan legislation. It starts with a committee process that is open and public and an amendment process. You can, and we have, done things like we did with COVID, where we get a bipartisan group of members together to discuss legislation and put something before Congress. Or you could bring up a bipartisan bill on the Senate floor. But that is not what is happening. That is not what is happening.

What is happening is a predetermined process to get a bill that is not good enough for the American people. Voting yes is just an attempt to dictate a weak outcome when what America wants more than anything else is justice. They want justice, guaranteed by a strong Federal response. Leader MCCONNELL said, in talking about the Republican efforts, "it would encourage smart reforms of law enforcement without steamrolling states and local communities' constitutional powers." Elsewhere, he said Democrats want to overreach, "Federalize all of the issues."

Well, with all due respect to the majority leader, it is called the Federal Civil Rights Act for a reason. It wasn't right to deny Rosa Parks a seat on a bus when she was fighting for her Constitutional rights. It wasn't right to deny African Americans access to hotels or lunch counters when they were fighting for their civil rights. It wasn't right to use police dogs on Black women trying to register to vote in 1964 in Mississippi when they were fighting for their voting rights. I guarantee you, it is not good enough and would not be good enough to give them 75 percent here. Rosa Parks was not looking for 75 percent; she was looking for someone to uphold her rights.

I spoke last night with one of my constituents, Stan Barer, who worked for Senator Warren Magnuson. As a staffer, he drafted the Accommodations Clause of the Civil Rights Act of 1964 as one of his first jobs on the Senate Commerce Committee. Can you imagine coming to the U.S. Senate as a young lawyer and getting a job on the Commerce Committee and the first thing you have to do is draft the Accommodations Clause of the Civil Rights Act of 1964?

I can tell you what he told me. He said: Advocates then tried to minimize the Federal role. That is what we are hearing today, minimize the Federal role. Where would we be if President Kennedy had taken that approach? He fought for equal protection under the law for access to education and to end discrimination and segregation when Southern Governors wouldn't do so. There is a Federal role in protecting the civil liberties of all Americans, and we should not be abdicating it today with this vote.

Congress passed the Civil Rights Act of 1871 after the Civil War when Black Americans faced violence from the KKK and White supremacists in South-

ern States. It gave them the right to seek relief in Federal court when their Constitutional rights were deprived by someone acting in official capacity. It is those same civil rights that we should be upholding today, upholding those rights—making sure that there is not police brutality. That is what the U.S. Department of Justice is supposed to do. It is supposed to fight to uphold those rights. But we know we have a problem because President Trump and Attorney General Barr have repeatedly abdicated those responsibilities, have failed to uphold those civil rights. Because as the top law enforcement officer in the land, Attorney General Barr could be directing and supervising U.S. attorneys and prosecuting those Federal crimes as violations of civil rights.

Well, I know that that is what President Obama did. I know that he worked hard to make sure the U.S. DOJ Civil Rights Division oversaw pattern and practices of police abuses and entered a number of consent decrees with major cities, including in my State. Yes, the Attorney General is supposed to uphold the Fourth Amendment protections against unreasonable seizure and the civil rights laws that protect against excessive use of force. But that is not what is happening. Under the Trump administration and Attorney General Barr, the U.S. Department of Justice Civil Rights Division police practice group has been reduced to half. It has not opened a major pattern or practice investigation, and Trump and his administration have been pulling away from this important role. It started with Jeff Sessions. Jeff Sessions made it harder to reach consent decrees with cities. So instead of playing the Federal role that we are supposed to play, we have an administration that is enabling bad practices to continue by not stopping them.

So, yes, there is a Federal role, there is a Federal role here today, just as there is with voting rights, just as there is with access to public places, just as there is with education and fighting discrimination. In fact, I think that is the central question of this debate. Are we going to have a strong Federal role in protecting the Constitutional rights of all Americans to prevent excessive force by police? It is pretty basic. We want to see a law that says that choke holds should be banned. We are not looking for 75 percent, we are not looking for study and analysis, we are looking to protect the Constitutional rights of all Americans.

So it is no surprise that the NAACP and Urban League have said that this legislation that our colleagues have proposed on the other side of the aisle does not meet the moment to end racial justice. I ask my colleagues, when are we going to? Maybe the information age has laid bare for us and all our eyes to see that this problem has to be resolved.

Are we going to uphold the Fourth Amendment rights against unreasonable seizure and the civil rights protecting against excessive use of force

by police? Are we going to uphold the rights of all Americans, or just some Americans? I would say to my colleagues, if we are not upholding all the Americans' rights, then we aren't really upholding America's civil rights. We have to ask ourselves, what moment are we living in when somebody thinks 75 percent is enough, and it is study and analysis, when we are talking about protecting the rights of all Americans?

My mom has been ill and so I've been spending a lot of time with her talking about family history, talking about this moment in our history, and she told me a story of how she was a young girl. She was born in 1932, so you can imagine the era that she lived through. But she told me when her older brother got to go to school, she got to stay home and ride his tricycle, so she thought that was the best. You know, he started kindergarten, she could ride his tricycle up and down the alley. And she met a woman, an African-American woman, who became her friend—her first real friend as a young child.

And she got to know that woman so well that my grandparents, in the neighboring building, helped with an election and saw that people were lining up to vote. White people were allowed to come into the building and be warm, but the African-American people had to stay outside in the cold and wouldn't be allowed to come into the building to vote, a great discouragement. Thank God my grandfather went out and built a bonfire and then left to go to work.

But when you look at the history of our country—and we still see voter suppression issues today—that is why we have to ask ourselves the fundamental question. When it comes to the civil rights of Americans, a report, 75 percent, is not enough. A clear line ending excessive abuse and declaring choke holds illegal is where we need to be.

I ask my colleagues to turn down this measure on a weak, predetermined path and get a real bipartisan effort and uphold the civil liberties of Americans because, I guarantee you, America really is watching.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Georgia.

Mr. PERDUE. Mr. President, I stand before this body today with a troubled heart, as most of us do, but that is not good enough. We have to kind of put away our own biases, our own prejudice. I am not talking about racial; I am talking about political.

Today we have an opportunity to do something, to start a process. Words are cheap in this body. I hear a lot of empty words. I hope not to add to that quantity today.

When I was a kid growing up in the Deep South, Martin Luther King wrote a letter from a jail cell in Birmingham to Black preachers in that community. He encouraged them to turn away from the violence that had such a poten-

tially devastating impact and to seek reform peacefully; that in the long term, that was the better approach. My father had me read that letter. I gave a speech a couple years ago, and I quoted from that letter. It meant something to me as a young White man in the Deep South.

Almost 57 years ago, on the other end of the National Mall from where we stand today, Dr. Martin Luther King, Jr., I believe, changed the world—certainly impacted millions of lives.

Standing before thousands of people, he shared his dream. He dreamed of a world where justice would prevail over prejudice. He dreamed of an America where everyone would be judged not by the color of their skin but by the depth of their character.

Since that day in 1963, a lot has changed in our country for the better. Unfortunately, Dr. King's vision of racial justice, harmony, and equality is yet to be fully realized. That is unacceptable.

This year, our country is seeing devastating tragedies taking place in our communities, but what we see on TV really is the tip of the iceberg, as a lot of my friends from those communities tell me. I believe them.

We need to make sure that the fundamental issue of fairness is upheld by all law enforcement agencies so everyone gets treated equally, fairly, period. The tragedies we have seen are unacceptable by any measure, and I don't think anybody in America thinks that what we have seen is right. Those who are responsible need to be prosecuted to the fullest extent of the law, and we need to put a full stop to it right now. But that fight starts today, I believe, here in the U.S. Senate.

Like so many Americans, my wife Bonnie and I have spent a lot of time reflecting and praying for our country and our friends and our fellow Americans in the last many weeks. It is clear to us that we have more work to do to make justice for all become a reality for every American.

We are a nation of laws, but those laws have to be enforced fairly and equally. To truly be effective, the police need to have the confidence of the communities they serve, and in many cases today, that is just not the case. That trust and confidence must be earned, however. Clearly, there is much work to do on this front to build up mutual trust.

I had a conversation with two grandmothers last week—well-educated, successful women of color, in positions of tremendous responsibility—and we talked about how their perspective and my perspective differed and how we saw each other in this crisis. But the most telling thing in that conversation was how they told me their No. 1 concern was for their grandsons and how their grandsons would be treated by members of the police force in their communities. That is a tragedy, and we can do something about it.

This issue is personal to me. Growing up in middle Georgia in the 1960s, I

have seen the devastation of racism, discrimination, a lack of equality, prejudice. As the son of two public school teachers, I saw how it weighed on my parents during that time. All they wanted was for every child to be treated equally, regardless of where they came from, what their name was, or the color of their skin.

Understand, I grew up in a military town, and we had people there from all over the world. So this wasn't an idle conversation; this was an objective they tried to live up to every single day. They wanted every child to have the same simple opportunity.

As superintendent of schools in our county, my father successfully integrated our school system—I remember that as a young kid—one of the first counties to do that in our State. They did it there without incident. It was a military town. We had people, again, from all over the world, and it was a joint effort. My dad did not do it because it was the easy thing to do, the convenient thing to do; he did it because it was the right thing to do.

In my own life, I have been blessed to have interacted with people from all over the world in my career. My hometown of Warner Robins is a military town. I went to school there, went to church there, and played ball there with people literally from all over the world. Later on, my wife Bonnie and I had the opportunity to live around the world in different places. This challenged our perspective in many ways. It helped us develop a deeper appreciation of how America's diversity is at once our greatest asset and, yes, sometimes our greatest challenge.

However, I also recognize that as a White man, my perspective is by definition very different from those of African Americans in my own community. We have these conversations all the time. I know I could never fully appreciate the pain and adversity many African Americans have faced in my lifetime and still face today. That is wrong. We can fix that starting today or at least start down that road again.

Yes, we have made a lot of progress—I can see that in my own lifetime—but that is no reason to ignore the situation today or to sit back and not do anything. However, as Dr. King said at the Lincoln Memorial, we will “not be satisfied until justice rolls down like water and righteousness like a mighty stream.”

Right now, the Senate has the opportunity to fight for justice for all. Today we will be voting to—it is a technicality, but it is a motion to proceed. This is nothing more than to just start on the bill.

I hear my Democratic colleagues talking about, well, it is not perfect; it is only 75 percent of the solution. Well, OK. Great. Let's start there. The purpose of a motion to proceed is to put a bill on the floor and actually debate it, have amendments. This bill is not perfect. It doesn't satisfy all the things I want to do. But it is a start. I plan to

offer amendments. I am sure the Presiding Officer wants to offer amendments. We welcome amendments in this process. The majority leader has said we will have an open amendment process. What we want to do is offer up this as a starting point, not a final solution.

Today we will have the vote on whether to start actually working on the JUSTICE Act. Senator TIM SCOTT has led a small task force to come up with the starting point—a bill that we can actually put our hands on, read, and then start changing. I am proud to be a cosponsor. We have many cosponsors. I think that we will probably have a unanimous vote on that on the Republican side today. My prayer is that we will have many on the Democratic side say: Look, we understand it is not perfect. We want this. We want that.

Let's put in the work, and let's start working on this now. It should be a foregone conclusion that we get overwhelming bipartisan support to debate the bill. Let's make it a good law. If it is not to your satisfaction, fine. Let's debate it.

Some say: Well, we don't trust the majority leader.

You don't have to trust the majority leader. The rules of the Senate protect each individual Senator once we put the bill in play. But if we don't put the bill on the floor, nobody is protected—especially our constituents.

Unfortunately, many of my colleagues on the other side are attempting to shut down this debate before we even start. They say it doesn't go far enough. They call it a token. That is absurd. That is ridiculous. It is insulting, particularly to my good friend TIM SCOTT.

Look, none of us believes this bill is perfect or an end-all as it is. As I just said, we have differences on this side, but we are willing to put it on the floor. We have allowed the Democrats to do things like this where we went on the floor and tried to debate a bill to get it to where—if you don't like what we end up with, you can always vote it down at cloture. You don't have to even go to the final vote.

All we are pleading for today is a motion to proceed to allow this bill to go on the floor and be fully debated. It is simply a starting point for debate and true compromise. Isn't that what our job is? Isn't that what we are supposed to do?

I ask my Democratic colleagues this: What major bill has come before this body in perfect form at the very outset? I can't think of any. If you have issues with this bill, let's debate it and offer amendments. Don't let perfect be the enemy of the good, please.

On major issues like this, it is our duty to come together. It is our duty to find common ground. It is our duty to fight for what is right.

This bill offers meaningful solutions that will help build trust between law enforcement and the communities they serve. These are just ideas. It provides

solutions that all of us can get behind right now.

In addition to modifying the rules concerning the use of force and providing body cams, this bill does several critical things to establish that trust and provide additional funding to help improve our police forces.

First, it incentivizes police recruiting to reflect the demographics of the communities they serve. How simple is that? This is a big step. If the police live in the communities they serve, if they reflect the demographics of that community, if they identify with the people of that community, it is a lot easier to develop trust and common ground.

Second, this bill encourages deescalation training for law enforcement officers. This will help law enforcement develop the skills and techniques they need to prevent public interactions that lead to the violence we have seen of late.

Third, this bill creates a database that helps our communities root out those who do not serve the public even though they are enforcing law.

The bottom line is that the bill increases funding for law enforcement. It doesn't defend law enforcement or eliminate the police force.

These solutions we are offering up as a starting point today are meaningful. They will restore the confidence of our communities and hold accountable police officers who abuse their positions or who are poorly trained.

Most of us who truly want change also understand that eliminating police forces is not the answer, as some suggest. Our police forces are to serve and protect our communities—all of our communities—and there needs to be change before they can be successful in that.

We have proven in the past that we can come together to fight for what is right. We did when we provided permanent funding for our HBCUs, our historically Black colleges and universities. We did it when we created opportunity zones in hundreds of communities of color around the country, many of them economically challenged. In 2018, when we passed the bipartisan criminal justice reform bill—the biggest one in the last 50 years—that was true progress. We did it. We can do it again today, but first we have to put this bill on the floor. We have to start the debate. We have to pass this motion to proceed, or—guess what—no debate will happen. They will talk to their base, Republicans will talk to our base, and nothing will happen. A pox on all of us if we let that happen.

If Democrats shut down this bill today, it will demonstrate a lack of sincerity, in my opinion, to at least engage in finding solutions. This is no different from the immigration conversation we had just a couple years ago. When the President of the United States, Donald Trump, offered up a pathway to citizenship for 1.8 million DACA recipients and we couldn't even

get a debate going with the other side—they turned it down out of hand because it was President Trump's suggestion.

All of us need to remember that while we look different, we might talk differently, we certainly may think differently, we really are one Nation under God.

Our diversity is our strength. It makes us different. It makes us stronger. It makes us the leader of the world in our current time. What unites us is far greater than what divides us.

Let's work on this bill today and start building a more perfect union for every American. Let's vote yes on this motion to proceed.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT of South Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from South Carolina.

Mr. SCOTT of South Carolina. Mr. President, I ask unanimous consent to complete my remarks before the roll-call vote.

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

THE JUSTICE ACT

Mr. SCOTT of South Carolina. Mr. President, we come here today with an opportunity to say to America and specifically to communities of color: We see you. We hear you. I have experienced your pain.

I have been stopped 18 times in the last two decades, and 1 year, I was stopped seven times, as an elected official in this body, trying to get into the Chamber and into the office buildings on the congressional side.

I understand some part of what too many have experienced. This police reform legislation addresses that. It provides clear opportunities for us to say: Not only do we hear you, not only do we see you, but we are responding to your pain, because we in America believe that justice should be applied equally to all of our citizens, with no exceptions, and when we see exceptions, it is our responsibility to do something about those exceptions, and this legislation helps us get there.

I say to my colleagues on the other side, we received a letter from Senator SCHUMER saying that there were five things about the JUSTICE Act that did not meet their principles. My response was a simple one: Let's have five amendments on those things. If we can get the votes on these two sides of the Chamber, we should include that in the legislation.

I met with other Senators on the other side who said that there are more than five things that we need to have a conversation about. I said: Let's include an amendment for every single

issue you have. They did not stick around for that meeting.

My concern is that 80 percent just won't do. My concern is that our friends on the other side will not take advantage of this opportunity to say to the communities that are suffering: We see you. We hear you. We are willing to respond as one body.

I implore all of us to vote for the motion to proceed so that if there are recommendations that come in the form of amendments, we have a vote up or down on those amendments. I have offered as many amendments as necessary for this bill to be seen by the public, and, in consultation with the other side, let it be their bill—not TIM SCOTT's bill, not the Republican bill, not the Democrat bill, but a bill that starts to address the issues that have plagued this Nation for decades.

This is not my first start at this legislation. I started on this bill 5 years ago, but I could not find voices that would push forward reforms brought to our attention by the Walter Scott shooting in 2013.

I will close with this: I respect people with whom I disagree. They have the right to disagree. My pastor tells me I have the right to be wrong, which means I am not right all the time. But on this bill, if you don't think we are right, make it better. Don't walk away. Vote for the motion to proceed so that we have an opportunity to deal with this very real threat to the America that is civil, that is balanced. This is an opportunity to say yes—to say yes not to us but to those folks who are waiting for our leadership to stand and be counted.

VOTE ON WILSON NOMINATION

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

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

Mr. LEE. I call for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 125 Ex.]

YEAS—52

Alexander	Gardner	Portman
Barraso	Graham	Risch
Blackburn	Grassley	Roberts
Blunt	Hawley	Romney
Boozman	Hoeven	Rounds
Braun	Hyde-Smith	Rubio
Burr	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Loeffler	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	
Fischer	Perdue	

NAYS—48

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

The nomination was confirmed.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 480, S. 3985, a bill to improve and reform policing practices, accountability, and transparency.

Mitch McConnell, Cory Gardner, Ben Sasse, Steve Daines, Rob Portman, John Cornyn, David Perdue, Joni Ernst, James Lankford, Roger F. Wicker, Mike Crapo, Thom Tillis, Todd Young, Michael B. Enzi, John Hoeven, Tim Scott, Lindsey Graham.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3985, a bill to improve and reform policing practices, accountability and transparency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

The yeas and nays resulted—yeas 55, nays 45, as follows:

[Rollcall Vote No. 126 Ex.]

YEAS—55

Alexander	Crapo	Johnson
Barraso	Cruz	Jones
Blackburn	Daines	Kennedy
Blunt	Enzi	King
Boozman	Ernst	Lankford
Braun	Fischer	Lee
Burr	Gardner	Loeffler
Capito	Graham	Manchin
Cassidy	Grassley	McSally
Collins	Hawley	Moran
Cornyn	Hoeven	Murkowski
Cotton	Hyde-Smith	Paul
Cramer	Inhofe	Perdue

Portman	Sasse	Tillis
Risch	Scott (FL)	Toomey
Roberts	Scott (SC)	Wicker
Romney	Shelby	Young
Rounds	Sullivan	
Rubio	Thune	

NAYS—45

Baldwin	Harris	Rosen
Bennet	Hassan	Sanders
Blumenthal	Heinrich	Schatz
Booker	Hirono	Schumer
Brown	Kaine	Shaheen
Cantwell	Klobuchar	Sinema
Cardin	Leahy	Smith
Carper	Markey	Stabenow
Casey	McConnell	Tester
Coons	Menendez	Udall
Cortez Masto	Merkley	Van Hollen
Duckworth	Murphy	Warner
Durbin	Murray	Warren
Feinstein	Peters	Whitehouse
Gillibrand	Reed	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 45.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

MOTION TO RECONSIDER

Mr. MCCONNELL. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

The majority leader.

Mr. MCCONNELL. Mr. President, I want to explain the reason I changed to no.

I am in strong support of the bill that has been crafted by the Senator from South Carolina. In order to have an opportunity to reconsider the vote without waiting for 2 days, I changed my vote and moved to reconsider, which means that it could come back at any time should progress be made.

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—Motion to Proceed

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 483, S. 4049.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 483, S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the motion to proceed.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 483, S. 4049, a bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mitch McConnell, Marsha Blackburn, Joni Ernst, John Boozman, Steve Daines, Cory Gardner, Pat Roberts, Mike Rounds, Mike Crapo, Roger F. Wicker, Cindy Hyde-Smith, Lamar Alexander, Shelley Moore Capito, Rob Portman, Roy Blunt, John Barrasso, John Thune.

Mr. McCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

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

The Senator from South Carolina.

Mr. SCOTT of South Carolina. Mr. President, I yield 2 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

THE JUSTICE ACT

Mr. PERDUE. Mr. President, I stand in strong support of and solidarity with my colleague and good friend from South Carolina, TIM SCOTT.

It was 5 years ago when a White man walked into a church in Charleston, SC. After going through 1 hour of Bible study—after they prayed for him and read the Bible to him—he pulled out a gun and shot the nine people in that Bible study.

Not long after that, the Presiding Officer and I attended one of the funerals in Charleston, SC, and TIM was there. Any other city in America would not have dealt with it the way Charleston, SC, did. Charleston, SC, dealt with it with love, which is something we don't talk about very often, and TIM SCOTT was there. Because of his time in grade and because of that mayor and because of the Black leaders in that town and the time in grade they had had with each other, they moved forward and overcame that tragedy.

Five years ago, TIM SCOTT put a bill on this floor, and we ended up then in exactly the same place we are now—doing absolutely nothing. How many more Black men and women will have to die in America before this body stops playing politics with race?

It is very clear to me, in having worked hard on justice reform, that there are opportunities—with \$75 billion going into the most economically challenged communities in our country—because of TIM SCOTT, President Trump, and all that we are doing. HBCUs—our historically Black colleges

and universities—are stronger today because of President Trump than they ever have been.

The time to act is now and to stop playing politics and pandering to the Democratic base, and let's get something done. This bill was never intended to be an end all. It was intended to be a platform for constructive debate, and here we are with only two Democratic Senators voting to even start the debate.

I yield to Senator TIM SCOTT.

Mr. SCOTT of South Carolina. I thank the Senator from Georgia.

Mr. President, there is scripture in the Bible in the Book of Ezekiel, chapter 33, somewhere around verse 6. This scripture talks about a watchman on a wall, and his job is to simply say there is danger coming. It is a very important job. The watchman's job is to simply say there is danger coming.

As Senator PERDUE said, I had that conversation 5 years ago. I didn't find anyone on the other side who was willing to engage in that conversation then, and here we are 5 years later. There is danger coming. I want us to hear this clearly because, as we look out on the streets of America and we see more unrest and we see more challenging situations, realize that there is danger coming.

The watchman's responsibility is to call out the danger, and as the bloodshed happens, the blood, according to Ezekiel, will not be on the hands of the watchman, but if he does not shout out, if he does not articulate that there is danger coming, then the blood will be on his hands.

There is danger coming. We are in dangerous times. The source of this danger is not the failure of this bill on this floor at this time. No, this is merely a symptom of the danger that, I believe, is right in front of us. This is only a symptom of a much deeper issue—a systemic problem. Let me explain.

I am a kid who grew up in poverty—in abject poverty in many ways. There is much worse poverty in America and, certainly, around the world than that in which I grew up. I am talking about the poverty of when you come home and hit the light switch, and there is no light. I am talking about the kind of poverty of having a phone attached to the wall, and when you picked it up, there was no sound. There are people who have lived in worse poverty than I, but that is poverty from my perspective, and I lived in that poverty.

One of the challenging situations of poverty that manifests is hopelessness. I was that hopeless kid in America, mired in poverty, in a single-parent household, under the impression that the only way I could escape poverty would be through athletics or through entertainment. I was hopeless. From 7 years old to 14 years old, I drifted, and all drifting leads one in the wrong direction. I failed high school. I embarrassed my mom, who was working 16 hours a day, because I felt there was no

hope in this country for a little Black boy like me—14 years old. I failed Spanish, English, world geography, and civics.

Civics, as we all know, is as close as it gets to failing politics. I will say that, today, this body, as a whole, is failing civics, or is failing in politics.

As the Lord would have it, I had an amazing mother who believed that it was her responsibility to pray me out of the hard situations I found myself in, and I had the good fortune of meeting a mentor after I got through summer school, who redirected me. I pulled myself together with the help of a powerful family, a praying grandmother, and a whole lot of faith. I caught up with my class, and I graduated on time. I earned a small football scholarship. I went to college and earned a degree in political science.

Along the way, as a youngster, I joined the NAACP. I joined the Urban League. I joined many organizations in the community because I knew that part of my responsibility was to be socially engaged and to make a difference no matter how small that difference would be. The one organization I didn't even think about joining was the Republican Party. Why would I ever think about joining the Republican Party? While growing up, every African American and every Black person I knew of was wed to the Democratic Party because it was better to have a seat in the room than to be outside. That was the heritage I grew up in.

Let me fast-forward to where we are today, and I will return to that.

We lost—I lost—a vote today on a piece of legislation that would have led to the systemic change in the relationship between communities of color and the law enforcement community. We would have broken this concept in this Nation that somehow, some way, you have to either be for law enforcement or for communities of color. That is a false binary choice. It is just not true.

This legislation spoke to the important issues that have brought us here today. We wouldn't be here, as Senator PERDUE alluded to, if it were not for the death of yet another African-American man, George Floyd. His murder is why the country has given us the opportunity to lead, but my friends on the other side just said no, not no to the legislation. They just said no.

Why am I saying that they didn't just say no to the legislation?

It is that, along the way, I sat down with many of them and asked: What do you need?

Senator SCHUMER sent a letter, telling, I believe it was, Senator McCONNELL that there were five things in the legislation that needed to be improved. I said: Let's give them the five amendments.

I sat down with more Senators, and they said: Wait. It is not just five. There are 20. I asked: How about 20 amendments? And they walked out.

You see, this process is not broken because of the legislation. This is a

broken process beyond that one piece of legislation.

It is one of the reasons why communities of color—young Americans of all colors—are losing faith in the institutions of authority and power in this Nation, because we are playing small ball. We are playing for those in the insulated chambers. We are playing for Presidential politics. That is small ball. Playing the big boys' game is playing for the kids who can't represent themselves, and if you don't like what you see, change it.

We offered them opportunities—at least 20, I offered—to change it, and their answer to me was, you can't offer us 20 amendments.

I said: Why not?

They said: Well, because MITCH MCCONNELL won't give you 20 amendments.

I spoke to MITCH MCCONNELL. He said: You can have 20 amendments.

I told them that.

We went to a press conference yesterday, and we said: An open process.

They didn't want an open process. They want one thing. I am going to get to that.

So I asked my friends—I said: What is it you don't like about where we are going?

They said: Well, the data collection area. This is the problem. The data collection area is the problem.

I said: Well, tell me the problem.

Well, the problem is that we are not collecting data.

I am like, well, wait a second. I could have sworn when I wrote the legislation, we were collecting data. So I flipped through the pages and realized we are collecting data for serious bodily injury and death.

They said: Well, we want to collect data on all uses of force.

I said: Put it in an amendment, and I will support it.

That was just one bone of contention. I said: Well, tell me another one.

They said: Our bone of contention is that we need you to ban no-knock warrants because of the Breonna Taylor situation.

I said: Your bill does not ban no-knock warrants for the Breonna Taylor situation; your bill bans it for Federal agents. There was not a Secret Service agent showing up at Breonna Taylor's door; that was a local police department.

So the fact that they are saying they want to ban no-knock warrants knowing they cannot ban no-knock warrants tells me that this is not about the underlying issue. It is bigger than that.

I said: Well, I will give you an amendment, though, and we can have that fight on the floor of the U.S. Senate.

As a matter of fact, I said: Tell me any issue you have with the legislation.

Well, we went through deescalation training, the duty to intervene, best practices.

I said: In the legislation. In the legislation. In the legislation.

I thought—you know, I don't have any hair, so I didn't pull it out, but here is what I said next. I said: Well, let's talk about tactics, then.

They said: Well, you don't ban choke holds.

I was like, I could have sworn I banned choke holds in there somewhere, and then I read the bill. They don't ban choke holds at the local level, at the State level. Do you know why? There is this little thing called the Constitution. They can't ban choke holds. Eric Gardner's situation would not have been cured by their ban on choke holds because their ban on choke holds was for Federal agents. Our legislation instructed the Attorney General to ban choke holds for Federal agents.

What else did we do? Well, we said we would reduce funding by 20 percent. They reduced funding by 10 percent. So our penalty was twice the penalty of the other side, and this is supposed to be an issue.

I am not sure we have found the issue. We haven't. It is not choke holds. It is not the duty to intervene. It is not data collection, because I said: On choke holds?

They said: Senator—I sat there at their meeting with them—it is your definition of "choke holds" that is the problem.

See, I assumed that when you think of choke holds, you think of a choke hold, but there is a distinction of the carotid airflow versus blood flow. They said ours covered only one, not the other.

I said: OK. You can have an amendment. I will vote for it. We will change it.

They said: We are not here to talk about that.

I said: Wait a second. If we are not here to debate the issue on the motion to proceed so that we can fix not 50 percent of the bill, not 70 percent of the bill, but literally slivers, slight changes on parts of the bill that would move this entire process forward, and you have the amendment to do so—I even said something that I didn't think I would say. I said: What about a managers' amendment? Let's just fix everything in one fell swoop.

They said: No, thank you.

So I find it disingenuous that people say: Well, why don't you just sit down with one Member and work it out?

Well, if a managers' amendment won't do it, if the 5 amendments they wrote in a letter saying that they needed to have these things fixed won't do it, if 20 amendments won't do it, and you have an open process on the floor of the U.S. Senate that requires 60 votes to get off of the bill, then what, pray tell, is the problem?

Well, I finally realized what the problem is. The actual problem is not what is being offered; it is who is offering it. It took me a long time to figure out the most obvious thing in the room. It is not the what. I have listened to the press conferences. I have read the newspapers. I am not sure that anyone

who is actually reporting on the bill has actually read the bill, because the next time I see another story or editorial that says we don't do this, their bill does that, and you put the two together, and it is not just off, it is just dead wrong—I realized, finally, it is the who that is offering this.

I have dealt with the problem of who before. As a Black man, I get the who being the problem. It is one of the reasons I went to Senator MCCONNELL and said: I want to lead this conversation. I am the person in our conference who has experienced firsthand racial discrimination, racial profiling by law enforcement, and I am still a fan because I believe that most law enforcement officers are good. But I am the guy. I am your guy, MITCH, because this is my issue. This is an issue for every poor kid growing up in every poor neighborhood in this Nation who feels like, when I leave my home for a jog, I might not come back.

This is a serious issue. This is an issue for every single kid who says: Is this my country? We have heard no.

This is the issue that we should be solving, not the legislative issue. That is not the issue. The issue is, do we matter? We had an opportunity to say: You matter so much, we will stay on this floor for as long as it takes and as many amendments as it takes for us to get to the issue that says "Yes, you matter." But we said no today. Fifty-six people said yes—four short—four short of saying yes; yes to having enough information to direct training and resources in such a way that we could hold people accountable. We were four votes short of saying yes to having a powerful tool of pulling resources to compel behavior on choke holds, because I believe that if we had gotten on the bill, we would have passed this bill.

But that is the problem, by the way. That is the who I am talking about. See, as a Black guy, I know how it feels to walk into a store and have the little clerk follow me around, even as a U.S. Senator. I get that. I have experienced that. I understand the traffic stops. I understand that when I am walking down the street and some young lady clutches her purse and my instinct is to get a little farther away because I don't want any issues with anybody. I understand that. But what I miss in this issue is that the stereotyping of Republicans is just as toxic as poison to the outcomes for the most vulnerable communities in this Nation. That is the issue.

When Speaker PELOSI says one of the most heinous things I can imagine—that the Republicans are actually trying to cover up murder, the murder of George Floyd, with our legislation—that is not politics. That is not a game to win. That is, you lose—you will sooner or later lose—but immediately, every kid around the Nation who heard that nonsense lost at that moment.

You see, what has become evident to me is that she knows something that we all know. She knows she can say

that because the Democrats have a monopoly on the Black vote. No matter the return on their loyalty—and I am telling you, the most loyal part of the Democratic construct is Black communities—no matter the loyalty of the people, the return they get will always continue to go down because in monopolies, you start devaluing your customer.

You see, today we could have given at the very minimum 70 percent of what they say would be important for the people we say we serve, but instead of having a debate on that today and not getting 5 amendments but 20 amendments, a managers' amendment—instead of going forward and getting what you want now, they have decided to punt this ball until the election. Do you know why? Because they believe that the polls reflect a 15-point deficit on our side; therefore, they can get the bill they want in November. All they have to do is win the election, and then roll in January, and they get a chance to write the police reform bill without our support at all.

Well, this is what they did in the House, right? No amendments in the House of Representatives on their bill. We are saying amendments on our side. Democrats are saying no amendments in the House, but you here in the U.S. Senate, because we are the world's greater deliberative body, you can have amendments—not in the House, not under Speaker PELOSI, but under Leader MCCONNELL, you get at least 20 amendments. And I thought, what the heck, I will throw in the managers' amendment too. But that was not good enough because the irony of the story is not the bill; the irony of the story is that today and through the rest of June and all of July, what we are going to have here is, instead of gaining 70 percent of what you wanted, or more, you are going to get zero. How is that for a return? How is that for loyalty? How does that work for the little kid at home in North Charleston where Walter Scott got shot? How does that work around the country when, instead of getting 70 percent of what you wanted, today and tomorrow and next week you get zero, and you are going to wait until the election to get more? OK. Well, why wouldn't you take the 80 percent now, see if you can win the election, and add on the other 20 percent? You have got to be kidding me.

Because the who matters, they cannot allow this party to be seen as a party that reaches out to all communities in this Nation. Unfortunately, without the kind of objectivity in the media that is necessary to share the message of what is actually happening, no one will ever know because if you don't read it in the paper, it must not have happened. If you don't see it on TV, on MSNBC or CNN, it must not be true. That is a problem.

Let me just say this: I think we are willing to compete for every vote everywhere, all the time. That might not be true in every corridor of the Nation,

but it is true of most corridors of the Nation. And this party has reinforced that truth, not by the words coming out of my mouth but by the actual legislation signed into law.

Senator PERDUE started talking about the important work that we did on opportunity zones—and I am going to wrap it up in 2 minutes here. It is lunchtime.

In 2017 we passed tax reform. I included in the opportunity zones—\$75 billion—real money to the most distressed communities in this Nation. How did that happen? Well, President Trump and I had a serious disagreement on his comments after Charlottesville. He, being a person I was not looking forward to having a conversation with, invited me to the Oval Office. I sat down with him, and I said: What do you want to talk about?

The President said: Tell me about your perspective on racial history.

I was stunned because if you know President Trump like I know President Trump, his love language is not words of encouragement. It just ain't. I know "ain't" ain't a word, but it is not.

He listened, and at the end of our conversation, he simply said: Tell me how to help those I have offended.

I didn't know what to say, so I pulled out my back pocket and got opportunity zones. I didn't go there prepared for him to listen. That is not supposed to be funny, but it is. I mean, I didn't expect him to listen, but he did. He listened. He leaned in, and he said: Tell me how to help the folks I have offended.

I said: Let's work on opportunity zones together.

He said: Yes.

I said: What?

He said: Yes.

He was concerned enough about the communities he had literally just offended. He was concerned enough to go to work on their behalf. And that is why we have opportunity zones.

I was like, well, this might work again. So I went back to the President and said: You know, there is a lot of work that needs to be done around the HBCUs, historically Black colleges and universities. He said yes. He said yes. We said yes.

Let me just tell you this: When we started saying yes, we controlled the White House, we controlled the Senate, and we controlled the House. So it wasn't because some Democrat came over here and said: In order to get our votes, you have to do this. That is not what happened. He said yes because the Republican Party said yes. We stood together with all three leaders of government under our control. We got opportunity zones done. We started a process of reinvesting in historically Black colleges and universities. And the head of the United Negro College Fund said at my last fly-in that this is a record level of funding ever—his words, not mine. I am not sure what "ever" is. Maybe that is longer than I have been alive. Literally more money

for HBCUs than ever—brought to you by the Republican Party.

I said: Well, that is working. Let's do it again.

So we went to stem cell research, which—stem cell research for sickle cell anemia, which is a 100-percent—basically speaking, 99.5 percent—African-American disease. He said yes.

LAMAR ALEXANDER, the chairman of our Health, Education, Labor, and Pensions Committee—we were fighting over funding for HBCUs. We made it permanent—permanent funding for the HBCUs led by a Republican chairman of the Health, Education, Labor, and Pensions Committee, President Trump signs it, and we have delivered historic funding and permanent funding for HBCUs.

Because I am running out of time, I am not going to go through the pre-pandemic numbers in minority communities for unemployment—unemployment not only at a record low, but we had labor force participation rates increasing. Let me say that differently. Not only did we get more jobs for Black folks and Brown folks, but the number of folks in the community—we started having an increase in the number of folks working.

This is called basic conservative politics. It works, creating 7 million new jobs benefiting two-thirds of African Americans, Hispanics, and women, and with a full economy, all boats started rising. Don't believe me, check your accounts. That is what it looks like.

COVID-19 hit us, and what did we do? We not only approved \$2.3 trillion and then another \$500 or so billion dollars, and \$450 billion that would be multiplied in the commercial facilities by probably 7 or 8—a \$6 trillion relief package. What did we do inside that package? We targeted small businesses to save small businesses, and, by the way, we added \$1 billion for historically Black colleges and universities.

Let me tell you what the biggest threat is. The biggest threat is that this Republican Party keeps showing up and delivering. I have 12 more pages to go. It is like being at church with my closing. I have 12 more pages of accomplishments to talk about. I am not going to talk about it. Don't look relieved. I am not going to talk about it. I am just here to state that if we are going to be serious about criminal justice reform—and we passed it with the House, Senate, and the White House in the hands of Republicans. We passed criminal justice reform to make up for the Democrat bill—the 1994 crime bill that locked up disproportionately African-American men. The Republican Party passed criminal justice reform with all three levers in our hands.

I am frustrated. I am frustrated because it is not a competition for the best ideas. It is not a competition for how to improve the poorest performing schools in America in the public education system that is consistently in Black and Brown communities—that your ZIP Code determines the outcome

of your life because you are not going to have a good education because we will not touch teachers' unions and we will not touch education in the way that needs to be touched.

Governor SCOTT did it before he was a Senator. That is one of the reasons why I went down there and campaigned for him, because he was serious about helping poor kids get up and move on.

Let me just close with this. I don't know what it is going to take to wake up an entire nation about the importance of a duopoly and not a monopoly. Look at the results. Look at the results you are getting.

By the way, when this bill is gone, and next week we are on the NDAA or something else, we will forget about this. We will move on. People will forget about it. And do you know what is going to happen? Something bad. And we will be right back here talking about what could have been done, what should have been done, why we must act. I am telling you, I had this conversation 5 years ago, and I am having this conversation right now. We could do something right now.

You know, here is the truth. Detroit, Atlanta, Minneapolis, Los Angeles, Philadelphia, and all of these cities could have banned choke holds themselves. They could have increased the police reporting themselves. They could have more data information themselves. They could have deescalation training themselves. They could have duty to intervene themselves, Minneapolis as well. All of these communities have been run by Democrats for decades—decades.

What is the ROI for the poorest people in this Nation? And I don't blame them. I blame an elite political class with billions of dollars to do whatever they want to do. And look at the results for the poorest, most vulnerable people in our Nation. I am willing to compete for their vote. Are you?

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I came to the floor to hear my colleague from South Carolina, with no notes and with an open heart and open ears, because I knew he would be very disappointed that the motion to proceed failed and that he would have strong feelings about that because of his earnest desire to do police reform. I don't question that desire or the desire of any of the cosponsors of this bill, just as I hope colleagues on the other side don't question the sincerity of Senators BOOKER and HARRIS and those who cosponsored their bill. But I came with no notes to listen to my colleague and then to offer a word of explanation.

I am one of the 44 people who voted no. The Senator from South Carolina said that those who voted no on the motion to proceed didn't vote on the what; we voted no on the who. That is a stiff charge. That is a stiff charge.

What I want to say is this. I voted no not on the what and not on the who,

but I voted no on the how. We tried it the wrong way. Let's try it the right way. My colleague from South Carolina acts as if this discussion is over. It is only over for those who want it to be over. We tried it the wrong way. Let's try it the right way.

What do I mean by that?

I think everyone in the Chamber knows what I mean by this. This is an amazingly important topic that is exciting deep and legitimate concerns in the streets of every community in this country.

There are two good-faith bills that have been introduced dealing with police reform. I see virtues in both. I favor the Democratic bill, but that does not mean that I don't see virtues in the Scott bill.

I have only been in the Senate 7 years. I am not an expert on procedure, as some are who are standing in the Chamber right now, but my service tells me that there is a clear path to a bipartisan police reform bill that will do a good job and will speak to an America that wants to see leadership that is bipartisan.

It is obvious. These bills are both in the province of a Judiciary Committee that is chaired by a Republican from South Carolina, LINDSEY GRAHAM, whose ranking member, DIANNE FEINSTEIN, has been on that committee for a very long time. Why are these bills not being taken up in a committee with a Republican majority and debated and marked up and reported to the floor in a bipartisan way?

I serve on the Armed Services Committee. That is what we do every year with the NDAA. We introduce it, we let members have the ability to offer amendments that can be voted on by a simple majority vote in committee. We get to the end of a process and when no one has an amendment left, we then have a final bill, and then we vote it out overwhelmingly bipartisan. The NDAA came out of committee 2 weeks ago on a 26-to-2 vote. We will be taking it up on the floor.

I am on the HELP Committee. I have a wonderful chair and ranking member in Senators ALEXANDER and MURRAY, and we tackle tough issues with a committee that has some big personalities on it. I have a couple of them in the room with me now. There is great ideological diversity on that committee, but we take up tough issues, and we don't always solve them, but we usually do when we put our minds to it and report something to the floor and we do it in a bipartisan way. When it comes in a bipartisan way, there is a great chance that we get action here on the floor. That is the right way to do things. It respects the traditions of the body, because it is a majority that runs the committee, but it allows those who have devoted themselves to health issues or armed services issues or judiciary issues to offer their thoughts.

When these bills were introduced, I assumed that a committee ably led by Senators GRAHAM and FEINSTEIN would

put these bills together and have a markup and let people offer amendments with a 50-percent-vote threshold and then report out a bipartisan bill. Why would the Judiciary Committee not do it?

I believe the leaders of the committee wanted to do it, but I believe they were told not to do it. They were told that we are not going to use the committee process on this. We are going to force this to a floor vote, a snap vote, and then, when it goes down, we will say: Democrats killed it. It is all over. Move on to the next issue.

This is only over for anyone who wants it to be over.

I think the vote today says: We are not going to do it "my way or the highway." We ought to do it the right way—the way we do the NDAA, the way we did the FIRST STEP Act. The FIRST STEP Act, criminal justice reform, Democrats and Republicans working together, in committee and then negotiating with Jared Kushner and others at the White House—we did something good that all can take credit for.

How about the CARES Act? There is a recent example of this. The CARES Act was an unusual one. We were under an emergency. We were socially distant from each other. We couldn't even be in the same room as we were negotiating it, and it was in multiple committees' jurisdiction. So it wasn't as if one committee was taking it up. But there was good-faith, bipartisan negotiation on the different pieces of it.

One day, Leader MCCONNELL called us all back to Washington on a Sunday to vote—not on the bipartisan negotiated bill but on a partisan version. And, again, Democrats on this side of the aisle said: We are not ready to proceed. We are in the middle of bipartisan discussions. We are not ready to proceed to the partisan bill because we are in the middle of bipartisan discussions that will have the payoff for this country, and so we voted no—not on the what, not on the who. We voted no on the how.

We are not ready to proceed to a partisan, "my way or the highway" bill when we are engaged in bipartisan discussions that can find a solution that is good for the country. Guess what happened. Three days later, after that "no" vote, we were here on the floor voting yes—voting yes to a bipartisan bill that helped individuals and families, that created a grant program for small businesses, a loan program for large businesses, aid to State and local governments, aid to hospitals and nursing homes and healthcare providers. We voted no on the "my way or the highway" and said: Stay at the table with us. Let's have bipartisan discussions, and we can get to a yes.

And even as Members of this body were being diagnosed with coronavirus or exposed to it, we stayed at the table until we could get the work done, and we did it for the good of the country.

This discussion is not over unless people want it to be over.

Senator KING and I, on Monday, sent a letter to the two leaders and to the Judiciary Committee chair and ranking member, and we said: For God's sake, with a nation that is crying out for solutions that can show some unity, please do with this bill what we know will work and what has worked.

Let the Judiciary Committee take it up promptly and let them work and report to the floor, and we can do this bill before the August recess and do it in a way where, in committee and on the floor, everyone has a chance to participate and we can get a win for the American public that is critically important. It is my hope that we will still do that.

The tenor of some of the conversations is as if this is now over, in the rear-view mirror, not to be returned to until after November. I don't accept that. I don't accept that. These bills are pending. We have a Judiciary Committee that can do this work.

I went to the Judiciary Committee this morning to introduce a judicial nominee and asked members of the committee who were there: If these bills were taken up in this committee, could you find a bipartisan result? And the answer they gave to me was yes.

I didn't vote no for the what. I didn't vote no for the who. I voted no for the how. I know how we can do this bill, and shame on us on a matter of such seriousness if we don't engage in a process whose seriousness matches the gravity of the moment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. SASSE. The Senator from Maryland was first. I have 40 seconds to comment, but thank you.

I respect the Senator from Virginia, but I would like to note for the RECORD, as somebody who spent a lot of time in the working group under Senator SCOTT's leadership, that Senator Kaine repeatedly said it was a "my way or the highway" approach. I just think it is really important for the RECORD for us to admit that this is an open amendment process that has been proposed, and that some of the Democrats who came to some of the meetings to negotiate were frankly stunned when Mr. SCOTT went from 5 amendments to 20 amendments, to whatever number you want. That is the opposite of a "my way or the highway" approach. That language isn't true. An open amendment process where dozens have been offered is not a "my way or the highway" approach.

Mr. Kaine. Would the Senator yield for a question?

Mr. SASSE. Yes.

Mr. Kaine. Mr. President, the Senator from Nebraska is a member of the Judiciary Committee, isn't that right?

Mr. SASSE. One of the most dysfunctional committees in the Senate—I am.

Mr. Kaine. When the Senator has markups in the Judiciary Committee on a bill like the FIRST STEP Act and someone, Democrat or Republican, pro-

poses an amendment to mark, isn't it the standard to vote on the amendment and if the majority of the committee approves, then the amendment is added to the bill?

Mr. SASSE. There are so many different procedures in the Judiciary Committee. You defined yourself as a rookie who has been here for 7 years. I am a rookie to your rookie, and I am new on Judiciary. So there are a lot of ways. The way you are defining it is usually the model, but there is a whole bunch of stuff that happens. You asked for the question that falls into that, but perhaps there is another comment that you can make.

Mr. Kaine. My experience on every committee I have been on is that we leave it to a markup in the committee with a simple majority, not allowing a simple majority amendment process in committee, but saying "no, we will give you some amendments on the floor with a 60-vote threshold" is not the same thing. It doesn't respect an individual's ability to try to persuade the majority of my colleagues, Democrats and Republicans, that it is a good idea or not. That is why this bill was not sent to committee but just put on the floor. So I don't view that as fair, to respond.

I get Senator SCOTT, and I appreciate him saying that we should have open amendments on the floor. But depriving people the ability to offer open amendments in a simple majority—can I convince the majority of my colleagues in the committee?—that is already stacking the deck, in my view.

Mr. SASSE. I thank the Senator for his question. I told the Senator from Maryland I would get out of his way, and I thank him for the time.

The PRESIDING OFFICER (Mrs. LOEFFLER). The Senator from Maryland is recognized.

JUSTICE IN POLICING ACT

Mr. CARDIN. Madam President, over the weekend, I was reflecting on the times that our Nation finds itself in today. We are witnessing the rebirth of a new civil rights movement when it comes to reforming our police departments.

Americans now know the names of George Floyd, Breonna Taylor, Freddie Gray, and so many others. The current protests we have seen throughout the Nation and throughout the world are a direct result of an incredible leap in technology, where individual citizens and officers themselves can record interactions between police officers and members of the community in real time.

But these troubling interactions between the police and the citizens they are sworn to protect and serve that we saw on video is not new, but we now have the evidence. They just happened to be caught, creating stronger legal evidence of misconduct and abuse.

Today, as our Nation experiences yet another civil rights movement, this time during a pandemic, I want to share with my colleagues some words

of inspiration I often turn to in times of trouble.

First, in the Constitution: "We the people of the United States, in Order to form a more perfect Union, establish Justice. . . ." That is the first mention in the Constitution.

Let us think how we in the United States can help to establish justice, as we are exhorted to do in the Constitution, which we are sworn to uphold and defend.

The second set of words I would like to share with you are from my colleague and dear friend, the late Elijah Cummings, who represented Baltimore in the Congress for many years. Representative Cummings gave the eulogy for Freddie Gray in 2015, who died after being arrested and taken into police custody. During Freddie Gray's church service, Elijah closed with a quote from the Old Testament Book of Amos:

I want justice—oceans of it. I want fairness—rivers of it. That is what I want. That is all I want.

The third story I want to share with my colleagues is the inspiration I felt from reading Dr. Martin Luther King, Jr.'s "Letter from a Birmingham Jail," in April of 1963. Dr. King wrote:

We know through painful experiences that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have yet to engage in a direct action campaign that was "well-timed," [in the view] of those who have not suffered unduly from the disease of segregation. For years now I have heard the words "Wait!" It rings in the ear of every Negro with a piercing familiarity. This "Wait" has almost always meant "Never."

We must come to see, with one of our distinguished jurors, that "justice too long delayed is justice denied."

We have waited for more than 340 years for our constitutional and God given rights . . . Perhaps it is easy for those who have never felt the stinging darts of segregation to say, "Wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate filled policemen curse, kick and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of affluent society . . . when you have to concoct an answer for a five year old son who is asking: "Daddy, why do white people treat colored people so mean?" . . . when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodiness"—then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair. I hope, sirs, you understand our legitimate and unavoidable impatience.

So this weekend, as I was thinking about our charge to establish justice in the Constitution and the pleas from Elijah Cummings and Dr. King, I contemplated where we are today. We are at a point in our Nation that we need to make transformational change when it comes to our police officers and their

fundamental relationships with our communities, in particular the African-American community and other communities of color. We can no longer wait. We must make bold changes now.

I agree with Leader SCHUMER and Senators BOOKER and HARRIS, who are the authors of the Justice in Policing Act. My concern is that the legislation authored by Senator SCOTT, the JUSTICE Act, falls dangerously short for what we need for comprehensive, effective, and transformational police reform that our country and the American people are demanding.

I, therefore, hope that Leader MCCONNELL will negotiate with Leader SCHUMER so we can work on a bipartisan bill and establish a constructive starting point on policing reform. I listened to the debate with Senator SCOTT and Senator KAINE, and I have seen this before. When we bring a partisan bill to the floor where there is no prearranged opportunity to offer the types of amendments with simple majority votes so the rule of the Senate can prevail and when you start from a point that cannot lead to successful conclusion, you shouldn't start. You should go back to negotiate a truly bipartisan bill.

We should use the model of the CARES Act legislation that was signed into law in response to the COVID-19 pandemic. That was a bipartisan bill that was brought to the floor. Let me just highlight a few of my concerns with the JUSTICE Act.

This legislation does not contain any mechanisms to hold law enforcement officers accountable in court for their misconduct. For example, it makes no changes in the law when it comes to qualified immunity or criminal intent standards for law enforcement. Current legal standards have allowed law enforcement officers regularly to evade criminal liability for excessive use of force and have shielded officers from liability, even when they violate citizens' constitutional rights.

The JUSTICE Act does not implement a public national misconduct registry necessary to ensure communities have information necessary to hold their law enforcement officers accountable. The JUSTICE Act fails to establish a collection of all use-of-force data, data related to religious and racial profiling, and it does nothing to end harmful policing practices like racial and religious profiling.

By contrast, the Justice in Policing Act authored by Senators BOOKER and HARRIS does contain legislation I authored, the End Racial and Religious Profiling Act. Why do we need that? Studies have shown that Blacks are 3.6 times more likely to be arrested for selling drugs, despite the fact that Whites are more likely to sell drugs. Studies show that Blacks are 2.5 times more likely to be arrested for possessing drugs, despite using drugs at the same rate as Whites.

This is just wrong, and Congress and even President Trump recognized this

when we made some modest improvements to the FIRST STEP Act. That was a bipartisan bill and started as a bipartisan bill, and we were able to get it enacted. The End Racial and Religious Profiling Act is designed to enforce the constitutional rights to equal protections under law by eliminating racial- and religious-based discriminatory profiling at all levels of law enforcement by changing the policies and procedures.

It allows police to focus their work more accurately, rather than wasting resources on blanket stereotypes. It requires enhanced data collection for the Department of Justice to track and monitor discriminatory profiling. It holds State and local enforcement agencies accountable by conditioning Federal funds on the adoption of policies and best practices to combat profiling by officers. It eliminates, once and for all, discriminatory profiling. It is in the Booker-Harris bill. It is not in the Scott bill.

The underlying JUSTICE Act does not include any real national standards for law enforcement. By contrast, the Justice in Policing Act contains legislation I authored, the Law Enforcement Trust and Integrity Act, which takes a comprehensive approach on how local police organizations can adopt performance-based standards to ensure that instances of misconduct will be minimized through training and oversight. That legislation takes steps to mitigate police violence by designating resources for community development and the transformation of public safety practices.

In Baltimore, we have ongoing Federal partnerships with city law enforcement and the Federal Justice Department following the tragic death of Freddie Gray, Jr. This is an example of continued efforts to rebuild trust between communities and police and encourages the establishment of more effective police models.

The legislation I described provides public safety innovation grants to help communities reimagine and develop concrete, just, and equitable public safety approaches. This is in the Booker-Harris bill. It is not in the Scott bill. The JUSTICE Act does not adequately address the issue of no-knock warrants in drug cases, nor does it adequately address the use of choke holds. Finally, the legislation does not address the issue of establishing a national use-of-force standard.

By contrast, the Justice in Policing Act changes the use-of-force standards for officers so that deadly force be used only as a last resort, while requiring officers to employ deescalation techniques. Let me bring to my colleagues' attention a letter dated June 23, 2020, from the Leadership Conference on Civil and Human Rights.

In the letter, the Leadership Conference writes to Congress:

We write to express our strong opposition to S. 3985, the . . . [JUSTICE Act]. The JUSTICE Act is an inadequate response to the

decades of pain, hardship, and devastation that Black people have and continue to endure as a result of systemic racism and lax policies that fail to hold police accountable for misconduct.

The letter goes on to say:

Abusive policing practices, coupled with devastating state-sanctioned violence, have exacted systemic brutality and fatality upon Black people since our nation's founding. Police have shot and killed more than 1,000 people in the United States over the past year, and Black people are disproportionately more likely than white people to be killed by police. The current protests in our cities are a response not only to the unjust policing of Black people, but also calls for action to public officials to enact bold, comprehensive, and structural change.

The letter concludes.

. . . . Passing watered-down legislation that fails to remedy the actual harms resulting in the loss of life is a moral statement that is inconsistent with a genuine belief that black lives matter. Anything less than full support for comprehensive legislation that holds police accountable is inexcusable.

Let me close my remarks once again by sharing some words from Dr. King, from the March on Washington in 1963. In his famous speech at the foot of the Lincoln Memorial on the National Mall in Washington, DC, Dr. King said:

In a sense we've come to our nation's capital to cash a check. When the architects of our Republic wrote the magnificent words of the Constitution and Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men—yes, black men as well as white men—would be guaranteed the unalienable rights of life, liberty and the pursuit of happiness. It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. . . . But we refused to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. So we've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

Dr. King continued by saying:

We have also come to this hallowed spot to remind America of the fierce urgency of now. This is no time to engage in the luxury of cooling off or take the tranquilizing drug of gradualism. Now is the time to make real the promise of democracy. . . . Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood. . . . Now is the time to make justice a reality for all God's children. It would be fatal for the nation to overlook the urgency of the moment. . . .

The House of Representatives is scheduled to pass their version of the Justice in Policing Act on Thursday. Let us take up meaningful legislation in the Senate as the base bill negotiated between Democrats and Republicans. Let us rise to the occasion and make the Founders of this Nation proud.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE JUSTICE ACT

Ms. ERNST. Madam President, the murder of George Floyd captured the attention and the emotions of the entire world. In the weeks that have followed, folks around the world have been crying out for a change, an end to racial inequality and the beginning of a new era of justice, understanding, and healing. While sometimes uncomfortable, this conversation is much needed, and, in my opinion, it is long overdue. It should not have taken the loss of a life for us to begin to talk and listen and to learn.

I grew up in a predominantly White community, but as a young woman, I was truly blessed to live, learn, and work in communities that were rich in diversity. It is difficult to understand the unfairness someone faces due to their skin color, but we can make time to listen. I did this last week when I sat down with our own Senate Chaplain, Barry Black.

For those who do not know him, Chaplain Black is a remarkable and inspiring person. After serving over 27 years in the U.S. Navy, he now serves as a spiritual guide for Senators and opens our proceedings every day with a thoughtful prayer. One of my favorite things he told me was about a lesson his mother had taught him. She told him that God gave us two ears, two eyes, but only one mouth—and we should use them proportionately.

I believe the United States is, by far, the greatest country in the world, but that does not mean that we don't have past and current issues that we need to address. Let's be frank, it was not a single, isolated event—the murder of Mr. Floyd—that incited the raw emotions that are still burning weeks later.

In Iowa, Governor Kim Reynolds signed a historic police reform bill, which will add additional accountability for law enforcement. This will benefit both the community and the police. Here is what is remarkable about this new law: Partisanship wasn't a factor.

Republican house majority leader Matt Windschitl and Democratic representative Ako Abdul-Samad, two of the extraordinary leaders that ushered this bill through the house and through our legislature, spoke with me this morning, and both of them said that, while they don't each view this as a perfect bill, it was more than cosmetic. It had real meaning and depth, and it was a first step.

I agreed with them because any journey starts with a single step, a meaningful step. The bill passed the Iowa House by a vote—again, with these two extraordinary leaders—by a vote of 98–0, unanimous. It then went to the Iowa Senate, and it passed in the Iowa Senate 49–0. Partisanship wasn't a factor. The only thing that mattered was doing the right thing.

Not a single dissenting vote was cast, and it even had the endorsement of the

Iowa Police Officers Association. We are only going to improve as a nation if we come together and make everyone a part of the solution. We can do that. Iowa put politics aside, and they got it done. I wish we could see more of Iowa in this Chamber.

We need both sides of the aisle to unite and to pass Senator TIM SCOTT's JUSTICE Act. The JUSTICE Act offers real solutions to police reform by increasing oversight, strengthening incident report requirements, and ensuring the correct use of body cameras. It includes an issue that I have been working to address: sexual misconduct within our law enforcement.

The JUSTICE Act is simply a commonsense approach to effective police reform. The bill includes a number of bipartisan provisions, including the antilynching proposal put forward by Senators JOHN CORNYN and KAMALA HARRIS. It is heartbreaking that the bill to address these issues was blocked by Senate Democrats.

The Senate exists so we can debate these issues in a civil manner and reach a consensus so they aren't resolved in the streets. We can't do that if the other side chooses to shut down meaningful debate or give in to radical ideas like defunding the police, which won't solve the problem of inequality or end violence.

I ask my colleagues on the other side of the aisle: Are you willing to come to the table? Are you willing to accept that amendment process? Are you willing to take the first step in our journey? Will you put politics aside and help us enact reforms to ensure the safety of our communities?

Our Nation's journey toward becoming a more perfect union and securing the blessings of liberty for all Americans has taken a long and bumpy road, and we still have a lot farther to go. It starts with that one step. But at this moment, the country and the world are demanding we pick up the stride. Let's follow Iowa's lead. Let's come together and take meaningful action.

To be clear, the passage of a single bill is not going to suddenly reverse centuries of injustice. Passing laws are a simple part. If we really want to change behavior, we need to commit ourselves to changing our hearts. The best way that we can personally commemorate the life of George Floyd and the many others before him who lost their lives or suffered injustice is to open our own hearts.

Chaplain Black summed up the solution best when he quoted to me Mark 12:31: "Love your neighbor as yourself." It is both that simple and that challenging.

So I am asking all of us in this body to be more like Iowa. Let's find a solution. Let's take that first step and begin our journey together.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. BLUNT. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BLUNT. Mr. President, I heard your comments earlier today—and I couldn't agree more—on the importance of us dealing with the issues that were on the floor today that we failed to deal with. I heard our good friend Senator SCOTT's response to the way his hard work was looked at and, frankly, ignored.

When the Congress stops resembling an honest and open discussion of the issues, I think it gives us a lot to be concerned about. The solution should be the goal. When Members of Congress are more interested in a bill that they believe to be perfect rather than seriously engaging in a debate, it raises a lot of concerns about how we protect liberty and how we do our constitutional duty.

I have been in the Congress for a while, as some of my friends are more than eager to point out, and I have never voted for a perfect bill—ever. I have introduced a couple of perfect bills, but I have never voted for a perfect bill. I have never voted for a bill that couldn't be improved.

Our good friend TIM SCOTT said something the other day that struck me as a truism. He said: I think most Americans are tired of Republicans and Democrats talking about Republicans and Democrats. Most Americans, as Senator SCOTT's point was made, want us to solve problems. They want us to come up not with the best answer possible; they want us to come up with the best possible answer.

What is the difference between the best answer possible and the best possible answer? The difference is figuring out when you have gotten done as much as you can get done and you decide that, in this process, you want to accept that and come back at a later time and see if you can do a little better.

They don't want us to reject a promising solution just because someone from the other party said it first. They don't want us to reject a promising solution just because it doesn't solve everything.

Nothing around here happens as fast as we would like it to. Debate, discussion, and compromise all take time. Remember, the Constitution was put together by people who didn't trust government. They didn't want to make it easy for government to do things, and they didn't.

One of the great successes of all time was the success of making it hard for our government to do things. It is hard to explain in other countries where they have parliamentary systems where, if the leader doesn't get what the leader wants, the government collapses. That is not the way this government is designed at all. It is designed to take some time, but you have to be willing to take the time. It is designed

to reach compromise, but you have to be willing to reach compromise.

We think our job should be to, again, come up with the best solution we can come up with and try to do the job that we are sent here to do, trying not to wait and say: Well, we are too close to an election. Apparently we are too close to an election all the time now. We never want to give away anything that could be a political issue because it is better—maybe in some minds—not to solve it than it is to solve it.

Today's disappointing vote doesn't have to be final. The majority leader changed his vote at the very end. It was 56 to 44—3 Democrats and all of the Republicans wanting to move forward, but it takes 60 votes here to move forward.

By the way, it also takes 60 votes to get off the bill to have a vote. There was nothing to be lost by seeing if we couldn't make Senator SCOTT's bill better. In fact, I understand from his speech earlier that he agreed to 20 amendments that had the possibility to do that. That is what we are supposed to do. We are here to vote. We are here to make decisions. We are here to move forward or to decide we don't want to move forward. There are times when a decision is that this is not the right solution to this problem. That was not what we were dealing with today.

Our colleagues in the House planned their own legislation. There was that moment of hope when the Speaker of the House said she looked forward to taking their product—their bill—to conference. Well, you only get to take a bill to conference if there is a conference, and you only get to take a bill to conference if we pass a bill and the House passes a bill.

By the way, if they are exactly the same bill, there is no reason to go to conference. That bill goes to the President.

We pass a bill, the House passes a bill, we go to conference, and then we come back. And 44 of our colleagues were unwilling to go through that process.

On a bill like this, you get a lot of votes. You get the vote to go to the debate. You get the vote to go to the vote. You get the vote to pass the Senate bill. It has been, actually, a while since I heard somebody say what used to be said often: I am voting for this bill. I don't think it is where it should be yet, but I look forward to voting for a better process coming out of conference.

You used to hear that all the time: I am voting for this bill so we can get to conference, and in conference I am going to do everything I can to work to make it better. That is how the process works.

This "take it or leave it," nobody shows up—our friends at the House show up one day to vote on a bill that God knows who decided what would be in that bill, and that is the bill we either accept or reject. What a foolish way to do business. What an unsatis-

factory way to fail to debate the issues that people sent us here to decide.

But, again, the House will pass a bill this week, and unless we reconsider this decision, that will be the end of it. That will be the end of it. The House has passed a bill. We are not going to take up the House bill. There is no Senate product to go to conference. That is the end of it.

It is an issue that we need to find a solution to. It was an issue we needed to find a solution to after what happened in St. Louis in 2014. It is an issue we have needed to find a solution to. The dates seem to keep getting closer, to where this year three things happened in a row—maybe more than three—that shouldn't have happened, and things have happened since those three things that shouldn't have happened.

We need to lead on this issue. We need to find a way to make a successful conclusion to the best we can do. The best we can do today doesn't mean that is the best we can ever do; it just means, when you have something that you are agreeing with—and this isn't even a bill where—Senator SCOTT's bill—I didn't hear Democrats say: I agree with 80 percent of what is in the bill. They were more likely to say: 80 percent of what I want to do is in the bill.

Take 80 percent of what you want to do to conference and hope it comes back with 90 percent of what you want to do or 96 percent of what you want to do. But if you don't trust the process, the process cannot produce a result.

People are tired of us failing to do our job. We need to vote. We need to have amendments. We need to have bills on the floor on issues like this that the American people are in the streets of America saying: Solve this problem.

You can't solve this problem by turning your back on it. You can't solve this problem by saying: If I don't get this exactly the way I want it, I would rather not have anything. I will tell you what that gets you. That gets you nothing. In a democracy, that does not work. If you are getting your way all the time—at home, at church, at school, at work, in the Congress—there is something wrong with you. There is something wrong with you. Nobody gets their way all the time. Compromise is the essence of democracy, but you have to be willing to go to the place where compromise happens. On this bill, that would have been at conference, to see if we can't come closer to a bill that everybody believes is the best we can do.

I think Senator SCOTT did a great job with his bill. I think Senator SCOTT thinks his bill could be better. But his bill is not the House bill, and the House bill is not going to be the final bill either.

What a mistake to walk away from the chance to solve a problem.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, we just finished up a vote on the Senate floor where we fell four votes short of opening debate on a bill to deal with police reform—four votes short. We were four votes short of opening debate to discuss it.

Every single Republican voted for this—and a handful of Democrats. But the vast majority of Democrats actually said: No, we don't want to debate this bill. We will only debate the Pelosi bill when it comes out of the House.

Well, that is absurd. That didn't happen, I can assure you, when Speaker Boehner was the leader of the House, that the Senate said "I will tell you what, we are going to wait and see whatever Speaker Boehner sends over to Harry Reid" and Harry Reid would say "Oh, yes, please. We will take up whatever the Boehner bill is." That was never done, and they know that.

This is such an odd, peculiar season in our country politically and a painful season in our country culturally and practically.

Our hope was to have a real debate on a real bill. I was part of the team in writing this bill. This bill was a genuine push to reform how we do police work and to increase accountability and transparency across the country.

The bill that we just needed four Democrats to join—just four Democrats to join—to be able to open it up for debate would have banned choke holds across the country.

It would have required the reporting of all serious bodily injury or death in police custody from everywhere in the country, to start tracking all of this.

It would have gathered information on no-knock warrants all around the country to start tracking this information to see if they are being abused.

It would have put more body cameras on the street. This bill that we just needed four Democrats to join us on—just four—would have put \$150 million more in body-worn cameras on the street. It wouldn't have just put those body cameras on the street; it would have also put in new requirements to make sure they stay on, which has been an issue.

This bill that we just needed four Democrats to join us on, just so we could debate it and discuss it and amend it, would have had a whole new system tracking complaints and discipline actions. It would have pulled together records for law enforcement officers to make sure that they would have had those records—their commendations and their discipline—travel to the next department with them. So before an officer leaves one department and goes to the next, all the records are made available to the next department so that we don't have a bad apple moving from department to department.

This bill that we just needed four Democrats to join on with us—any four—just so we could open it up and debate it and amend it would have changed the system on a duty to intervene, putting new obligations, new

training, and new requirements on an officer who is watching another officer do something they know is wrong to intervene in that process and to stop it.

It would have a national commission to pull folks together to get the best ideas from around the country, to gather the best practices that have happened.

There is also a new piece that is in this—it is not in the Pelosi bill; it is only in this bill—that deals with giving a false report if you are a police officer, because at times we will have a police officer where—when there is serious bodily injury or death, their written record doesn't match the reality of what really happened, and it is not just that they misremembered; they intentionally turned in a false report. This bill that we wanted to just debate today would have allowed us to be able to add additional penalties onto that, to make sure someone receives the due penalty if they try to lie on forms.

This bill would have dealt with mental health.

This bill would have dealt with deescalation training. This bill was designed to help get additional training.

This bill has a section on it using the Museum of African American History to design a curriculum that we could put out to every department around the country on the history of race and law enforcement. It is modeled after what was done with the Holocaust Museum to deal with anti-Semitism. That is what this bill was designed to do. We just needed four Democrats to join us. Instead, they dug in, did press releases, and said: That bill is terrible. It is awful. It has no teeth in it. That bill is unsalvageable.

I would ask any American listening to me and anyone in this room: Is there one of those ideas you don't like?

Then the conversation was, well, we are not going to have an open enough process.

Senator SCOTT, who is our point negotiator in this, sat down with Democratic leadership and said: How about 20 amendments on this bill? If you want to bring something up to amend it, change, it, great.

They said no. Their desire is only Speaker PELOSI's bill or nothing. I think that is exceptionally sad.

We have been through this journey so many times where we will see a Black man be killed, we will all watch the footage, the whole country rises up, and Congress starts debating, and then it stops. It stops because of silly stuff like this where people dig in and say: If you don't do it entirely our way, then we are not going to do it at all. It is not about solving the problem; it is just about prolonging a problem so you can make it a political issue when families out there want this solved.

All of those things I listed are all out there.

There are two things I have heard. We are not going to take up your bill. We are not going to debate it. We are

not going to discuss it. We are going to block it from coming to the floor—which is what happened today. The two issues I heard are, you know what, I really want us to go to committee. I want a committee to look at this, take some time, go through this.

That is a fascinating argument, and I wish it was true. Two weeks ago, the discussion was “We need to get on this as quickly as possible”—until we actually put out a legitimate bill, and then my Democratic colleagues said, “Well, there is a problem with how you are putting it out. We are going to debate it on the floor. I would rather debate it in committee and then have the floor bring it but not debate it on the floor. I don't want to debate it out here. Let's debate it over there.”

No one is buying that argument. No one is buying that. If you can put 20 amendments on this, that is what would happen in a committee. Let's bring it. Let's talk about it. Everyone sees what that is. Shuffling bills off to committee is about delaying and stalling and “Let's delay this,” because they know we won't get it this week, and they will delay it, and then it will be after the Fourth of July. When we come back from the Fourth of July, we have the coronavirus bills, as they know, and we have the appropriations bills, as they know. So it is like, OK, so it will not happen there. So then there is the August gap, and then it will move to September. What they are trying to do is get it closer and closer to the election and then make it a big election issue, saying: Those crazy Republicans will not resolve this. Get it close to the election and make it an election issue.

Hello—why don't we just solve this instead of dragging the country through something we all know key ways to be able to solve?

Two issues we know of—one is a purely political issue: stall, delay, try to get this closer to the election, and then divide the country. The second one deals with an issue on whether police officers should face not only criminal liability, they should face civil liability as well.

You hear this get kicked around all the time with all different kinds of terms. Speaker PELOSI's bill says: Not only put that police officer in prison, which they deserve—if they murder someone, commit a crime, a police officer is as liable for the law as everyone else is, and if they are not, they should be, and we should fix that. Speaker PELOSI's bill says: Not only put them in prison but also civilly take their home and their car and their pension away from their family. Make sure we leave them destitute and their family destitute, as well as put them in prison. That is what their bill is all about.

It is the reason why so many police officers are so frustrated and furious with the bill they adamantly want to put on the floor, because they are saying that if they did something wrong, they should face the consequences for it, but don't punish their family.

Speaker PELOSI's bill says: No, the police officers should be in prison, and their families should have their home taken away from them and their police pension taken away from them and everything else.

Do you know what we have talked about? We talked about a police officer facing criminal penalties, as they do now, as they should. If there is a civil case, why don't we bring it against the department that didn't train their officer, that didn't supervise that officer? Instead of attacking an officer's family, why don't we hold people accountable to actually supervise people better and push the city and the department to do the right thing: to train and to equip people. If someone is a problem, don't leave them out there on the street with 18 discipline records; take them off the street. If you don't, the whole city is going to be held to account for it. That is trying to end this. That is trying to push toward more supervision, not just trying to be punitive.

Those are the two differences that I can pick up: political and civil. Otherwise, a lot of what I mentioned that is in our bill is in their bill as well.

TIM SCOTT made a very simple statement: Why don't we put this on the floor? Why don't we actually debate the differences that we have? Why don't we have a vote, and then why don't we finish this?

Leader MCCONNELL dedicated this week and next week to this bill on police reform to give 2 weeks to do all kinds of amendments, all kinds of debate, but instead, the conversation was “No, don't want to do that; it is Speaker PELOSI's bill or nothing” or “Let's just slow the whole thing down and send it to committee and delay, delay, delay this.”

Why don't we deal with this right now? There are 2 weeks that have been set aside to do it. There is plenty of time for amendments. Why not do that instead of just blocking the bill?

I don't know a lot of folks who say to me: I really don't want there to be more body cameras on the street. I don't want any more oversight on law enforcement when they turn in a false report or when they turn off their body camera.

I don't run into a lot of people who say: I want to just go ahead and leave the system the way it is.

We really don't know what is happening in a police department when there is bodily injury and harm.

I meet a lot of people who say: Those things make sense to me. Why don't we do it?

Unfortunately, that is my same question today standing on the floor of the Senate: Why don't we do it?

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I want to thank my colleague from Oklahoma, Senator LANKFORD, for his dedication to this issue and his very substantive output.

I was privileged to serve on the minigroup that put a lot of work into this under Senator SCOTT's very able leadership. I am thankful for the way Senator LANKFORD always approaches issues, not disparaging motives but always looking at ways to improve and make this world a better place because that is what this is about.

I have been listening to a lot of the arguments, a lot of the discussion, and I am saying to myself: If somebody watching this from afar—from Oklahoma or from West Virginia or from Vermont—I am thinking to myself, what is all this talk about 60 votes and cloture and all this? They are not focused on that. All they know is that we failed—this failed.

This was an opportunity that we should have grasped. We had a chance to discuss the need for police reform and to look at the very serious issues of racial inequalities. I am exceedingly disappointed. I thought yesterday—no, actually Monday, I thought, good, we are going to get on this bill. We are going to have a healthy debate and amendments. We are going to be in front of the American people, giving our different opinions. We are going to vote up or down, and we are actually going to have a product here that is actually going to help. But it derailed. It derailed badly. I am very disappointed by that, as I think everybody in this country should be.

Those who are protesting, those who are deeply hurt by what they have seen—they don't care about cloture and 60 votes and who gets the political point and who is going to be able to drag this to the election. They care about getting something done on a deeply emotional issue.

We know that every American is entitled to equal protection under the law. We also know there are a lot of good police officers in this country—many, the vast majority. It is clear, though, that we have a real need to improve our law enforcement so that every American can have the confidence that officers are there to serve them equally.

We should provide better resources to train police on not just deescalation but use of force and intervention, all of the issues that we saw come forward in the horrifying death of George Floyd.

We should provide more body cameras. We wouldn't have known about George Floyd had there not been a camera. I don't believe there was a camera on the officer; it was a bystander's camera. But cameras can be so incredibly useful to protect the rights of the people who are confronted and to protect the rights of the police. So we need to make sure that those are not only provided and there for our law enforcement but that they are turned on. As we saw in Louisville, they were not turned on.

We should make sure that bad police officers can't get passed from department to department and that their disciplinary actions and employment

records are there, kept either locally or—the Pelosi bill says kept at the State; the President says kept at the Federal—anyway, in any event, kept for the transparency we need.

We should eliminate the use of choke holds by officers unless the officer is in a situation where he can't get out of it, but quite frankly, I am for banning them in any circumstance.

Those statements are really not very controversial, and most Americans really agree with them. How do we know that? Both the bill introduced by Senator SCOTT and cosponsored by 47 Republican Senators and the bill introduced by Senator BOOKER and supported by many Democrats included these provisions in each one of their bills.

We have a nonpartisan Congressional Research Service that we rely on for nonpartisan advice. The quotes from their report in comparing both bills: Both bills seek to establish best practices for law enforcement officers and train officers in areas on the use of force and racial bias. Both bills would seek to increase the use of body cameras worn by State and local law enforcement—both bills. Both bills would contain provisions designed to enhance transparency concerning records of misconduct by law enforcement officers—both bills. Both bills include provisions designed to limit the use of choke holds by Federal, State, and local law enforcement—although the two statutes do differ in the breadth and approach. What happens when we differ with the House? We go to conference, and we work out our differences. But we are not having that chance today.

Given these areas of common ground, it should have been easy for us to come together and to pass that motion to begin the debate on the Senate floor. That is what we are supposed to do.

There are a few major differences in the bill, and this is where I think the American people would have really tuned in to the debate. We know that there is a difference on qualified immunity. Let's have a debate. Let's have a debate.

Had we moved forward, I think we could have ended up with a bipartisan bill that could pass both the House and the Senate and signed into law. As we are now, do you know what we have, as Senator SCOTT said in the speech he gave about an hour ago? Nothing. We have nothing. We have people on the streets of every town in America begging us to do something positive to help the situation, and today, crickets—nothing—because we couldn't get cooperation.

It would have made significant progress. I heard Senator SCOTT say—and I didn't realize this until I heard him say it on the Senate floor—20 amendments and a managers' amendment he offered in conversations with the other side, and again, no—nothing. We don't want that.

We don't have the best record on showing the American people that we

can work together and get things done, but, boy, we could have shown them that today. We could have shown them that the rest of the week as we debate those issues. I can guarantee you, on some of the sticky issues, we would have had great agreement. Maybe we all wouldn't have agreed on it, but some of each from each part of our party and each part of the country would have agreed on those issues and formulated better, smarter, more efficient legislation. We could have demonstrated that we are united in support of the civil rights of all Americans and in support of the men and women in law enforcement. Instead, partisanship was allowed to carry the day.

It should be clear, because I think it should be to the American people, that this motion—the other side says, “We don't have a seat at the table”—would have provided the world stage for their seat at the table to debate this issue.

We need 60 votes to continue, and here I am talking about the technicalities of how to get it done. But there would have been an enormous amendment process that probably would have been quite lengthy and very beneficial.

I am very disappointed. I am disappointed to tell the American people that we are listening to you, but, you know, maybe it is not in our own political benefit to cooperate to move forward, so let's just draw it out, as Senator LANKFORD said.

I think it is important to point out in the process, if we had an amendment debate, if we had a debate on the Senate floor, if we cultivated and came up with a final product, it is still within the 60-vote margin for the other side to say: No. Can't do it. It is not enough. Can't go there.

OK. At least we tried. Now we have nothing.

As we move forward—I was on several radio interviews today, and a lot of people want to know what is next. I don't know what is next. We have to do better than this. We have to do better, with what we see happening in our country and listening to the cries.

When I heard Senator SCOTT's speech, when he talked of the communities that are most vulnerable, that have the most difficulties in all of the struggles of their lives, we owe it to them to have this debate on the floor of the greatest deliberative body, the Senate.

We could have demonstrated a lot today, and it didn't work. It was denied by 44 Senators. And here we are having to go back to our constituents, go back to those folks who are very vulnerable, and say: It didn't matter enough to try to fix it. It didn't matter enough that we gave each other 20 amendments. It didn't matter enough that we were going to have the debate on the Senate floor. It didn't matter enough to have our experts come in and tell us what the best is. It didn't matter.

I hope maybe, as time goes by, it will matter because this issue is not going away, and our passion to solve it as a collective body shouldn't go away. I am

committed to seeing that it doesn't go away.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this afternoon, we heard a lot of rhetoric. I would like to now deal with some reality. As so often happens, the reality is different from the rhetoric.

Since I last spoke on the Senate floor in the wake of George Floyd's murder, the American people's calls for justice and accountability have not diminished. Fortunately, they have grown stronger, and rightfully so. Even since then, our Nation has had to confront yet another needless killing of an African-American man, when an Atlanta police officer shot Rayshard Brooks twice in the back when he was fleeing from officers.

Now, I know from my own experience in law enforcement that nobody can dispute that police officers have incredibly challenging jobs. No one will dispute that they are faced with difficult, split-second decisions that impact life and death, but that difficulty does not excuse the fact that something is deeply wrong in our country. It does not excuse the fact that people of color have disproportionately suffered from police misconduct. People of color disproportionately are profiled by police, are stopped by police, are arrested by police, and are victims of excessive force at the hands of police.

Confronted with the killing of George Floyd, millions of Americans are demanding we do better as a nation. They recognize that longstanding societal prejudices and biases have created a law enforcement culture and broader criminal justice system that perpetuates these prejudices and biases. They demand that we roll up our sleeves and do the hard work of ensuring that those charged with preserving the rule of law are also subject to it, that no person is above the law.

For millions of Americans, the time to act is now, but I think the Senate is acting as though it is not up to the task. On Thursday, the House is expected to pass comprehensive legislation to reform policing, and it is going to do that with Republicans and Democrats voting for it. The Senate has only advanced a patchwork of half-measures that would do little more than to place a handful of band-aids on deep, generations-old wounds.

As someone who knows him, I don't doubt at all that the legislation drafted by Senator SCOTT is a good-faith attempt at finding consensus within the Republican Conference on how to reform policing, but by any reasonable measure, the bill the Republicans have put forward actually fails to reform policing. On many of the most pressing issues, such as addressing true racial inequalities or disparities or discrimination, the Republican bill defers either by doing nothing at all or by leaving it to a future commission to study.

The Republican bill purports to create a new grant program to fund and

mandate the use of body-worn cameras, which have been instrumental in holding both the police and suspects accountable. Maybe everybody failed to notice, but Congress already created that program 5 years ago, and our Committee on Appropriations, in a bipartisan fashion, has been funding it every year since, all 5 years. This is not something new.

The Republican bill would create grant incentives to encourage police departments to change behaviors. The legislation introduced by Senators BOOKER and HARRIS would actually change those behaviors. They don't say: Here. Please do it. They say: Here. You have to do it. They do it by banning choke holds, and they ban no-knock warrants.

Unlike the Booker-Harris bill, the Republican bill would not address qualified immunity, which allows officers to evade accountability even when a court finds they have violated constitutional rights. Can you imagine anybody else in this country, when violating someone's constitutional rights, standing up and saying: "But I am in a protected group. You can't do anything about it. Bye, bye now. See ya"?

The Republican bill does nothing to address racial profiling. It does nothing to ensure that deadly force is used only as a last resort—not as a first resort and especially not against somebody who, while running away, gets shot in the back and is given the death penalty. It also does nothing to ensure there will be Federal oversight when a local law enforcement agency demonstrates a pattern of violating their citizens' civil liberties.

It is well-known that the Trump administration has effectively abandoned pattern or practice investigations and consent decrees, which are proven instruments for positive change within some of our troubled departments. That is why the Booker-Harris bill strengthens these investigations at both the Federal and State levels.

At every turn, where the Republican bill provides a talking point, the Booker-Harris bill provides real accountability and real transparency. Sadly and, I think, disturbingly, the fact that the majority leader will not even allow the Senate to debate the Booker-Harris bill reveals that he is interested in neither.

For a moment last week, it appeared that some Republicans were serious about finding bipartisan compromise. During a Judiciary Committee hearing on policing reform, Chairman GRAHAM said he would like the committee to work together to find solutions, "to sit down" and see if we could "reconcile [the policing reform] packages and come up with something in common." A number of Republican colleagues on the Judiciary Committee even expressed an openness in reevaluating qualified immunity to ensure that there would be a sense of accountability within police departments.

I agree that these are difficult issues, but certainly, based on my experience

under both Republican and Democratic majorities, I know the Judiciary Committee is capable of handling them. I know because we have done it before on tough issues. Let me give you an example.

Seven years ago, a bipartisan group of Senators—Republicans and Democrats across the political spectrum—put together a thoughtful, bipartisan bill to reform our immigration system, but the bill wasn't put here on the Senate floor with a "take it or leave it." As chairman of the Senate Judiciary, I held three hearings on the bill and then held 5 days of markups, some going late into the night. We considered 212 amendments, 141 of which were adopted, including 50 amendments offered by Republicans and voted on by both Democrats and Republicans. Our process was fair, thorough, and deliberate. What happened when it came to the Senate floor? There were 68 Senators from both parties across the political spectrum who supported the legislation and voted for it.

Now, if we could replicate that process for policing reform today—go through committee, have the debate, bring up the amendments, have the hearings, vote on something, and bring it here to the floor with that kind of strong support—I would suspect even more Senators, Democrats and Republicans alike, would support it.

Senator MCCONNELL is skipping all of that. He is not allowing the Judiciary Committee to do its work. He is not attempting to build bipartisan compromise. He is, instead, forcing the Senate to take up a wholly inadequate partisan bill or to do nothing at all. "Here, vote for this deeply flawed bill or you get nothing." That is not being the conscience of the Nation. That is not why I and many others came to the Senate. That is not how the Senate gets things done, and every Senator, Republican and Democrat alike, knows that.

So I would suggest to the leader, if he is serious about tackling racial injustice and policing reform, that there is a blueprint to follow. This is not it. I urge the majority leader to reverse course. If he is unwilling to bring meaningful legislation to the floor to address these issues today, well then, allow the Judiciary Committee to put in the hard work that is necessary to build bipartisan consensus. I am sure it could be done within a couple of weeks of actual hearings and votes in our committee.

Instead, the leader is insisting on a process that is designed to fail. In doing so, the Senate fails. The Senate fails George Floyd, and it fails Breonna Taylor, and it fails countless others who have been victims of brutality or discrimination by a flawed justice system. In doing so, the Senate also fails the American people.

I hope this is not the path we take. I voted not to go forward with a flawed process, hoping we might have a real bipartisan process. I believe the Senate

should be the conscience of the Nation. Let's be so in this. Let's go to committee, and let's have Republicans and Democrats vote for or against amendments and bring a bill to the floor.

Stop these "take it or leave it" steps by the Republican leader. Let's have a bill that both Republicans and Democrats have worked on, and then bring it up. Let's vote up or down on amendments. Let's give the American people something they can be proud of and something, finally, the Senate can be proud of.

I do not see another Senator who seeks recognition, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

PRIDE MONTH 2020

Mr. DURBIN. Mr. President, our Founders did not give us a perfect nation. Even they knew that. When Thomas Jefferson, himself a slaveowner, reflected on the existence of slavery in a nation which claimed to believe that all men are created equal, he wrote: "I tremble for my country when I reflect that God is just; that his justice cannot sleep forever."

Jefferson was not alone as a slaveowner. George Washington—the namesake of this great city and another great State, the father of our Nation—and his wife owned 300 slaves. Just minutes before he died, he asked his wife to bring the two copies of his last will for him to look at for one last time and to decide.

He handed one of the copies of the wills to his wife and said: Burn this one, and keep the other. What he burned would have released all of his slaves at the moment of his death. The one he signed said that they would continue to be his wife's slaves for as long as she lived. He was the father of our Nation. We might not have had an independent nation without his skill and leadership; yet he was not a perfect man by any means.

The true measure of a nation's greatness is not simply the words written by an earlier generation; it is the work of every generation to make those words not just ideals but facts. We see that work all around us today.

For weeks, Americans have joined together in an incredible display of constitutional petition of this government, of this Nation, for change. In cities large and small and in virtually every State, they are protesting systemic racism and police violence against people of color.

These protests have spread around the world. Videotapes and DNA evidence have done more to assault the foundation of justice in America than anything in our history.

In the midst of a pandemic caused by a new virus, a multi-ethnic, multigen-

erational alliance seems to have found a collective will to confront one of humanity's oldest viruses—the virus of racism.

It was a different protest 51 years ago this month that began one of the newest chapters of America's long struggle for equal rights. That protest is the reason that June is celebrated as Pride Month.

It started in the early morning hours of June 28, 1969, at the Stonewall Inn in the Greenwich Village section of New York City. Today, the name "Stonewall" stands as a milestone on America's journey toward equal justice, alongside such revered names as "Selma" and "Seneca Falls." In 1969, however, the Stonewall Inn was a ramshackle refuge for outcasts—a home away from home for some of the poorest, most powerless members within one of America's most marginalized communities. Its patrons included drag queens and lesbians, transgender and gender nonconforming people, homeless LGBTQ youth who lived in nearby Christopher Street Park after being abandoned by their own families.

Police raids and arrests were regular events at the Stonewall Inn, as they were at most gay bars in America at that time, but something changed during that raid in the early morning hours of June 28, 1969. Something in this great universe shifted. That night, when the police became violent, the patrons of the Stonewall Inn fought back.

The Stonewall uprising was a 6-day protest against police mistreatment, and while the protests were contained almost entirely within Greenwich Village, they changed the world.

On the first anniversary of the Stonewall uprising, the first Gay Pride parade was held in New York and Los Angeles and in the city of Chicago. Within 2 years of that uprising, there were gay rights organizations in every major city in the United States and Canada, Australia and Western Europe.

The month of June is now recognized throughout much of the world as Pride Month—a celebration of diversity, acceptance, and inclusion.

Last year, on the 50th anniversary of Stonewall, the grand marshal leading Chicago's Pride Parade was our city's first openly gay mayor, Lori Lightfoot—an incredible leader.

This year, most Pride parades and festivals in the United States and around the globe were canceled or transformed into virtual celebrations because of COVID-19, but those virtual gatherings still had much to celebrate.

We have witnessed profound progress in the half-century since Stonewall. Public attitudes about gay and trans rights have increased greatly. Marriage equality is now the law of the land. Openly gay men and women serve as corporate and civic leaders, as mayors, Governors, Members of Congress, and an openly gay, married man just ran a serious campaign for President. Gay men and lesbians serve openly in America's Armed Forces. While this admin-

istration has regrettably reinstated a ban on transgender persons serving openly in the military, trans men, women, and children are becoming more visible members in much of the rest of our society.

This June also brings a major new cause for celebration. In a landmark 6-to-3 ruling, the Supreme Court of the United States has ruled that employment discrimination on the basis of sexual orientation and gender identity is prohibited under the Civil Rights Act of 1964. This is an amazing story in history, where an ultra-conservative Congressman from Virginia in 1964 thought that he would torpedo the civil rights bill by adding the word "sex" into those bases for discrimination, thus inviting protection for women. He was sure that would be the end of the conversation. His amendment was adopted and of course led to a lot of debate on gender equality and ending gender discrimination. Little did he know—or many others—that it would lead to this historic Supreme Court ruling when it came to sexual orientation. This is history happening before our eyes, and thank goodness—thank goodness—we are alive to see it.

But work of equal justice under the law is never finished. We were reminded of that 2 weeks ago when the Trump administration released a discriminatory rule that attempts to eliminate explicit healthcare protections for LGBTQ Americans. We are reminded that the work of equality is not finished each time we learn of another victim of alarming violence—violence against Black transgender women, including the deaths of 25-year-old Riah Milton in Ohio and 27-year-old Dominique "Rem'mie" Fells in Philadelphia.

On May 29, 4 days after George Floyd's murder, more than 100 of the Nation's most prominent LGBTQ civil rights groups released a letter condemning racial violence. Their letter said that violence against transgender and gender nonconforming people of color happens "with such regularity, it is no exaggeration to describe it as a[n] epidemic of violence." The groups went on to say: "We understand what it means to rise up and push back against a culture that tells us we are less than them, that our lives don't matter. . . . Today, we join together again to say Black Lives Matter and commit ourselves to the actions those words require."

Among the organizations signing the pledge are the Human Rights Campaign, Equality Illinois, and the AIDS Foundation of Chicago.

Nearly all Americans recognize Dr. King's "I Have a Dream" speech at the 1963 March on Washington. It was a great moment in America's long struggle for equal rights. But how many of us know that the organizational genius behind that great gathering was a gay Black man—Bayard Rustin?

How many of us know the names of Marsha P. Johnson and Sylvia Rivera—

activists and transgender women of color, members of one of the most marginalized and victimized groups in America. They were also leaders of the Stonewall uprising. They both continued to fight for gay and trans rights all of their lives—until Marsha's death in 1992 and Sylvia's death a decade later.

Years after Stonewall, Marsha P. Johnson recalled:

History isn't something you look back and say it was inevitable. [History happens] because people make decisions that are sometimes very impulsive and of the moment, but these moments are cumulative realities.

James Baldwin, a brilliant writer and thinker, a gay Black man, warned us that "nothing can be changed until it is faced."

Stonewall was a tipping point. The protests today against the deaths of George Floyd, Rayshard Brooks, Breonna Taylor, Tony McDade, Ahmaud Arbery, Laquan McDonald, Tamir Rice, Sandra Bland, and so many other Black men and women and children are, in fact, a tipping point.

Let's not look away from this historic moment of change. Let this Senate join on the right side of history. Let's not let a procedural setback on the floor of the Senate stop us from finding some common ground to move forward. Let's acknowledge the rightness of this month's Supreme Court decision and pass the Equality Act to make it plain that discrimination based on sexual orientation and gender identity is illegal and will not be tolerated, not just at your place of employment but all across America in every walk of life. Let's act to end state-sanctioned violence and oppression against our Black and Brown brothers and sisters. Let's do our part, in our time, to make the noble promises of our Founders real for all Americans.

DACA

Mr. President, last week, in another landmark decision, the Supreme Court rejected President Trump's effort to repeal deportation protections for Dreamers and young immigrants who came to the United States as children.

In an opinion by Chief Justice John Roberts—an opinion which I have here—the Court held that the President's decision to rescind the Deferred Action for Childhood Arrivals Program was "arbitrary and capricious."

It was 10 years ago—10 years—that I joined Republican Senator Dick Lugar of Indiana on a bipartisan basis to call on President Obama to use his legal authority to protect Dreamers from deportation. President Obama responded by creating DACA, which provides temporary—2 years at a time—protection from deportation to Dreamers if they register with the government, pay a substantial fee, and pass a criminal background check.

More than 800,000 Dreamers came forward to sign up for DACA. It unleashed the full potential of these young men and women, who are contributing to America as teachers and nurses and

soldiers and small business owners. More than 200,000 DACA recipients are now characterized by our government as "essential critical infrastructure workers." I didn't make that up; it was a definition of President Trump's own Department of Homeland Security. Two hundred thousand of the 800,000 DACA recipients are essential critical infrastructure workers. Among these essential workers are 41,700 DACA recipients in healthcare—doctors, intensive care nurses, paramedics, respiratory therapists.

But on September 5, 2017, President Trump repealed DACA. Hundreds of thousands of Dreamers faced losing their work permits and being deported to countries they barely remember. Thankfully, the Supreme Court has now rejected that effort.

Unfortunately, the President, through his tweets, has responded by attacking the Court and threatening the DACA protectees again. But Chief Justice Roberts made it clear it is not going to be easy for the President to carry out his threat. The Chief Justice wrote that in order to repeal DACA, the administration must consider "accommodating particular reliance interests." Here is what it means: In order to repeal DACA, the administration must consider the interests of those who have come to rely on the program. This includes not just DACA recipients but their American citizen children, the schools where DACA recipients study and teach, and the employers who invested time and money in training them.

Today, I am calling on President Trump to do the right thing for our Nation and not make another effort to repeal DACA. Instead, the President should direct the Department of Homeland Security to reopen DACA. Since 2017, when the President announced the end of DACA, the program has been closed to new applicants. As a result, there are tens of thousands of Dreamers who have never been able to apply for their opportunity under DACA.

Now Congress also has a responsibility. Last week, President Trump tweeted, "I have wanted to take care of DACA recipients better than the Do Nothing Democrats, but for two years they refused to negotiate." Here is the reality: President Trump has rejected numerous bipartisan offers to protect the Dreamers.

One example: On February 15, 2018, the Senate considered a bipartisan amendment offered by Republican Senator MIKE ROUNDS and Independent Senator ANGUS KING, which included a path to citizenship for Dreamers. A bipartisan majority of Senators supported the amendment, but it fell short of the 60 votes needed to pass the Senate because of the Trump administration's opposition. On that same day, the Senate voted on the President's immigration proposal, and that amendment failed by a bipartisan majority of 39 to 60. In other words, we came close to 60 in a bipartisan effort to answer

the President's challenge. His response legislation received 39 votes for and 60 against in the Senate.

On June 4, 2019, the House of Representatives passed H.R. 6, the Dream and Promise Act—legislation that would give Dreamers a path to citizenship—with a strong bipartisan vote. The Dream and Promise Act has now been pending in the Senate, on the desk of Senator MCCONNELL, for more than 1 year.

On Monday, I sent a letter signed by all 47 Democratic Senators calling on Senator MCCONNELL to immediately schedule a vote on the Dream and Promise Act. The President has challenged us: Do something legislatively. Do something, Congress.

Senator MCCONNELL, it is within your power for us to do something and to do it quickly.

Over the years, I have come to the floor of the Senate many times to tell the simple stories of these Dreamers. These stories show what is at stake when we consider the fate of DACA.

Today I want to tell you about Diana Jimenez. She is the 123rd Dreamer whose story I have told on the Senate floor. She came to the United States from Mexico at the age of 6 and grew up in Laredo, TX. She wrote to me, and here is what she said about her childhood:

Growing up in the United States was both great and challenging. I loved the people, the culture, the language. At times it was also hard. Assimilating and learning English, a totally new language for me, came with its setbacks. Still, my neighbors, my teachers and the community around me were very welcoming. I'll never forget that.

When Diana was 13, her mother was admitted to the hospital. Because her mother didn't speak English, Diana had to serve as a translator. This experience inspired her to become a nurse.

Diana attended Texas A&M. She was on the dean's list and offered a scholarship for academic accomplishments, but she had to turn it down because she is undocumented. She went on to earn her degree in nursing and history, along with a minor in economics.

Thanks to DACA, she now works as an operating room nurse on the cardiovascular/cardiothoracic specialty team in a hospital in Austin, TX. She is married. She has a baby girl.

Here is what Diane says about DACA:

DACA means opportunity to me. I am glad I live in a country that gives me the chance to better myself if I want to. There are doors and opportunities for the taking all around me, and DACA is the key to my success.

Now Diana is on the frontlines of the COVID-19 pandemic in a State that is seeing a dramatic increase in infection. She is worried about infecting her little girl. Here is what she says about her experience:

I have come in contact with patients infected with COVID multiple times, and I will continue to do so as long as I am doing my work. . . . [E]ven though this pandemic has affected both my personal and professional life, I will continue to do my job as a nurse.

I want to thank Diana Jimenez for her service. She is, in fact, a health

hero. She is a DACA health hero. She is putting herself and her family at risk to save American lives. Can we ask for anything more? She shouldn't have to worry about whether a decision by this administration will lead to her deportation.

As long as I am a Senator, I am going to continue to come to the floor to tell the stories of people just like Diana Jimenez. It would be an American tragedy to deport this brave and talented nurse who is saving lives in the midst of this pandemic.

We must ensure that Diana and hundreds of thousands of others in our essential workforce are not stopped from working when the need for their service has never been greater, and we must give them the chance that they deserve to become American citizens.

Would America be better if Diana Jimenez was returned to Mexico, if this nurse left the operating room at that hospital, if she decided that she could no longer stay in the United States and was forced, deported to leave in the midst of this pandemic? Of course not. Every American knows that—Democrat, Republican, or Independent.

Why don't we stand together and remind the President that there are values worth fighting for, and one of them is to make sure that this land of opportunity also has room for the immigrants who bring so much to our shores.

I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Tennessee.

BUSINESS BEFORE THE SENATE

Mr. ALEXANDER. Mr. President, I agree with the Senator from Illinois that there ought to be a legislative solution to the DACA children. In fact, we had one in 2013. We worked on it in a bipartisan way—solved a large number of immigration issues, trying to have a legal immigration system. We sent it to the House, and the House didn't consider it. I am ready to continue to do that.

I disagree with one thing that happened today, though, about bringing bills to the floor. He talked about the importance of bringing the DACA legislation to the floor. That is important once we have an agreement either in the committee or among us informally.

The second bill that is very important to bring to the floor is the National Defense Authorization Act, which has been enacted for more than 50 years and to which members of the Armed Services Committee have a chance to offer amendments.

But Senator MCCONNELL is the majority leader, and because he is, he has one right, really, which is to decide what to bring to the floor. He pushed aside the National Defense Authorization Act, which is important, and said: In these times, I think the important thing for me to do is to bring to the floor legislation on police reform and racial justice and allow the Senate to have an open amendment process. He did that in what would be the logical

way. Since he is the majority leader, he offered a majority bill sponsored by Senator TIM SCOTT and cosponsored by a number of us on the Republican side.

The vote we had a little earlier today was, shall we proceed to the issue of racial justice and police reform, starting with the Scott bill, with an open amendment process?

Now what does that mean? That means that any Democrat could offer the House bill, or any Democrat could offer any other amendment. Now we have gotten into a bad habit around here, which I know the Senator from Illinois doesn't like either, which is if he offers an amendment and I object to his amendment, and then, if I offer an amendment, he says: Well, you objected to mine; I will object to yours. And so we don't have any amendments. But we should be able to bring an important bill to the floor, whether it is DACA or national defense or whether it is, criminal justice, and say that it is open for amendment, and let's have amendments.

I think that has happened so little over the last several years that people have forgotten how to do it. If you don't like the amendment, someone can move to table it. That takes 51 votes, and sometimes it is 60 votes. If we get to the end of the process and the minority side doesn't like the bill the way it is, they can keep it from going off the floor by refusing to give 60 votes. So it was very disappointing when the majority leader has taken a limited number of weeks and said: OK, I will give a week and a half to racial justice and police reform, starting with a majority bill and offering to the entire Senate a chance to amend it. For the other side to say: No, we will not even let you go to the bill, I think is very disappointing. Senator SCOTT is disappointed, and many of us are, and I don't believe it distinguishes the Senate when that occurs.

PANDEMIC PREPARATION

Mr. President, I came to the floor today to talk briefly about a hearing we held yesterday in the HELP Committee on the next pandemic: What do we need to do to prepare for the next pandemic?

That caused at least one Senator to say: What are we doing talking about the next pandemic when we are in the middle of a big one right now and we have a lot of work to do?

We do have a lot of work to do, but I want to answer that question.

The reason we have to talk about the next pandemic is that we have short memories. Memories fade. We go on to the next issue, and we don't do everything we needed to do.

We have had public health emergencies before. Some Senators were here when anthrax drove Senators from their offices. There was SARS and the 2009 flu pandemic. There was Ebola. There was MRSA. Four Presidents—Bush, Obama, Trump, and Clinton—all reacted to those in the way you would think. They issued reports, and they

made proposals. We passed nine laws and many new regulations. We tried to do some things to be ready for the next public health emergency. We built buildings to manufacture vaccines. We created a new structure for managing public health emergency. We changed the way the national stockpile is managed. We did a number of things.

One of our witnesses yesterday was Senator Bill Frist, who was the majority leader during the mid-2000s. He said he made 20 speeches on or about 2005 when he said the only question about the next pandemic is not whether it is coming but when it will come. He listed six things that needed to be done back then. Well, the reason we had the hearing yesterday was that we didn't get all of those things done.

Now, some people might say: Well, weren't we prepared for this pandemic? And most experts felt that we were pretty well prepared. I read yesterday in the hearing a front-page story from the New York Times on March 1 of this year about COVID-19. Let me just go back. March 1 was 6 weeks after we knew about the disease. At the time, we had about 100 cases in the United States and only 2 deaths. There were many cases around the world. But at that time, the New York Times reported that experts said it is "far from certain" that this disease would spread to all parts of the country, especially at the same time, and experts believed that the United States was as well prepared as any country to deal with this pandemic. That was on March 1. Two and one-half weeks later, we began to shut down the whole country by order of the Government.

So we were prepared, but we were surprised, too, and we underestimated this virus and how aggressive it is and how contagious it is and the fact that it can travel silently without symptoms.

So Dr. Frist was one of the witnesses yesterday. Mike Leavitt, a former Secretary of Health and Human Services, former Governor of Utah, was another. Julie Gerberding, who was former head of the Centers for Disease Control, was yet another. She is now at Merck. Dr. Khalidun, who is the chief medical officer of the State of Michigan was there.

We talked about the next pandemic. Why talk about it now? Because of the things that Dr. Frist mentioned 20 years ago and the things that really need to get done, we didn't get that all done in between pandemics. Why? We have short memories. Four or five months ago we were in the middle of an impeachment of the President. That sounds like ancient Roman history today.

Our minds go on to the next crisis if we don't get things done. So the time to look at the next pandemic is while we are in the middle of this one and say: What are we lacking? What could we do better? And let's fix it while the iron is hot, while our eye is on it.

For example, one of the things that they suggested that we do—all of the witnesses—is that we have a dedicated source of funding for stockpiles and for research.

Do you think that is easy to do? I don't think it will be easy to get done. It took us years to pass the outdoor recreation bill, the Great American Outdoors Act, because of those kinds of funding issues. We are more likely to create a dedicated stream of funding for preparedness for the next pandemic if we do it in the middle of this pandemic, when we have our eye on the ball.

Another recommendation is that we should have an office in the National Security Council to provide coordination between epidemics and during the next one. That is not easy to do, either. When is the best time to do it? Now, during this pandemic, when we have our eye on the ball.

Another proposal that came up very often is that we ought to build manufacturing plants for vaccines that we don't use between pandemics and that we ought to spend the money to keep them "open and warm," in the words of Mike Leavitt, so that they are ready when suddenly a pandemic comes.

Remember, this one hit us fast. There were not many cases on March 1 and shutting down the government by the end of March. We need those manufacturing plants and that is something we haven't gotten done in the way we should have gotten done—some of it. When is the next best time to do it? Now, while we have our eye on the ball.

Strengthening our State and local public health systems—Governor Leavitt said that over the last 40 years, we have consistently underfunded our State and local health systems. They are the leaders in our effort to deal with this or any pandemic, including the next one. When is the next time to get over this bad habit of underfunding our State and local public health systems? Right now, when we see that we need it and we see what deficiencies we might have.

Now on stockpiles, in between some of these earlier pandemics, we changed the management of the stockpile, spent some money to ensure protective equipment was in there and the things we need. It turned out not to be sufficient. Why? The problem was that between pandemics, we took our eyes off the ball and budgets got tight and States and hospitals began to save money by getting rid of the things in their local stockpiles. So for all of those reasons, the things that we need to do need to be done now.

I put out a white paper a few weeks ago inviting comment from experts around the country on what we need to do now to prepare for the next pandemic. Item No. 1 was tests, treatments, and vaccines. How do we accelerate research and development? We are doing a good job now. Hopefully, we

will learn from that for the next pandemic.

On disease surveillance, there is a lot of criticism of the Centers for Disease Control's inability to gather all the data it needs to track emerging diseases in the way that it should. Now is the time to deal with that.

Stockpiles, distributions, and surges in hospitals. We had to shut down hospitals' elective surgeries, creating enormous costs all across the country. We had to come up with \$175 billion just over the last 3 months to try to help hospitals recover that. Can we not do a different job of preparing for the surge of patients that will come with a pandemic? Maybe the best time to do that is while we are in the midst of a pandemic.

On public health capabilities, I mentioned strengthening the local public health system. Then, who is on the flagpole? Is there a better way to have a Supreme Allied Commander with all the various agencies that we have today.

Those plus the need for dedicated funding are difficult issues. The answer to the question, "Why in the world are we having a hearing on the next pandemic when we are in the middle of this one?" is because for the last 20 years, between pandemics, we hadn't gotten the job done on some of the things that needed to be done that Dr. Frist mentioned when he was majority leader in 20 speeches, 20 years ago. So if we can't do it between pandemics, let's do it during a pandemic. That is what our hearing was about.

It was a good hearing—terrific witnesses, good suggestions. At the end, I asked all four witnesses to please summarize the three things that each one thought should be done this year if they could. As it turns out, they are all hard to do, and, second, most of them would not only help with the next pandemic, but they will help with the current one that we are in.

That was our fourth hearing this month by the HELP Committee. We have had a hearing on going back to college safely. We had one on going back to school safely. Those two hearings made clear to me the need for us to consider if we have another piece of COVID legislation in July, that it needs to include sufficient funds to make sure our 100,000 schools and 6,000 colleges can open safely in the fall. The way to open the economy is to go back to school and back to college and back to childcare. That will get us back to work. Two-thirds of the married families in this country have parents, both of whom work outside the home. Children aren't learning when they are let out of school in March and don't go back to school in 6 months or maybe even in 8 or 10 months, if they don't go back in the fall. So there is some health risk, but if we do our job here to provide sufficient funds in July to make sure our 100,000 schools and 6,000

colleges can open safely, that will be the surest avenue toward normalcy in the year 2020 before we have a vaccine.

We also had a hearing last week on telehealth. We have had 10 years of experience crammed into 3 months. We have gone from very little telehealth medical services delivered remotely to, in some cases, 40 percent or 50 percent of the doctor-patient visits being done remotely. Many people think that will level off at 15 to 20 percent. That would probably be the biggest change in delivery of medical services in our Nation's history. I can't think of a bigger one. Hundreds of millions of visits will be done remotely instead of in-person.

I recommended that at least the two major changes that we have made temporarily in telehealth be made permanent. Yesterday was what to do about the next pandemic.

Next Tuesday will be our fifth hearing this month, and it will include Dr. Fauci, Dr. Redfield, Dr. Hahn, and Admiral Giroir, who will give us an update on going back to school and college and work.

Mr. President, I ask unanimous consent to have my opening statement from yesterday's hearing printed in the RECORD.

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

OPENING STATEMENT

COVID-19: LESSONS LEARNED TO PREPARE FOR THE NEXT PANDEMIC

[June 23, 2020]

Less than four months ago, on March 1—when the coronavirus had caused a little more than 3,000 deaths worldwide and 2 deaths in the United States—The New York Times reported: "With its top-notch scientists, modern hospitals and sprawling public health infrastructure, most experts agree, the United States is among the countries best prepared to prevent or manage such an epidemic."

Even the experts underestimated the ease of transmission and the ability of this novel coronavirus to spread without symptoms.

Those qualities have made the virus—in the words of infectious disease expert Dr. Anthony Fauci, "my worst nightmare."

"In the period of four months, it has devastated the world," Dr. Fauci said recently in remarks at a virtual convention.

This committee is holding this hearing today because, even with an event as significant as COVID-19, memories fade and attention moves quickly to the next crisis.

While the nation is in the midst of responding to COVID-19, the United States Congress should take stock now of what parts of the local, state, and federal response worked, what could work better and how, and be prepared to pass legislation this year to better prepare for the next pandemic, which will surely come.

On June 9, I released a white paper outlining 5 recommendations for Congress to prepare Americans for the next pandemic:

1. Tests, Treatments, and Vaccines—Accelerate Research and Development
2. Disease Surveillance—Expand Ability to Detect, Identify, Model, and Track Emerging Infectious Diseases
3. Stockpiles, Distribution, and Surges—Rebuild and Maintain Federal and State

Stockpiles and Improve Medical Supply Surge Capacity and Distribution

4. Public Health Capabilities—Improve State and Local Capacity to Respond

5. Who Is on the Flagpole?—Improve Coordination of Federal Agencies During a Public Health Emergency

I have invited comments, responses, and any additional recommendations for the Senate Committee on Health, Education, Labor and Pensions to consider. This feedback will be shared with my colleagues, both Democrat and Republican.

This is not a new subject for any of the witnesses we have today.

Fifteen years ago, then Majority Leader of the Senate, Bill Frist, said in a speech at the National Press Club that a viral pandemic was no longer a question of if, but a question of when. He recommended what he calls a “6 point public health prescription to minimize the blow—communication, surveillance, antivirals, vaccines, research, stockpile/surge capacity.”

Sen. Frist is one of our witnesses today. I am including two of his speeches in the hearing record.

Our next witness, Dr. Joneigh S. Khaldun (jo-NAY kal-DOON) serves as the Chief Medical Executive and Chief Deputy Director for Health at the Michigan Department of Health and Human Services, where she has worked with other state and federal agencies to coordinate Michigan’s response to COVID-19.

Another witness is Dr. Julie Gerberding, who served as the Director of the Centers for Disease Control and Prevention under President George W. Bush, and helped lead preparedness efforts and the response to SARS, West Nile Virus, H5N1 avian influenza, and the rise of multi-drug resistant bacteria like MRSA.

Another witness is Governor Michael Leavitt, who served as Governor of Utah and as U.S. Secretary of Health and Human Services and Administrator of the Environmental Protection Agency under President George W. Bush.

Following the emergence of H5N1 avian flu, Governor Leavitt increasingly focused his efforts on pandemic preparedness. As Secretary in 2007, he said this: “Everything we do before a pandemic will seem alarmist. Everything we do after a pandemic will seem inadequate. This is the dilemma we face, but it should not stop us from doing what we can to prepare.”

Congress has passed legislation to prepare for pandemics before: During the past 20 years, four Presidents and several Congresses enacted nine significant laws to help local, state, and federal governments, as well as hospitals and health care providers, to prepare for a public health emergency, including a pandemic.

Congress provided over \$18 billion to states and hospital preparedness systems over the last 15 years to help them prepare as well.

In writing those laws, Congress considered many reports from presidential administrations, Offices of Inspectors General, the Government Accountability Office, and outside experts.

The reports contained warnings that the U.S. needed to address the following issues: better methods to quickly develop tests, treatments, and vaccines and scale up manufacturing capacity; better systems to quickly identify emerging infectious diseases; more training for the health care and public health workforces; better distribution of medical supplies; and better systems to share information within and among states, and between states and the federal government.

Many reports also warned that while states play the lead role in a public health re-

sponse, many states did not have enough trained doctors, nurses and health care professionals; had inadequate stockpiles; and struggled with funding challenges. In some instances, overreliance on inflexible federal funding contributed to these problems.

Looking at lessons learned from the COVID-19 crisis thus far, many of the challenges Congress has worked to address during the last 20 years still remain.

Additionally, COVID-19 has exposed some gaps that had not been previously identified. These include unanticipated shortages of testing supplies and sedative drugs, which are necessary to use ventilators for COVID-19 patients.

Memories fade and attention moves quickly to the next crisis. That makes it imperative that Congress act on needed changes this year in order to better prepare for the next pandemic.

I look forward to hearing from our witnesses today and I also appreciate the feedback we are receiving on the white paper. I have set a deadline for June 26 on that feedback so the committee has time to draft and pass legislation this year.

Mr. ALEXANDER. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE JUSTICE ACT

Mr. CASEY. Mr. President, I rise this afternoon to speak about the bill that we voted on earlier today and the debate that has ensued prior to that vote and I am sure afterwards.

This is a moral moment for the country. I believe most would agree with that. The question is, How will our Nation respond at this moral moment?

The brutal murder of George Floyd by a police officer “shames us before the world.” I am quoting an NAACP official who said it for all of us. His murder did shame us before the world, so did the murder of Rayshard Brooks and Breonna Taylor, and we can go on from there, with so many names that we haven’t heard before, and many that we will hear over and over.

A lot of us feel that shame. Countless millions of Americans feel that shame. They feel that sadness and they feel that anger all these weeks since that terrible moment that we all witnessed, and so many other moments before and after that. As they feel that shame and express anger and frustration, and as they protest and proclaim, as they march and mobilize, as they use their voice and cast their votes, they demand change, but not simply change in and of itself, a certain kind of change—the kind of change we see rarely in Washington these days and, frankly, rarely over the course of American history, but I think we might be in one of those moments now.

They demand transformative change. They demand, and appropriately so, systemic change to a criminal justice system that is infused with racism. Their righteous demand for change is, in fact, a petition for justice.

In the 1950s and 1960s, Martin Luther King said it well, among many things he said well, about where we were then and, unfortunately, where we are now. His words still ring true. He said: “Injustice anywhere is a threat to justice everywhere.” It is still true today in the context of this debate.

But you can go back even further than what Dr. King said. You can go back hundreds of years. St. Augustine said it well, about justice. He said: “Without justice, what are kingdoms but great bands of robbers?”

Kingdoms as bands of robbers. There has been a lot of robbery over many, many years—even generations—when it comes to Black Americans. For hundreds of years, Black Americans have been robbed of the equal protection of the law.

The U.S. Supreme Court has emblazoned on the front portico of that building, just yards from here, “Equal Justice Under Law.” So many Black Americans have been robbed of equal justice under law. They have been robbed of opportunity—the opportunity to advance in a country that would not hold the color of their skin against them. They have been robbed of that. They have been robbed of their dignity over and over, in grave ways and in other ways that people never saw—all the indignities, all the insults, and all the mistreatment. Not to mention, worse than that, Black Americans have been robbed of the chance to truly pursue the American dream.

They have been robbed of peace of mind, something that those of us who are White should think about a lot more. I should think about more, as a White male, of the peace of mind that a parent has. A father or a mother should have the peace of mind in America when their son or daughter—but often it is their son—leaves the house in the morning: Will he be mistreated walking through a neighborhood by an official of our government law enforcement or otherwise? Will he be pulled over and have his rights violated because of the color of his skin? Black Americans have been robbed of that peace of mind, in addition to so many other kinds of robbery that have impacted their lives.

So what do we do? Do we simply march and protest and express outrage? All of that is important. All of that is vital. In fact, all of that is one of the reasons we are even here talking about it on the Senate floor—people in both parties talking about it. In my home State of Pennsylvania, there are very few counties—just a handful of counties—that have not had one or two or many more protests in a State with 67 counties.

Part of what we have to do as legislators, as Members of this legislative body called the U.S. Senate, is to, in fact, legislate. Let me start with the bill that was introduced about 2 weeks ago, the Justice in Policing Act, S. 3912.

If I had to describe the bill in one word, it would be accountability. I think there is a big difference between that bill, the Justice in Policing Act, and the bill offered by the majority. Accountability is vital. It is essential. We cannot move forward and say that we have done something substantial to bring about justice and to advance the

cause of justice unless there is accountability. The bill also has very strong transparency provisions, as well as a long menu of actions we can take to improve police practices in a meaningful way. Let me start with accountability.

When we talk about accountability, we are talking about constitutional violations—preventing those violations and holding those accountable that engage in constitutional violations. We could, for example, revise 18 U.S. Code, section 242. It is, right now, as a matter of law, a violation of law for any law enforcement officer to willfully deprive a person of any right protected by the Constitution. But it is almost impossible for prosecutors to prove willfulness, and the Department of Justice doesn't prosecute very many cases in a Nation of 18,000 law enforcement agencies.

This bill would revise the intent standard, known by the Latin “mens rea”—the intent standard—to knowingly or with reckless disregard. So the change of that standard under law would make it more likely that successful prosecutions can be brought when constitutional rights are violated in a criminal manner.

The second constitutional violation provision speaks to civil liability. Reforming our civil liability laws are often referred to by a particular doctrine, qualified immunity. In cases where a citizen is a victim of police misconduct, this is a constitutional violation when it happens. Currently, a police officer who violates an American's constitutional rights is often protected by a liability shield we know as qualified immunity. This doctrine has been questioned by many. There are at least two Supreme Court Justices, who don't usually agree on much, that questioned it. Members of the U.S. Senate in both parties here have questioned this doctrine. Basically, the doctrine holds that police cannot be liable unless the conduct violates “clearly established” standards or a standard set forth in prior cases, and most courts dismiss such cases. The bill would reform that doctrine of qualified immunity to ensure that Americans can recover damages in a case where their constitutional rights are violated by the actions of law enforcement.

There are two provisions that speak to accountability. There is a third, as well, and I will not go through all of them. Accountability also means strengthening pattern-or-practice investigations by granting subpoena power to the Civil Rights Division at the Department of Justice, and also providing grants and funding to State attorneys general to conduct these pattern-or-practice investigations at the State level. The focus here, again, is on constitutional violations that are systemic in a local jurisdiction or systemic in a State agency.

What results from these kinds of investigations often are consent decrees. These consent decrees by courts are, of

course, supposed to be judicially enforced. These decrees can often ensure that a police department implements reforms. Here is one of the problems. The Trump administration has virtually abandoned this practice of bringing these pattern-or-practice investigations. The Obama administration opened 25 such cases. But even under the Obama administration, there was a constraint because of the lack of subpoena power. That should be changed.

I will just mention two more provisions. It is a long list, but I will just mention two more. The Justice in Policing Act bans choke holds and bans carotid holds. And No. 5, it bans no-knock warrants in Federal drug cases.

Now, what about the bill offered by the Republicans, the majority here in the Senate? The Republican bill does not, in my judgment, respond to this moral moment. It does not substantially advance the cause of justice because it is devoid of provisions that would impose accountability—real accountability—on law enforcement, and especially on a particular law enforcement officer who is sworn to protect Americans. He is not sworn to violate their constitutional rights. So when a law enforcement officer engages in that conduct, there must be accountability. The bill does not speak to that in a fashion that I think would bring about change.

The bill also doesn't even explicitly ban choke holds and carotid holds, meaning a choke hold that cuts off your air flow, which we know can kill someone, and also the carotid hold, which cuts off your blood flow. We know that both can be dangerous. Both can be, in fact, lethal. The bill doesn't ban them. That is the only reason, potentially, we are even here debating this, because the American people—God only knows, tens of millions—watched a police officer choke the life out of a human being, George Floyd. Without that video, I am not sure we would be here debating this bill or any bill. But the idea that this practice is not banned under this bill makes the bill woefully deficient, and I think that is an understatement.

The bill fails to ban no-knock warrants, even in the context—frankly, a limited context—of Federal drug cases. It doesn't do that. That kind of a ban might have saved the life of Breonna Taylor, for example. The Republican bill doesn't prohibit racial profiling, and it provides no change—no substantial change—in the militarization of police forces.

In the end, we are here not just to debate and to focus on bills and policy in language, but we are here to talk about justice. There is a great hymn I heard in church over many years. It is rooted in the Scriptures. One of the refrains or one of the parts of the refrain of that hymn is this: “We are called to act with justice.” Those are the exact words of that hymn. The first couple of lines of the hymn are: “Come! Live in

the light!” And then it goes on to say: “We are called to act with justice.”

If we are going to act with justice here by way of legislation, we should listen not just to the Scriptures or to Dr. King or to St. Augustine. We should also listen to a more recent Dr. King. He just happens to be the former Education Secretary, Dr. John B. King. He just testified a couple of weeks ago in our Health, Education, Labor, and Pensions Committee, the committee that Senator ALEXANDER was talking about.

Former Secretary of Education King said the following regarding students returning to school this year, and I think it bears directly not just on these justice issues but also on the broader agenda that we should push forward to advance the interests of Black Americans and communities of color.

Dr. King, in this testimony just recently, said the following.

When our students return to school buildings, they will need additional supports as they grapple with the continued reality of racism in America and the legacy of over 400 years of anti-Blackness. The murders of George Floyd—

And then he lists some others—

[Those murders] have once again sent the message to Black students that their lives are devalued.

He goes on in his testimony to talk about the moment we are in—the moment I have called the moral moment, as have others.

Dr. John King said:

[We face a moment where] our nation's students of color and their families also find themselves enduring a pandemic that disproportionately impacts their health and safety, mired in an economic crisis that disproportionately affects their financial well-being, and living in a country that too often still struggles to recognize their humanity.

As Dr. Martin Luther King and Dr. John King, the former Secretary of Education, and others have told us, we have to make sure this is a moment we can act with justice, as the hymn tells us.

All of us, no matter where we are from and no matter what party we are in—all of us—are called to act with justice. So let us not fail to act with justice in this moral moment. Let us embrace this moment. Pass the Justice in Policing Act or something very close to that, and bring the warm light of justice to millions of Americans, especially Black Americans.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Indiana.

BORDER SECURITY

Mr. YOUNG. Mr. President, there has been a lot of talk on this floor about border security in recent years. It is amazing how much of what is said resembles what was said a quarter century ago. I am equally amazed by how the politics of border security have changed over that time period.

Earlier this week—it has been widely publicized—President Trump visited

Yuma, AZ, to highlight the continued need for border security. Now, as someone who has actually had firsthand experience with border security, I thought I would say a few words as well.

As a U.S. marine in the 1990s, I spent months in a desolate, forbidding stretch of desert—my apologies to Arizonans—that was a stone's throw away from Yuma, AZ, the same place where these Border Patrol agents stand. Now, my marines and I were part of an unmanned aerial vehicle unit. We worked with Border Patrol agents, like these gentlemen, and we were charged with patrolling the border in the Yuma Sector. They were on the ground. We flew drone missions to help them collect intelligence. It is a dangerous area with heavy narcotics and human trafficking.

While there, I saw the need for greater border security. Now, uniquely, among the military services—and I know our Presiding Officer had a distinguished career in the U.S. Army—the Marines are charged, by statute, with tackling whatever mission, however daunting, the President requests of us. In fact, in 1834, Congress passed a statute right on point, indicating, under the law, that the Marines would “conduct such other duties as the President or Department of Defense may direct”—pretty broad. It is pretty broad language. When in doubt, send in the Marines, I guess.

Well, our unit's mission—not glamorous, but important then and important now—was to help make the border more secure. It is a critical mission, which remained a priority under Presidents Clinton and Bush.

Later, a physical barrier was placed in the Yuma Sector. It was years after I left Active Duty. Trafficking decreased over roughly a decade's time period by 95 percent after that physical barrier was erected. It shouldn't be controversial. It is not ideological. This is just factual. We know walls work when properly and intelligently placed.

Now, historically, there has been a bipartisan consensus around the idea that we not only put boots on the ground to protect the border but we also must invest in technology to secure our border, including physical barriers where they are required. The President was absolutely right years ago when he brought up this issue. He was right this week in Yuma, AZ. He is right today, and he will be right tomorrow as he continues to emphasize this issue. We must address this situation that is taking place along our southern border. We mustn't lose our resolve.

There are illegal crossings and smugglers who are trafficking drugs and people that have created a horrific humanitarian crisis and an ongoing national security threat. Don't take it from me. According to the United Nations Missing Migrants Project, more than 2,400 migrants have died near the United States-Mexico border since 2014—2,400 migrants over a fairly short

time period. This includes 497 deaths last year. That is a 26-percent increase from the year prior. This is a true humanitarian crisis today. It is also a national security threat.

In addition to migrants fleeing Central America, it is possible that foreign terrorist organizations could penetrate this porous border. So border security and the safety of Americans has long been and should remain a priority of all Republicans and Democrats, especially those who serve here at the Federal level.

President Trump is not the first President—underscore “not the first President”—to understand this or to emphasize this issue. When I was serving in Arizona as a marine, President Clinton was our Nation's Commander in Chief. During a 1993 press conference, President Bill Clinton touted increasing the number of Border Patrol agents and working to supply them with the best possible equipment and technology. He repeated this message on multiple occasions. Then, during his 1995 State of the Union address, President Clinton said: “Our administration has moved aggressively to secure our borders more by hiring a record number of new border guards.” President Clinton understood this, and he wasn't the last Democrat to prioritize border security.

President Obama, too, understood its importance. You see, we forget this. It is amazing how quickly we forget. Under the Obama administration, a surge of additional Border Patrol agents and resources were provided to secure the southwest border and to prevent illegal crossings. In fact, this may be uncomfortable for some, but President Obama was often called the “deporter in chief” during his Presidency, with roughly 3 million people deported under the Obama administration. Again, border security should not be a partisan issue.

Historically, both sides of the aisle have agreed that the humanitarian and security issues at our southern border must be addressed, so it is time for Democrats to partner with Senate Republicans and President Trump to secure the border and to put Americans first.

If we resolve to work together on a sensible solution to this crisis—and I resolve to—the result will be safer border towns, more jobs for American workers, fewer strains on limited government resources, and a deterrent to foreign nationals coming to America illegally and putting themselves and others at great risk.

So the Senate cannot lose its nerve when it comes to the rule of law in addressing border security. This is one area where we cannot just send in the Marines. We own this. This body owns this. Every U.S. Senator owns this issue, so we, the U.S. Senate, must work collectively. We must come together on this and work with our President to keep America safe and secure.

The PRESIDING OFFICER (Mrs. BLACKBURN). The Senator from North Dakota.

REMEMBERING SISTER THOMAS WELDER

Mr. CRAMER. Madam President, I come to the floor today with, frankly, a heavy heart and a fair bit of trepidation. My goal over the next few minutes is to pay tribute to somebody who is so special, so remarkable, so beloved, so important to my home State of North Dakota that I feel inadequate, frankly. But here I am to pay tribute to Sister Thomas Welder, who died and went to be with the Lord on Monday morning of this week at the age of 80.

Sister Thomas was for 31 years the president of the University of Mary and in the last several served as president emerita—very active. She was a member of the Benedictine Sisters of Annunciation Monastery at Bismarck. She was a dear personal friend—and not just to me but to everyone. When I say “everyone,” I mean everyone who mattered. I am unprepared, frankly, to begin to really address all that she is and was and does and means to people.

Madam President, first of all, I would like to ask unanimous consent to print in the RECORD her obituary, as well as the news release announcing her passing from the University of Mary.

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

SISTER THOMAS WELDER

[April 27, 1940–June 22, 2020]

Sister Thomas Welder, 80, a member of the Benedictine Sisters of Annunciation Monastery, Bismarck, and president of the University of Mary for 31 years, passed into eternal life June 22, 2020, at the monastery, following a recent diagnosis of kidney cancer.

Mass of Christian burial is scheduled for Monday, June 29, at 10:00 a.m. in Our Lady of the Annunciation Chapel (OLA) at the Benedictine Center for Servant Leadership at the University of Mary. Visitation will be held at OLA from 9 a.m. to 10 a.m. before the funeral. Due to Covid-19 restrictions, the funeral is limited to Welder's family and close friends. The funeral can be viewed online through livestream at: www.umary.edu/SisterThomas. A public vigil service with Evening Prayer will be held Sunday, June 28, at 7 p.m. in Our Lady of the Annunciation Chapel, with visitation prior from 1 p.m. to 7 p.m. Sunday's visitation and vigil service will also be livestreamed.

Sister Thomas (baptismal name Diane Marie) was born in Linton, N.D. on April 27, 1940, to Mary Ann (Kuhn) and Sebastian Welder. She was the oldest of three children. When she was two, the family moved to Bismarck.

A graduate of St. Mary's High School, she joined Annunciation Monastery after a year of college in Minnesota. Attracted by the community and prayer life of the sisters, she felt God's call to become one of them. As a novice, she was given the name of Sister Thomas. She made her monastic profession on July 11, 1961. Sister Thomas cherished Benedictine monastic life which she lived faithfully for 59 years.

She graduated from the College of St. Scholastica, Duluth with a bachelor's degree in music and earned a master's degree in music from Northwestern University, Evanston, Ill.

A dedicated servant leader, she gave her life to the University of Mary for 57 years.

She led from her heart and touched the lives of many. She was president from 1978 to 2009. Under her remarkable leadership, the school attained university status in 1986; tripled in size from 925 students to 3,000; added the university's first doctorate, grew on-site and online adult learning programs to 16 locations across the state, region and nation, and moved to NCAA Division II athletics.

Sister Thomas was present to students, faculty and staff. She attended student recitals and concerts, cheered at athletic events and participated in many university gatherings. She called students by name and her genuine caring attitude left a deep impression on them. She enjoyed getting to know friends of the university whose financial assistance made growth possible. After her retirement as president, she was named President Emerita and served in the university's Mission Advancement Office.

One of the most widely known and highly respected women in North Dakota, Sister Thomas loved visiting with people of all ages and walks of life. People gave her energy. She would focus her entire attention toward listening to the person right in front of her. Her enthusiastic spirit, sense of humor, and gentle nature made others comfortable in her presence. It was a joy to be with Sister Thomas.

Sister Thomas modeled many Benedictine values, such as hospitality, respect, prayer and service, with ease and grace. Benedictine values were dear to her heart. She committed herself to instilling these values throughout the monastery's sponsored institutions, the communities of CHI St. Alexius Health and the University of Mary.

She served on many state and national boards including CHI St. Alexius Health and MDU Resources Group, Inc. She received numerous honors during her lifetime including North Dakota's highest honor, the Theodore Roosevelt Rough Rider Award.

Music was one of her passions. She directed the Sisters' Choir for 46 years and gave credit to the choir for the beautiful liturgical music.

Sister Thomas was grateful for many blessings in her life. She was particularly thankful to two kidney donors who gave her the gift of life through two kidney transplants. She often prayed for and stayed connected to these special people.

A beloved woman of faith, wisdom, and humility, Sister Thomas gave all of herself to so many for so long. She will be deeply missed.

She is survived by a sister, Judy (Steve) Jankus, Navarre, Fla.; a sister-in-law, Marcia Welder, Apple Valley, Minn.; an aunt, Sister Alene Kuhn, SSND, Mankato, Minn.; 6 nieces and nephews, 11 grand nieces and nephews, one great grandniece, and the Sisters of Annunciation Monastery.

She was preceded in death by her parents and her brother, George.

Memorials may be made to Annunciation Monastery or the University of Mary.

[Posted by University of Mary, June 22, 2020]
 ICONIC SERVANT LEADER, EDUCATOR AND UNIVERSITY PRESIDENT EMERITA, SISTER THOMAS WELDER HAS DIED

BISMARCK, ND.—Former University of Mary President Sister Thomas Welder, OSB, has passed away at her Annunciation Monastery home early this morning, June 22, south of Bismarck, ND, following a recent diagnosis of kidney cancer.

Revered locally, regionally and nationally as a true servant-leader for living the Gospel of Jesus, the 80-year old Welder cared for the Christ-like development of all University of Mary students and the well-being of all faculty, staff, and her beloved Sisters of Annunciation Monastery.

"Sister Thomas lived her life for others," said Sister Nicole Kunze, Prioress of Annunciation Monastery. "She was always giving to others, whether it was a smile, an encouraging word or a promise of prayer. She often said that the greatest gift you could give a person was the gift of your time, and she did that without fail. Sister Thomas modeled so many of our Benedictine values with ease and grace. She truly received all as Christ. She was intent on maintaining a vibrant connection between the sisters of the monastery and our sponsored institutions."

The Sisters sponsor the University of Mary, where the public will be able to gather and memorialize her life and lay her to rest. The celebration of Welder's life will take place over two days.

The public is welcome to join the following memorial ceremonies and funeral online through livestream at www.youtube.com/universityofmary/live. A public visitation is planned from 1 p.m. until 7 p.m. on Sunday, June 28 in Our Lady of the Annunciation Chapel (OLA), located in the Benedictine Center for Servant Leadership building on campus. A vigil service with Evening Prayer will follow at 7:00 p.m. Before her funeral at 10:00 a.m. in OLA on Monday, June 29, a second public visitation will be held prior from 9 a.m. until 10 a.m. The funeral is open to Welder's family and close friends.

Welder will then be immediately buried after Mass in the nearby Monastery Cemetery located on the west bluff next to the Benedictine Center for Servant Leadership, overlooking the Missouri River.

"Sister Thomas Welder was a rare person," said University of Mary President Monsignor James Shea. "Under her leadership and vision, the University of Mary was confirmed in its purpose to form leaders in the service of truth in renewed and ever-growing ways, and Sister Thomas's leadership touched thousands of students' lives as the university grew and expanded over her presidency. But perhaps even more than this, Sister Thomas was known for her attentiveness, her humility, her heart for service, and her love for her vocation as a Benedictine Sister of Annunciation Monastery. It was these qualities, too, which touched innumerable lives over the course of her life."

In 2019, Bismarck's CBS affiliate, KXMB TV, honored Welder for Women's History Month. During that interview, when reporter and anchor Lauren Kalberer asked Welder what she thinks about being regarded as one of the most influential women of our time, "It gives me pause. First of all, what do we mean by influence? And, what kind of a difference can we make, because, as I think of leadership, I think about it much more in terms of influence, than I do of power or control," responded Welder.

During that same TV interview, Shea commented, "Sister Thomas Welder—more than leading by words, leads by her example and by the way she treats people."

Welder influenced millions of people during her lifetime, and more profoundly, so many students during her time as the longest serving female university president in American history from 1978 to 2009. Her joyful laugh, witty humor, profound wisdom, and genuine love and respect for others were hallmarks of her character as she lived the Benedictine values. Her knack for remembering names, particularly the thousands of students, alumni and faculty, is one of her most gifted qualities that will be forever treasured.

"With an incredible ability to remember names and faces of almost everyone she met, Sister Thomas was always focused on the person directly in front of her," added Kunze. "Her attention to the details of daily lives and family members of those she met would be recalled in future encounters. Stu-

dents, faculty, staff, and guests of the Monastery would marvel when she asked about people and situations in their lives that had been discussed months, even years, earlier. She had a ready laugh and gentle nature that made others comfortable in her presence."

Welder, a Bismarck native, attended the College of St. Benedict, graduated from the College of St. Scholastica, Duluth, and earned a master's degree in music from Northwestern University in Evanston, Illinois. She is a member of the Benedictine Sisters of the Annunciation Monastery.

Welder began her career as a teacher at the university in 1963, when it was named Mary College. As president, Welder helped the school gain university status, experienced steady growth, added numerous undergraduate and on-site graduate degree programs throughout North Dakota, helped make Mary one of the premier institutions for the preparation of leaders, and fostered leadership development in students and colleagues. The Norsk Høstfest Association inducted Welder into the Scandinavian-American Hall of Fame, she received the Lifetime of Caring Award from the United Way, and on May 4, 2004, she earned the state's highest honor from Governor John Hoeven—the Theodore Roosevelt Roughrider Award—presented to individuals who have received national recognition, reflecting credit and honor upon North Dakota and its citizens:

"... Sister Thomas promotes competence in communication, a commitment to values and service to community. Her strong belief of growing into leadership through service stands as a model for North Dakota and the nation," reads an excerpt from the plaque beneath her portrait that hangs in the North Dakota Hall of Fame in the lower level of the State Capitol Building.

During the later years of her presidency, Welder endured chronic kidney complications that led to a transplant in 2001. In 2005, she learned that due to a virus she would need a second kidney transplant, but had to regularly undergo dialysis until a successful second kidney transplant could be done in 2011.

At the start of Shea's current presidency in 2009 and after her 31-year tenure as the fourth University of Mary president, Welder continued to be involved with University of Mary as president emerita—remaining active with public speaking events, committees and fundraising in the department of Mission Advancement.

In lieu of flowers, if you wish to honor the memory of Sister Thomas Welder, her love for University of Mary's students, lifelong mission of servant leadership, and genuine care for others, memorial donations are being accepted to Annunciation Monastery or for the university's Sister Thomas Welder Scholarship Fund at www.umary.edu/SisterThomas. They can also be mailed to the Office of Mission Advancement in care of the Sister Thomas Welder Scholarship Fund at 7500 University Drive, Bismarck, ND, 58504.

Mr. CRAMER. I am going to read some of the facts of her life from her obituary and do my best to fill in some personal thoughts while I do that. I am not going to read the entire thing.

It starts out: "Sister Thomas Welder, 80, a member of the Benedictine Sisters of Annunciation Monastery, Bismarck, and president of the University of Mary for 31 years, passed into eternal life June 22, 2020, at the monastery, following a recent diagnosis of kidney cancer.

"A graduate of St. Mary's High School, she joined Annunciation Monastery after a year of college in Minnesota. Attracted by the community and prayer life of the sisters, she felt God's call to become one of them. As a novice, she was given the name of Sister Thomas. She made her monastic profession on July 11, 1961. Sister Thomas cherished Benedictine monastic life which she lived faithfully for 59 years."

I recall a speech—or an interview—once at an event. In fact, I think it was during her retirement. She was asked about monastic life. She was asked: What is it that grounds you? Where is it you get your inspiration?

She said: "My wellspring are the Sisters of Annunciation Monastery."

Skipping down a little bit, her obituary reads: "A dedicated servant leader"—and we will speak to that in a little bit—"she gave her life to the University of Mary for 57 years. She led from her heart and touched the lives of many. She was president from 1978 to 2009."

I had the great honor of serving as the master of ceremonies at her 30th anniversary as president.

"Under her remarkable leadership, the school attained university status in 1986; tripled in size . . . ; added the university's first doctorate, grew on-site and online adult learning programs to 16 locations across the state, region" and the country, and moved the school from NAIA to NCAA Division II athletics.

This is an important line: "Sister Thomas was present to students, faculty and staff." I will elaborate on that a bit as well.

"She attended student recitals and concerts, cheered at athletic events and participated in many university gatherings. She called students by name and her genuine caring attitude left a deep impression on them. She enjoyed getting to know friends of the university whose financial assistance made growth possible."

I went on many fundraising calls with her.

"After her retirement as president, she was named President Emerita and served in the university's Mission Advancement Office."

I had the great honor of working with her and then working for her after she hired me and then working with her again as a member of the board of trustees and sharing and serving on many boards and committees at the university.

Her obituary goes on to say: "One of the most widely known and highly respected women in North Dakota, Sister Thomas loved visiting with people of all ages and walks of life. People gave her energy. She would focus her entire attention toward listening to the person right in front of her."

Boy, do we need that lesson here, Sister Thomas. We need you to teach us.

Let me say that again: "She would focus her entire attention toward lis-

tening to the person right in front of her."

In fact, in a TED talk she did for TEDx on TV about, I think, 3 years ago or so—she was speaking to a lot of young people, of course, at this TED talk and was talking about connectivity, and she was speaking to the issue of monastic life and community and the stability that comes from being grounded in a community, while also talking about—not criticizing, mind you; she was rarely critical—but speaking of the challenges of the digital era. She said this: "The challenge is to be fully present to those around us. The challenge is to be fully present to those around us, to engage face to face with one's child, with a colleague, with a neighbor. . . ." and she went on to say "even that person who may not be in our circle of friends."

See, she didn't just speak to this value of being present; she was present. She was the epitome of always being present. In fact, her humility caused her to always deflect attention away from herself and to the person in front of her.

Earlier I mentioned that in the obituary it mentions she called the students by name, and this is perhaps the best example of what I mean when I say she was always present: The University of Mary had about 3,000 students a year by the time she retired. She knew them all by name, and when she would greet students, faculty, friends, neighbors, supporters of the university, she always called you by name—but not just you; she asked about your spouse by name, your children by name. We all thought that was some special spiritual gift—a big brain with an incredible memory that just automatically recalls people's names. Yeah, she was really smart. She had a good memory, to be sure. But she didn't call us by name because she had a great memory; she called us by name because it was important to her because she knew it was important to us. It was a conviction, a commitment that she had to being present all the time. It was a remarkable thing—a remarkable thing.

Sister Thomas modeled many Benedictine values at the University of Mary. We learned them all, all the time. The six that they highlight there are the Benedictine values of hospitality, respect for persons, prayer, moderation, service—really important, as she called them, gospel values. But she didn't just call them gospel values. She didn't just teach them, although she does a lot.

By the way, the internet and YouTube are full of her speeches on Benedictine values and other values and leadership, especially servant leadership.

"She committed herself to instilling these values throughout the monastery's sponsored institutions," which included, of course, the University of Mary and CHI St. Alexius Health.

"She served on many state and national boards including CHI St. Alexius

Health and MDU Resources Group," a Fortune 400 corporation.

"She received numerous honors during her lifetime including North Dakota's highest honor, the Theodore Roosevelt Rough Rider Award."

She earned them all. She earned them all. In fact, whenever she was complimented—which was often, as you might imagine, when you know as many people as she knows and have accomplished as much as she accomplished—she always, as I said earlier, deflected her accomplishments and gave someone else credit.

She said this in an interview once when confronted with her many accomplishments: "I have always been blessed with the sense that I can do only what I do with the guidance and the help of the Spirit." Think of that. All that she accomplished—she takes no credit but credits the fact that she was blessed with the sense that at least she was aware that the Spirit was the one that was guiding her.

Her obituary also states: "Sister Thomas was grateful for many blessings in her life. She was particularly thankful to two kidney donors who gave her the gift of life through two kidney transplants. She often prayed for and stayed connected"—connected—"to these special people."

In that TEDx speech that I talked about from about 3 years ago, she was talking about connectivity, as I said. She was challenging them. She said: "A disconnect from our cellphone or iPad makes possible a reconnect with those around us."

"A disconnect from our cellphone or iPad makes possible a reconnect with those around us."

I could share lots of personal stories. I am tempted to, but I don't think that would be the tribute she would want.

She and I made a lot of calls together. We went on a lot of road trips together. We spoke at a lot of the same events. I was always grateful when I could go first. It was impossible to follow her—an incredible speaker.

One time we were at an event—I think I was the emcee, actually—a local event in Bismarck. She gave one of her phenomenal speeches. They all are. They all were. In the audience, unbeknownst to me, was the president of the National Automobile Dealers Association. He came up to me afterwards, and he said: "Do you realize that every year we pay about \$50,000 for a speaker at our national annual meeting, and we have never had one this good?"

I said: "Well, I could get her to do it for less."

He said: "It is unbelievable. I have never been this inspired in my life."

I would just challenge everybody who has a minute and wants to be inspired to just do a quick Google search of Sister Thomas Welder, and you will find a video that will inspire you.

Every person I know who ever met her is better because they did, everybody I know whom she encountered. I once brought John Wooden, the great

wizard of Westwood, the winningest coach in NCAA history, to the University of Mary to give a speech on servant leadership. It was a remarkable time. I sat there, and as I watched Coach Wooden—he was 96 years old at the time—come up to the stage after Sister Thomas introduced him, I stood between them and I thought, wow, I am between saints, two of the best servant leaders, who both taught and lived that incredible value.

As I said, my heart is heavy. It is hard not to be sad. Yet Sister Thomas and I, of all of the things we talked about over the many years that I worked with her and for her, talked mostly about matters of faith.

I am not Catholic. I do have a degree from the University of Mary. I am on their board of trustees. I love the place. I love the Sisters of Annunciation Monastery and Sister Thomas especially because she embodies all that is good about them. But we always talked about matters of faith.

I will never forget one trip to Fargo. I will never forget, in fact, where we were—sitting in my car, waiting to go in to call on somebody about a gift to the school. And we talked about Heaven. She said: “I think we’re going to be surprised at who we will see there.” And I thought, yeah, you are probably right.

She gets the blessing of being there first now and seeing who all is there, but there will be a lot of people there who know her, and they are looking forward to welcoming her and thanking her for the incredible gift she was in their life. I look forward to the day when I can go and be welcomed by her. I am grateful for her life.

I love you, Sister Thomas.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE JUSTICE ACT

Mr. CORNYN. Madam President, I hope today’s events in the Senate will not soon be forgotten by the American people. Over the last few months, it is an understatement to say that our country has experienced unprecedented physical, financial, and social turbulence. From the pandemic, to the economic challenges that came on its heels, to the widespread protests against racial injustice—the needs of our country should have transcended politics. Unfortunately, that does not seem to be the case today.

We had been on a pretty good run, Republicans and Democrats, and put aside our differences to pass bold and transformative legislation to support our Nation’s fight against COVID-19, as well as ease the ensuing financial fallout. I had hoped that trend would con-

tinue as we work together to address the injustices that still persist in our society, beginning with police reforms.

As we all know by now, thanks to our friend Senator TIM SCOTT and others who worked with him, we introduced the JUSTICE Act to enact real and lasting reform so we can begin to restore the broken trust between minority communities and our law enforcement agencies. This package of bills addresses some of the most pressing changes that Americans have been calling for—ending choke holds, better training for our police officers, accountability for body cameras, more diverse police forces, and the list goes on and on.

We know it wasn’t the only bill that has been introduced in this Senate. Our Democratic colleagues introduced a bill of their own, which would address many of the same issues. While there are some important differences between the two, what to me is more important is that there was a lot in common, a lot of overlap between those two bills. That should have, in a normal time, when people were logical and reasonable, put us on a strong footing to begin debating the ultimate product, which is what our Democratic colleagues actually asked us to do.

A couple of weeks ago, the Democratic leader came to the floor and urged the majority leader to bring a police reform bill to the floor to be debated and voted on before July Fourth. When Senator MCCONNELL did exactly that, what did they do? As soon as they were told they would actually have a chance to vote on a police reform bill, they changed their tune—a 180-degree change.

It kind of reminds me a little bit of last year’s debacle over the Green New Deal. After this resolution was introduced, a number of Senate Democrats rushed to endorse it, but when given the opportunity to vote on the resolution they were praising, what happened? Not a single one of those individuals on the other side of the aisle voted for it—not one. What kind of games are they playing here? Senator MARKEY, who introduced that resolution in the Senate, even accused the majority leader, who scheduled a vote on a bill he was the lead sponsor for—he called it sabotage.

History seems to be repeating itself and not—not—in a good way. Our friends across the aisle, who have been asking to debate and vote on a police reform bill, this morning had that opportunity, but once again, they pulled a 180.

Let me be clear on what we were voting on this morning. This was not a vote to finally pass the JUSTICE Act as is, without any changes or amendments; this was simply a vote to begin debating the bill. You can’t finish a bill, you can’t actually vote on legislation if you are unwilling to start. And that is exactly what happened this morning.

Knowing that Republicans and Democrats did have some differences, even

though there is a lot in common, Leader MCCONNELL provided for the opportunity to have that debate right here on the Senate floor. We could have had that debate in front of the American people. I think it might have helped, No. 1, as Senator SCOTT likes to say, send a signal that we actually are listening, we hear you, we see you, and we are responding to you—no backroom negotiations like apparently what our Democratic colleagues want; rather, an open and honest debate right here in full view of the American people.

Our Democratic colleagues refused to participate in the process and have blocked us from even considering police reform legislation. This “my way or the highway” legislative strategy we have come to expect from our colleagues is absolutely shameful, and it is counterproductive.

I remember talking to Rodney Floyd—George Floyd’s brother—shortly before his funeral, and he said: Senator, we are from Texas. What we want for George is Texas-sized justice.

I said: Rodney, I am going to do my very best to deliver.

Unfortunately, even though there were many of our Democratic colleagues who decried the cruel and tragic death of George Floyd, when it came time to step up and actually do something about it, they absolutely refused.

Let me just go over quickly what the bill would have done as proposed. Subject to amendments and votes, there would have been multiple opportunities to stop the bill if it wasn’t heading in the direction they liked.

First of all, this would have made lynching a Federal crime. That provision in the bill was actually authored by Senators HARRIS and BOOKER, but believe it or not, they filibustered and blocked their own bill.

The JUSTICE Act would have ended the choke holds and prevented this dangerous and outdated tactic from being used in police departments across the country, but what did our Democratic colleagues do? They blocked it.

This legislation would have helped local police departments improve minority hiring so that the departments would look more like the communities they served. Our Democratic colleagues blocked that too.

This bill would have strengthened the use and accountability for body cameras, improved access to deescalation and duty to intervene training, and established two commissions to give us a better understanding of the challenges that need to be addressed in the long run. What did our Democratic colleagues do? They blocked each and every one of these things without even taking the time to debate.

Frankly, it is insulting to the memory of people like Mr. Floyd and others for whom so much empathy and sympathy and concern was expressed that when the time comes to actually do something, they come to this empty-handed.

For weeks, we have watched people of all races and cultures and backgrounds

marching and demanding action. They want to see greater transparency and accountability. They want better training and education for our police officers. They want to know that at the end of the day, the color of your skin will not determine the nature and outcome of an interaction with a police officer. I agree with each of those points, and until this morning, I believed every Member of the Senate did as well. But the actions we have seen this morning blocking this legislation, stopping us from even debating the bill, offering amendments, trying to make it better—I guess I was giving our colleagues credit, which they clearly do not deserve.

The problems that led to the death of George Floyd, Breonna Taylor, and other Black Americans have not gone away, but our Democratic colleagues have proven they are more interested in politics than solutions.

Let the record reflect that this morning, the Senate had the opportunity to take the first step toward passing reforms that would begin to heal the divisions and distrust between law enforcement and the communities they served, and our Democratic colleagues unequivocally and shamelessly stood in the way.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Wyoming.

JUDICIAL CONFIRMATIONS

Mr. BARRASSO. Madam President, I come to the floor today to discuss Republicans' historic record on confirming judges and why it matters to our country. It is because the rulings of these judges affect all Americans.

The Republican-led Senate has seated President Trump's highly qualified judicial nominees at lightning speed. These judges respect and uphold the rule of law. This week, the Senate marks a major milestone by confirming the 200th—200th—Trump judicial nominee.

The appeals court nominations and confirmations are especially critical. These are the circuit courts, and they rank right below the Supreme Court. Their decisions have a major impact on our Nation. With the confirmation of Cory Wilson to the Fifth Circuit, we have now filled all 53 appeals court vacancies that existed in the United States. There is not a single vacancy at that court level in America.

We have changed the makeup of powerful appeals courts like the Second, the Third, the Ninth, and the Eleventh circuits. Seven of the 12 U.S. circuit courts are now at a point where they have a majority of Republican-appointed judges.

The 200 judges we have seated represent a sea change—a generational change in the Federal bench. I remind you that these are lifetime appointments, so they will decide cases for decades.

Let me assure people who are tuning in today: These judges will apply the law as written. They will not legislate

from the bench. We have had enough of that. Republicans are stemming this liberal judicial tide that we have lived with in the past. We are delivering on our promise to promote an independent judiciary.

This concept is key to upholding our Constitution's separation of powers and our system of checks and balances. Simply put, it is the glue holding our democracy together.

The Constitution limits the power of the judiciary. Only Congress makes law, not the courts. That is not the way some courts like to operate. The courts interpret the law as a separate, coequal, and independent branch of government. That is what the Constitution tells us. And the judges' job is to follow the law, period. Yet, for decades, Democrats have hijacked the courts. They have sought to make their preferred policies through something known as judicial activism.

Activist judges have used the bench to make liberal laws or interpret laws in a very liberal way. Rather than decide cases impartially, liberal judges have a habit of favoring the left. The result has been a slew of radical reforms. These include promoting onerous overregulation that hurt farmers and blocking the President's efforts to secure the border.

Republicans are replacing these liberal activist judges with Trump-appointed constitutional conservatives. These judges are ruling right now all across the Nation. If you ask "How are they making a difference?" they are doing it by protecting our constitutional rights, by safeguarding our individual freedoms, and by checking unbridled government power.

These judges are blocking Federal overreach. They are preventing Washington bureaucrats from inventing endless rules. They are upholding pro-life precedent and recognizing the right to school choice. They are defending the Second Amendment, securing the border, and protecting our First Amendment rights, including free speech and religious liberty.

Above all, Republican-appointed judges are applying the law as written; they are not making law from the bench. This has Democrats worried. You have seen it. You heard the comments on the floor and around the Nation. Democrats are worried they are losing control of the courts.

Senator SCHUMER, the minority leader, is so worried, in fact, that he even threatened harm to Supreme Court Justices who don't rule his way. He recently stood outside the Supreme Court, and he yelled at the court building and the Justices inside. He mentioned Justices by name and said: "You have released a whirlwind, and you will pay the price!" "You will pay the price!" This is how the left tends to operate: intimidation. Do what we say, give us control, and then the intimidation will stop.

They are threatening the independence of the judiciary in other ways as

well. Democrats have announced their plans to pack the Supreme Court. They have announced they will pack the Court with Justices friendlier to their causes.

The standard we all know for the Supreme Court is nine Justices. In fact, it has been nine Justices since 1869—for over 150 years. Yet they want to change this longstanding precedent by actually increasing the number of Supreme Court Justices, taking it from 9 to 11. Some are proposing going to 13 if a Democrat is elected President and they have control of the Senate.

Let us be clear: Court-packing amounts to deck-stacking by the far left.

Democrats want to regain power, tip the scales of justice, and deliver their leftwing agenda any way they can. If Democrats win the election, as they have threatened, they will pack and stack the Court with impunity.

The stakes in this upcoming election could not be higher. The next President will appoint maybe more than 60 circuit court judges and possibly another Supreme Court Justice.

This is about ensuring justice. It is about ensuring fairness. It is about ensuring freedom for all Americans. Republicans, through today confirming our 200th judge to the courts, are stemming this liberal judicial tide. We have delivered generational change on the bench. We must continue confirming well-qualified judges who will secure our freedoms and our future.

I yield the floor.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

S. 4049

Mr. INHOFE. Madam President, on Tuesday night, Senator REED and I had the honor of filing S. 4049, the 60th annual National Defense Authorization Act. Think about that—60 years. This is something we are always pretty confident we will eventually get passed. To me, it is the most significant bill of the year, and we have been doing it now successfully for 60 years. It is what we consider every year, and we know it is going to pass because it has always passed, but it is also about taking care of our troops and defending our country.

There is a document no one reads anymore. It is called the Constitution. It talks about what our primary responsibility is, which is to defend America. We are in a much more dangerous position today than we have ever been before, so I think it is fitting that we are doing this ahead of the Fourth of July, our Nation's birthday. We wouldn't have our freedoms without our men and women in uniform from the past and present, and that is

who we are dedicating this to. They are the beneficiaries of what we are doing as we are the beneficiaries of what they are doing.

It is why we can all come together and finish this bill by next Thursday, I would still like to say, even though there is opposition to this. I say that because it would be the last day before the recess that is coming up, the Fourth of July, and I think it would be good if we could do it that way. There is a reason for that, but we are also realistic, and we are not sure we are going to be able to do it, but we are going to make every effort to do it.

One thing about working with my partner over here, Senator REED, is that we have always operated in a very cooperative manner, and we have supported each other. He answers to his Democratic friends, and we bring them together because of the relationship that we have on this committee. So I think there is always a possibility we can get this done.

Both Senator REED and I would like to use an open amendment process. This is a process that would allow for all of our Members to come in and do what they have to do and do what they want to do with regard to things they want to have in the bill. We were not able to do that over the last couple of years because we had objections.

One thing about the Senate is that everything operates on the basis of unanimous consent, so if we have someone who objects, we are unable to do it. Hopefully, that will not happen again this year, and we will be able to use the open amendment process.

In having said that, it is not going to be nearly as significant this year because what we did in this year's bill is to have actually made an appeal way back in February to our Democrats and Republicans, not just to those on the Armed Services Committee but to those in the entire Senate. This last February, we said: Start getting your amendments ready. Don't wait until the last minute. Get them out there so we can talk about them and prepare them for ultimate votes. So people actually started. They were warned at that time that we didn't want to wait until the last minute to do this. This is the first time we have been able to successfully do this.

Of all of the items that are in this bill—this bill that I consider to be the most significant of the year—40 percent of the input came from our Members of the Senate, and 40 percent of it came from the administration and the Pentagon, so that all of those things have already been treated once. Now, I have been around here long enough to remember when that 40 percent wasn't 40 percent—it was about 6 percent. We didn't get the input of the Members like we do today. We just operated differently at that time. This is the third year that I have been involved in this when we have been able to get a higher percentage of input from the Members. I think that is something that is work-

ing well, and it has already given the Members time to participate.

I will put this a different way. The bill includes nearly 600 requests for amendments from the members of the Armed Services Committee and almost 200 requests from Senators who are not on the committee. They are the ones who have put this bill together. With the Members' input already in there, I am confident that we have a solid bill that reflects the needs we have and that it will not be as necessary to have more amendments since that is what we have already done.

If we want to finish this bill by the end of next week, we will need to reach a unanimous consent agreement before this Friday. I understand there may be an objection to this that could happen, or there could be a change of mind. It is still my hope that this will take place. There is a reason for that, too, in that the House will be working on its bill right after we come back from the recess. We are just running out of time, so we need to get this started.

We are putting in the managers' package a bipartisan set of amendments that we can all agree on. I ask all of our Members to get those in by this coming Friday. Even with that, it is going to be necessary for the staff to work all the way through the weekend to put it in position. We know we want to complete the first managers' package, so the amendments will have to be filed. Keep in mind that Senator REED and I have that as a deadline for getting those amendments in.

In recent years, we have been able to consider many amendments on the floor. As I said earlier, I hope we will be able to do that again, and it may or may not happen. If a Member has an amendment and wants to debate it on the floor, we also need to know that the Member desires to have a debate so that we can work that in.

Lastly, as Members are working through their amendments, please be thoughtful that we shouldn't get bogged down with a lot of amendments that have nothing to do with national defense. This is the NDAA, the National Defense Authorization Act. We should be talking about military. Yet one of the things that is characteristic about this is that, for as many years as I have been here and since this is the one bill that is going to be a must-pass bill and a must-pass bill this year, the people who were not able to get their bills in or amendments in on other bills wait until this comes along and try to do this with amendments. I am discouraging that from happening, and I hope that it doesn't happen. What is most important here is that we take care of our men and women in uniform. That is what it is all about. They are all volunteers, and they are deserving of our support.

Again, my message to Members is to get their amendments filed as soon as possible. As I noted, this is the 60th annual NDAA. For the last 59 years, Congress has always passed an NDAA on a

bipartisan basis. That is a big deal, and it is not a legacy we take lightly. I have been privileged to participate in this process as a member of the big four. I will tell you how that works.

We do our bill, and the House does its bill. We go to conference, but we are still not able to get together, so they take the big four, which constitutes the ranking Democrat and Republican in the House and the ranking Democrat and Republican in the Senate, and the four of us sit down and get it done. We have done that several times in the past. It is the stopgap. It is the one last thing that we have to do if we are not able to do it any other way.

Every year, we are told there are things we can't accomplish. Every year, we are told there is no way we can find common ground. All of this happens, but, always, we do it, and our grand, bipartisan tradition continues just, as it will this year. The reason is simple: Failure and, worse, failure on the backs of our servicemembers is just not an option.

While we are doing this, what I will remind everyone is that our military was hurt pretty badly under the previous administration. I always admired President Obama. He had a different agenda, and consequently we had some problems. I would say this: In the last 5 years of his 8-year administration—that would be from 2010 to 2015—our defense spending dropped by 25 percent. That has never happened before, and we have been working to rebuild since then. We are not quite there yet, but we have made great headway. It is easy to cut our military, to reduce readiness, to slow down production, and all of that, but it is harder, not to mention slower and more costly, to rebuild it. That is what we are in the middle of right now.

So that is what this is all about. It is a significant bill, and it is something we work on all year long. Then it comes time for it to come to the floor, which is where we are now.

I have to say this: I can't think of anyone I would rather have as a partner than Senator REED. Senator REED and I have worked together for many years, and we have a way of getting along with each other and of coming to conclusions and the right decisions. It has been an honor for me over the years to have worked, as we are this year, with Senator REED. We are going to get a good bill done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I rise to join my colleague and chairman, Senator INHOFE, to discuss the fiscal year 2021 national defense authorization bill.

I begin by thanking Senator INHOFE for his leadership in ensuring that we had a bill to consider this year. This was an extraordinary year. Social distancing just began as the Armed Services Committee was finishing our hearings and getting ready to go into

the markup for the national defense authorization bill. Despite the uncertainty, the unusual challenges—the logistical challenges particularly—Senator INHOFE ensured that the bill was written and that the markup was held on schedule. He should be commended for this accomplishment. It is a tribute to his leadership, to his wisdom, to his common sense, and to his common decency.

So thank you for that, Mr. Chairman.

I also want to take a moment to thank the staff. Both the chairman and I operate under the same rubric: They do the work, and we get the credit. It works for us—their work for us. They do a superb job. They found ways to draft the legislation. Yet they, too, were disrupted. Their work spaces were separated, and many had to work from home. So this has been an extraordinary achievement, and it is a tribute to their commitment, to their professionalism, to their skill, and to their collaborative, bipartisan effort. I thank them for that.

As the Senator, the chairman, has said and emphasized several times “bipartisanship.” This has been the hallmark of this legislation for many, many years. We recall colleagues, going back to John Warner and Sam Nunn and others, who had the attitude that “we have to work together.” Again, let me give the chairman credit for preserving that attitude, for insisting upon that attitude, and for really getting, I think, the best out of the committee because of his example and of his setting a tone.

We have differences in the bill, but we are strongly behind this effort. One of the things that I think we have been able to do is to figure out what might be a point of difference and that, if it comes to down to it, we take a vote, and we move on, and we get the bill done. That is what we did this time. We look forward to being on the floor and to doing the same thing—taking amendment proposals from our colleagues and trying to deal with them. If we can include them in the bill unanimously, that will be great. If we need a vote, I hope we can have debate and get a vote.

We all understand that the bill provides the Defense Department with the resources it needs, particularly to ensure that the men and women who defend us have the resources they need not only to fight the fight but, when they return, to have a quality of life with their families themselves that is in keeping with their sacrifice and their service. This bill does that. It also funds at the caps set under the recently enacted Budget Control Act of about 2 years ago, so we are providing the much needed stability the Department needs. It will include many items that benefit the families and military members, and I will go into those details later in our discussion.

Now, 2 weeks ago, the committee took up the bill in the markup. Again, under the leadership of the chairman,

we had a very good day of discussion and debate, and the bill was adopted by the committee with a strong bipartisan vote of 25 to 2. This legislation is coming to the floor with overwhelming bipartisan support, and as the chairman indicated, one reason is that he solicited the input of all of the members. We and our staff tried very vigorously to incorporate those proposals and ideas of all members, and at the end of the day, it was a strong, overwhelming vote.

But even though we did consider, as the chairman said, hundreds of different proposals by members of the committee and Members of the Senate, there are still issues that will come before us. That is why, on the floor, I hope we will have, as the chairman indicated, an open debate, that we will consider amendments—hopefully do so under reasonable time constraints so that we can get a lot done—and then, at the end of a vigorous debate, be able to vote for a bill that will advance the welfare of the men and women who serve and advance the common defense, which is our constitutional responsibility.

Again, I thank Senator INHOFE and look forward to the consideration of this bill.

Mr. INHOFE. Madam President, let me just make one other comment.

Senator REED talked about the staff and what the staff has done. When I talk to people back in Oklahoma about how hard a lot of these people work, they think of people in government as not caring to really spend the time and make the effort.

I mentioned a minute ago that our staff is going to be working all this next weekend, and they have been working every weekend, that I can remember, to get this thing done.

There are two people in particular—John Bonsell and Liz King. Liz King is the top adviser and manages things for Senator REED, and John Bonsell has done the same thing for me. He actually was my MLA many years ago. When you see how hard they work and their long hours—early in the morning until late at night and then on weekends—I just really want to say, not just of those two individuals but of the people they have working for them, that I have never seen a harder working group. Their job, I guess—I say to my friend Senator REED—is to make us look good, but they are the ones who do the work.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

REMEMBERING SISTER THOMAS WELDER

Mr. HOEVEN. Mr. President, I rise today to honor an influential and be-

loved North Dakotan, Sister Thomas Welder.

I know the Presiding Officer knew her very well and just a little bit ago spoke about her here on the Senate floor, and that is so appropriate. She was such a wonderful person, and we both are so very fortunate to have known her and to have had time with her, to have learned much from her. She is truly somebody who I think epitomizes the term “servant leader.”

Sister Thomas Welder was somebody who for me was a friend and a mentor in so many different ways, it is hard to recount, and also for my wife Mikey. Sister Thomas Welder dedicated her life to the University of Mary and the students, and my wife Mikey is on the board of trustees at the University of Mary, so Mikey and Sister Thomas worked together for many, many years and share an unbelievable bond as well. I am not even sure how long Mikey and I have known Sister Thomas; it has been many years. We have seen her in so many different capacities and so many different ways, but without fail, she was an inspiration—an inspiration for both of us and frankly an inspiration for anybody who ever met her. She truly was one of the most exceptional, amazing, wonderful people I have ever met. She was certainly a person of incredible faith, and she lived her faith, and she provided that to others, certainly in her words but in her deeds and in her spirituality, in the way that she handled herself, in her spirit and compassion, and it affected everyone she met. Everyone she met felt that radiant glow and reflected it back because it was so powerful within her.

She was a member of the Benedict Sisters of Annunciation Monastery and faithfully lived the monastic life for 59 years.

From 1978 to 2009, she served as the president of the University of Mary and was, as I say, beloved by students and faculty. Under her leadership, the university did amazing things.

I think for a time the Presiding Officer worked there at the University of Mary during her tenure as president of the school. She grew the enrollment—I think tripled the enrollment.

She was a gifted leader, an inspiring leader. She led by example. I think one of the most amazing things about her—a story you hear about over and over again; people marvel about it. When she originally came back after her schooling at the University of Mary, she taught music, but she eventually became president of the university. Even after she was president of the university and Monsignor Shea became president of the university, she stayed and continued to work with the university and the students.

One of the amazing stories that people would talk about and marvel at is how she would go on campus and she would meet all the students. So she got to know them all, thousands of students. She knew all the faculty and administrators and that kind of thing because they were there all the time. But

she would get to know all the students, and without fail, she would remember those students' names. She went around the campus, and it wasn't just "Hi, how are you?" She knew the students. She knew their names. She knew who they were. People would marvel not only that she was able to do that, but she never seemed to forget a name. You have to remember, there are thousands of students, and they are there for a while, and they move on and more come in.

It is one thing to know the faculty and administrators and those kinds of things and people who are there year in and year out, but think about the flow of students coming through, and to know them and know them by name—I think it is not only a testament to her but a testament to the University of Mary, where they really make those young people feel special and feel that they are an individual who is somebody, who has worth. They are not just another student at the school; they are somebody special. She made them feel special because she knew them, she took time to talk to them. She always had time to talk to them. She had a lot of important things to do, but she always took time to talk to them and make them feel appreciated.

When we think about sending our son or our daughter off to school, that is certainly something we would want, is when they go to that school, there is somebody there who says: You are an individual. You are unique. You are special. You are not just a number, but you are here, and I appreciate you, and I am here for you.

That is what she did for those students—not just when she was president but even after she retired as president. That is what she did because that is who she was.

That is just one story, but that is part of her special gift—her special gift—and she gave it to everybody. She gave it to everybody. She gave that gift of her time, attention, compassion, and spirituality to everyone. I don't know that I ever saw her in any setting where that wasn't exactly what she was doing. That is why I say she did epitomize that concept of servant leadership.

As Governor, I was privileged and honored to award Sister Thomas the Theodore Roosevelt Rough Rider Award. That is our highest recognition in North Dakota. That is the highest award we give. As part of it, we then hang the individual's portrait in our State capitol, and along with the portrait, there is also kind of a bio that is right there so that people going to the North Dakota State Capitol can see the people from across our State who are inspirational leaders. The pictures are a montage, so that you put up things in their life.

In the case for Sister Thomas, she went to the University of Mary there, and they can see and get a visual sense of what the person looked like, the important things they did, and then we have a bio that goes with it.

I am going to reference just a couple of the lines we have in the bio we put in there:

Sister Thomas is recognized as a woman who lives, serves, and leads by example. Her personal achievements, character, and leadership have been an inspiration to countless individuals, students, entrepreneurs, and business and state leaders. Envisioning the University of Mary as the Nation's premier institution for the preparation of servant leaders, Sister Thomas promotes competence, communication, commitment to values, and service to community. Her strong belief in the ability of an individual to go into leadership through service is an example for North Dakota and the nation.

There is a lot more, but those were some of the things we put in there to try to capture who she was, what she did, and what a difference she made in the lives of so many.

As I say, I don't know that I ever met anyone who didn't immediately like her, but it was more than that. I mean, there are a lot of people who are likeable, affable, and amiable. She was all of that. She was very, very likeable. She had a great smile, good wit, and good humor. She was a really good speaker. She was always very prepared, always had a good message, and was well-spoken, but she had a great smile and a ready laugh, and she immediately made people feel comfortable. You could see how she would lean in and gaze in on them and just start to say: Tell me about you. Give me some of what you are. A little bit of what is your spirit, what moves you, what makes you. What are you interested in? What do you like? How are you feeling?

She just did it naturally.

I just, again, can't think of anybody who ever met her and didn't come away saying: You know, I like her, but she is special. She made me feel good. She made me feel good. She seemed interested in me. She is genuine. She cares. She made an impact on me.

They remember her, and it was positive, and it was strong.

Mikey and I extend our deepest condolences to her loved ones, and when I say her family, she had a huge family because everybody she met was basically her family, all those kids and all those students. We want to express our sincere appreciation for her lifetime of service and her commitment to her community and her commitment to God. Sister Thomas was patient, Sister Thomas was wonderful, Sister Thomas was beloved, and Sister Thomas will be missed very, very much. God bless her.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

THE JUSTICE ACT

Mr. GRASSLEY. Mr. President, today my colleagues on the other side of the aisle voted to block consideration of the JUSTICE bill. This happened to be the first major piece of police reform legislation in years.

To be clear, this vote wasn't a vote to pass the bill in the Senate. It wasn't even a vote to limit debate on police

reform. It was a vote on whether we could simply begin debate on police reform.

We are standing now on the floor of what is called the world's greatest deliberative body, the U.S. Senate. Yet my colleagues on the other side wouldn't even entertain a debate on an issue that has stirred our Nation and shaken it to its core.

We know why we are here. There was a murder of a citizen in Minneapolis—George Floyd. There have been peaceful demonstrations all over the country since then, and Congress's time to respond probably—probably should have responded years ago, but this has brought to a head that we need police reform.

Yes, we are in the world's greatest deliberative body, we are told. The Senate's legacy and prestige are built on our ability to debate and discuss legislation, to address the most pressing issues before our country. My colleagues on the other side have robbed the American people of the opportunity to pass meaningful police reform.

On the other side, they argue that the JUSTICE Act doesn't go far enough and that their version of police reform is the only bill worth considering. All the brains in the U.S. Senate are on the other side of the aisle, is more or less what they are saying. I want to remind them that we live in a country with diverse ideas and varying opinions. Debating those differences is the only way to make meaningful reform.

Democrats complain that their views weren't represented in this bill. Well, the JUSTICE Act contains a number of proposals that actually have bipartisan support. Even if that wasn't enough for them, every Democrat would still have an opportunity to make additional changes.

On our side, Senator TIM SCOTT of South Carolina led this effort for all of us. Forty-six of us are joining him. I hope the other seven will join in as well. But that is just Republicans, and this is a bipartisan bill—presumably not bipartisan enough to satisfy the other side but still bipartisan—and they wouldn't let us move ahead.

Senator SCOTT made clear when the bill was introduced last week that he was interested and willing to discuss changes. Leader MCCONNELL pledged an open amendment process. Even Speaker PELOSI noted that she welcomed the opportunity to conference the Democratic House police reform bill with Senator SCOTT's JUSTICE Act.

Instead of letting our time-honored legislative process work, my colleagues sent a letter calling the JUSTICE Act "unsalvageable." Let's remember—these are the same Senators who insisted that the Senate consider a police reform bill before the July recess, which starts next week. Now that they are getting what they asked for, they say they don't want it anymore—at least that is what their vote tells me today.

My question is, What are they afraid of? Are they afraid of losing control of

the process if it goes to a vote? Well, then, they are afraid of democracy. They are afraid of the American people who elected each Senator in this body and trusts each Senator to represent them by voting on legislation.

Are they afraid that their ideas won't be adopted? The JUSTICE Act has many similarities to the Justice in Policing Act. We want to find a way forward on a bipartisan basis. If ideas have merit, they will have to be voted on and be included.

Are they somehow afraid that if we make progress, it will be perceived as giving the President and his party a win? I have been around here long enough to know that in an election year, it gets harder and harder to get things done because neither party wants the other to get any credit for anything or have an advantage. But on an issue as important as this, it is the height of cynicism and hypocrisy to prevent progress to gain political advantage.

I am reminded of a Scripture: "For what shall it profit a man if he shall gain the whole world but lose his soul?"

The American people expect better. I know that my fellow Iowans expect better. Frankly, I expect better as well.

I hope my colleagues reconsider their obstruction and let us get on with crafting a bipartisan police reform bill. I know my colleagues on the other side share our desire to deliver for our constituents. I don't doubt their sincerity about wanting to address inequities in the communities or unfairness in policing. I don't doubt they would have had legitimate ideas on how to improve this legislation if it had come before the Senate. But at the very least, we can't accomplish any of those things unless we start debate.

We have done it before on other issues. Only 18 months ago, this Chamber passed the FIRST STEP Act, the most significant criminal justice reform bill in a generation. That was a strong bipartisan bill. It wasn't easy, but Senator DURBIN and I and Democrats and other Republicans in addition to the two of us found a path forward and are giving thousands of Americans a chance to improve their lives when they leave prison.

I am frustrated that the Senate can't consider this JUSTICE Act, but I promise Iowans and the American people that this partisan exercise doesn't represent my last hope for meaningful change. I stand ready to work with any Democrat or any Republican on the issue of police reform, and, for sure, I am not alone in the willingness to do that.

In fact, at the Judiciary Committee, just last week, the issue was police use of force and community relations. At that meeting, Chairman GRAHAM indicated that he wants to hold more hearings on this issue.

So I urge my colleagues on both sides of the aisle not to let today's vote be the end of the story. There is and has

been an evergreen issue. George Floyd's murder was the spark that ignited a national outcry. We must rise to the occasion. We cannot let election-year politics and differences of opinion prevent us from even discussing how best to improve justice and safety in our community.

FLYNN INVESTIGATION

Mr. President, I will speak just a short period of time on another issue that was resolved today by the DC Circuit Court of Appeals. Finally, justice has been done to a person that has been very unjustly treated, a person by the name of Lieutenant General Flynn, who served this country 33 years in the military.

Today, the U.S. Court of Appeals for the District of Columbia ordered the district court to grant the government's motion to dismiss the Flynn case. Remember, this has been going on for almost 4 years.

I am pleased the appeals court upheld what it rightfully called "clearly established legal principles." The appeals court said that the first "troubling indication" of the district judge's "mistaken understanding" of his role was to appoint a former judge, and now a private citizen, to argue against the government's proposal to District Judge Sullivan to dismiss the Flynn case. Remember, the reason for that was that he was mistreated in the first place.

As the majority opinion said: "The court has appointed one private citizen to argue that another citizen should be deprived of his liberty regardless of whether the Executive Branch is willing to pursue those charges."

The DC Circuit is ordering an end to this charade, and let Lieutenant General Flynn get back to his life and his family. Remember, this is a case where we set up—and you saw the emails from people that were going to prosecute him. Is this to get him fired—to get Flynn fired? Or is it to get him prosecuted? That is how open it was, but we didn't know about that until a few months ago.

So, today, Flynn's legal team released Strzok's notes regarding a meeting between Obama, Biden, Comey, Sally Yates, and Susan Rice. These notes appear to show several important things. The first one is, Comey said the Flynn calls with the Russian Ambassador "appear legit." Two, President Obama ordered Comey to "look at things." Three, President Obama directed that "the right people" investigate Flynn. Four, Vice President Biden appeared to raise the Logan Act.

Those four things lead to these questions. Well, if it was legit, then, why "look at things"? If it was legit, why would Biden mention the Logan Act? These notes raise legitimate questions. For example, did President Obama and Vice President Biden deliberately take steps in the final hours of their administration to undermine the incoming administration? It sure looks like that is what they were up to.

It also is reasonable to question the extent of President Obama's and Vice President Biden's knowledge about Russia and the Flynn investigation. I give this to you as an example. We know that on January 4, 2017, the same day that Strzok allegedly wrote the meeting notes, the FBI wrote a closing memorandum on Flynn, who was code named "Crossfire Razor" by the FBI, that said the intelligence community could find no derogatory information on him.

So they couldn't find any derogatory information on him, a person who had served in the military for 33 years, got out as a lieutenant general, and was going to be the National Security Advisor for this new administration. They could find no derogatory information, but for the next 3½ years, he has been fighting for his freedom. Then, on that very same day, January 4, 2017, the FBI was ready to close this Flynn case—probably based on the fact that Comey said that all this connection between Flynn and the Russian ambassador was probably legit.

But that doesn't matter to somebody by the name of Strzok, who was kind of leading all of this. He asked another FBI agent: "Hey if you haven't closed Razor don't do it yet." The case was still open at the moment and Strzok asked that it be kept open "for now." Strzok then messaged his lover, Lisa Page, saying that Razor still happened to be open because of some oversight and said to her—I don't know whether this is tongue in cheek or whether it was real serious, but he said: "Yeah, our utter incompetence actually helps us. . . ."

So what is helping us? It seems like any excuse to keep going in getting Flynn. At that point, we all know the case should have been closed, but 3½ years later, it is just solved by a decision of the DC Court of Appeals. So, instead, even in light of Comey apparently saying that the calls between Flynn and the Russian Ambassador appear legit, President Obama—still President of the United States—directed Comey to "look at things" and make sure "the right people" investigate it.

That has kind of been questionable, the extent to which President Obama was involved in this, but it seems like those quotes make it pretty clear. And then, at this very same conversation, Vice President Biden chimed in as well by bringing up the Logan Act, which was used as a pretext to interview Flynn weeks later. Mind you, all of this happened after the election. Now people are raising questions about: Why are you worried about things that happened 3 years ago? An injustice was done to Flynn, and if you let people run wild over the freedoms and liberties of the American people, if it can happen to a lieutenant general, it can happen to anybody else, and we saw it happen to George Floyd. He was murdered because of justice and the constitutional rights of people not being followed.

So then we have the incoming Trump administration and all this going on, having no idea that Obama, Biden, Comey, and Strzok were busy setting the stage for what would become a multiyear struggle to show that Trump didn't collude with the Russian Government—so much for a peaceful transition of power from one President to another and from one political party to another. It was something that for 240 years we prided ourselves in, but not in this case. Ever since the election, November of 2016, think of all the things that have been done to get Trump out of office, and it started even before he was sworn in.

Well, thankfully, the DC Circuit stepped in to restore a bit of justice after the government's multiyear campaign to destroy Flynn's reputation. The FBI and the Department of Justice's actions to frame an American citizen, drag that citizen into court, setting him up to plead guilty to lying, and then doing everything they can to cover up their transgressions should never happen and should never have happened either. Let's all hope it never happens again.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PENSION REFORM

Mr. PORTMAN. Mr. President, I am here to talk about a complicated but really important issue, and it is one that Congress and the administration needs to address before it results in a devastating financial impact on millions of retirees, raises costs to thousands of businesses, some of which are going to go insolvent—bankrupt—unless it is dealt with, and an issue that can harm the overall economy if it is not dealt with.

The Presiding Officer has been very involved in this issue, and I hope others will bear with me as we talk about it, because it is complicated, but it is really important. I am talking about multiemployer pension reform, and as anyone who is working on this problem can tell you, it is something that we cannot ignore.

Briefly, a multiemployer pension plan consists of multiple different companies. Usually, employees in a single union pool their assets together, and they provide a defined benefit pension—the old-style pensions, a guaranteed pension, so-called—to cover workers and retirees. These plans are jointly administered, then, between the unions and the employers as trustees, who determine the benefits and the employer contributions based on the collective bargaining process and subject to whatever statutory funding requirements there are that we provide here in the U.S. Congress and through law.

It is a system of a lot of different employers coming together and providing a pension under one union typically. This system now comprises over 1,400 plans covering 10.8 million participants and their families. Unfortunately, it is on the verge of collapse. The system is underfunded by more than \$638 billion, and that figure has probably increased significantly due to the coronavirus epidemic and the resulting impact on the economy.

On top of that, there is the Federal entity that ensures these pensions. Pensions are sort of a guaranteed benefit, so-called, but they are guaranteed in a sense because they are insured by a Federal entity called the Pension Benefit Guaranty Corporation. That PBGC for the multiemployer program is projected to become insolvent in less than 5 years. Over 1.4 million workers and retirees are in plans already in what is called "critical and declining status," meaning they are facing benefit cuts of over 90 percent. So that is the problem.

This chart can sort of show it to you here. These are the assets at the start of the year—2019, 2020, 2021—and this is what happens. The assets go down. The liabilities go up. This is the financial assistance provided to the various plans. So, as you can see, the green is only going to last until 2025. And, again, with the new economic numbers, that will be exhausted even before that, which creates a real problem for those plan participants or retirees, for the companies that are going to have huge new liabilities—and some of them will not be able to handle it and will not be able to stay in business—and for our economy, because that will then have a contagion impact on the entire economy.

So those workers who are expecting to have the benefit because they are still working and those retirees who are facing these cuts are looking to us to come up with a bipartisan solution to address this crisis that faces the multiemployer pension system and the PBGC. They are counting on us to put in place commonsense reforms to ensure that these hard-earned pension benefits will be there for workers and retirees during their retirement.

A lot of these workers will tell you that they didn't take the pay increases or they didn't take the healthcare benefits the size they wanted in their collective bargaining because they bargained for this, which was the hope of having a pension—a guaranteed, defined benefit pension—and now they are seeing the possibility that that could result in a 90-percent cut in their benefits.

Over the past several years we have been working on this, I have been involved with it. I have been working on the Finance Committee, which is the committee here in the Senate that has responsibility for this issue.

In 2018—so going back 2 years ago now—I was participating in hearings as a member of the Joint Select Com-

mittee on Solvency of Multiemployer Pension Plans. It was a 1-year committee. It was House and Senate, Republican and Democrat. We were supposed to get to a solution for this problem before it gets worse, and we spent countless hours trying to do that. I spent countless hours in meetings with beneficiaries, retirees, spouses of theirs.

Ohio was one of the States hardest hit. I have heard their stories about how years of mismanaged pension plans have put them on the hook for unthinkable cuts in the pensions they just assumed were going to be there.

Let me spell out how precarious this is for my home State of Ohio. We have over 60,000 active workers and retirees in multiemployer pension plans at immediate risk of becoming insolvent—probably more than any other State in the country. Many of these Ohio plans have already been forced to drastically reduce benefits, by the way, including the Iron Workers Local 17 Plan in Cleveland, the Southwest Ohio Regional Council of Carpenters Pension Plan, and the Toledo Roofers Local 134 Pension Plan.

Some are already insolvent, like the Teamsters Local 116 of Cleveland Pension Fund, so for some, unfortunately, this insolvency has already happened.

The Central States Pension Fund, which is the single largest plan that is in this critical and declining status, is projected to become insolvent in 2025—the same time the PBGC is because when it goes under, PBGC goes under; it is that big. They have 44,000 participants in that plan in Ohio—again, more than any other State. The majority of Central States' retirees are veterans, by the way, according to the National United Committee to Protect Pensions. They receive about \$360 million in annual benefits from their pensions. By the way, that money goes right back into the economy. They spend it.

Unfortunately, years of bad Federal policy with respect to funding and withdrawal liability rules, losses on risky investments, and failure to take proactive action have brought many of these pension plans to the brink of insolvency. The result is that these hard-working Ohioans in Central States face pension cuts of over 90 percent if no action is taken. That is unacceptable. We can't let that happen.

By the way, it is not just a retirement security issue, as I said earlier; it is a jobs issue. The multiemployer pension system consists primarily of smaller businesses that face uncertainty and a higher cost of doing business due to the liability they will face called withdrawal liability.

More than 200 small businesses are in Central States alone in my home State of Ohio—200 businesses that face huge withdrawal liabilities, many of which are much bigger than the book value of the company, meaning, of course, that they are not going to make it.

In fact, if a systemically important plan like Central States were to become insolvent, contributing employers face the risk of being assessed unplanned withdrawal liabilities that will result in a wave of bankruptcies and a contagion effect across the economy as plans with overlapping contribution bases also fail. It will not just be that plan; it will be other plans as well because the companies pay into different plans.

Even if they are not assessed withdrawal liability, employers will be forced then to make contributions into an insolvent plan, making those companies not competitive in the labor market. They will not be able to pay their employees as much because they are making the payments into the insolvent plans.

These jobs are essential to our economy—right now, more than ever. Many of the current workers in the Central States Pension Fund, as an example, are truckdrivers, and these are the very truckdrivers who are keeping our grocery stores stocked. They are the supply lines running through this coronavirus crisis. They have put their health on the line for all of us, and we need to do our very best to ensure that the pensions they have earned—rightly earned—will be there for them.

While these problems were well known before the current economic downturn, this slowdown is only going to accelerate the crisis. As CBO projected in late April—that is, the non-partisan Congressional Budget Office—the second quarter of this fiscal year is projected to mark the largest percentage drop in economic output in recorded history, with the GDP projected to fall 40 percent on an annualized basis. That has a real impact on these pensions.

As chair of the Senate Finance subcommittee with jurisdiction over these multiemployer pension plans, I have been working on this issue with Democrats and Republicans alike, and I believe a balanced, pro-growth solution to the problem is possible. I also know that it is needed.

As bad as the pension crisis is for these retirees we talked about and for their individual plans, it also has a broader impact on our economy, so all of us should be interested in solving this problem.

It will not be easy, especially given the unprecedented health crisis we now face, but putting off this difficult work today means greater costs tomorrow. The costs compound, so it gets worse.

The multiemployer program deficit is projected to rise significantly if we wait until this period—around 2024 or 2025. Even if we didn't have this pandemic, this is an issue we owe to our constituents to take proactive action on.

We have come some way on this project, and we have made some progress over time. In 2018, Senator SHERROD BROWN and his co-chair Senator Orrin Hatch and I put together a

framework for reform while serving on this Joint Select Committee on Solvency of Multiemployer Pension Plans. I think that framework can effectively address the crisis. We called it the bipartisan framework. It would have provided PBGC enough resources to prevent its own insolvency and put in place structural reforms to the funding rules and the way plans are governed to ensure a long-term solution going forward.

Unfortunately, the joint committee was not able to reach final agreement on these reforms, and therefore we weren't able to stabilize the PBGC and put it on a stronger financial footing. But I strongly believe that the mechanism to address the immediate crisis that is in this bipartisan framework still offers the right way forward for us to get this done. In fact, I am pleased there is a renewed interest in addressing this crisis using this framework right now.

The House-passed HEROES Act—that is, the legislation the House passed to deal with the COVID-19 crisis—includes a proposal to try to fix this problem. Again, it is a step in the right direction in that they have chosen to adopt the approach of partitioning at-risk plans to help address the immediate crisis. That is the approach we took.

This is a step away from their previous plan in the House and among a lot of Democrats in the Senate, which employed a loan structure for all inactive liabilities and, based on CBO analysis, would not have prevented PBGC from becoming insolvent. So this new structure makes more sense, and it is closer to the Senate bipartisan framework. The new House plan, therefore, costs a little less, and retirees also get more certainty from it.

There are some flaws in the House Democrats' approach that still make it a nonstarter over here in the Senate.

First, there is no shared responsibility when it comes to strengthening the financial condition of the PBGC. It entirely relies on taxpayers—so \$59 billion of taxpayer funds over the next 10 years. Some on our side of the aisle, of course, find that to be a bailout by the taxpayers when, in fact, there ought to be more shared responsibility. This is particularly important now as there is more and more concern about the public money that is being spent.

Second, the House proposal includes no structural reforms whatsoever to the rules governing how multiemployer pension plans operate, how employer contributions are determined, and corrective actions that trustees can take to improve plan solvency and protect the participants.

What we don't want to do is solve the problem with a bandaid and then have the problem come right back again. We want to get this right. The reforms have to address the underlying flaws in the system and ensure that PBGC can function as a self-sustaining entity rather than a new line item in the Federal budget funded by permanent enti-

tlement spending. This has to be something that solves the program long term. We can't put in place a partial solution that will require Congress to come back again and again in the future. Unfortunately, the House Democrats' plan fails to achieve this.

In my view, any plan we make to reform the multiemployer pension system has to adhere to three main principles:

No. 1, we do need shared responsibility to address the immediate crisis. We should not pass a legislative solution where the bill is entirely footed by taxpayers. Employers and participants must share the responsibility of fixing this problem—not taxpayers alone since 99 percent of taxpayers aren't participating in this system.

A recent poll by McLaughlin & Associates of 2,700 likely voters in Midwestern States found that 76 percent of voters support a shared solution based on a combination of financial contributions from employers, retirees, and taxpayers.

A Congressional Budget Office 2017 working group paper found that both various exemptions from government employer contributions and accounting standards used by multiemployer plans played significant roles in allowing PBGC to become insolvent. So both exemptions from the employers putting money in and the accounting standards are the reason, they say, that PBGC became underfunded. So greater employer contributions are part of getting these plans back on track.

Second, I believe any solution must ensure sustainable solvency for the PBGC. Again, this is important to be sure that we are solving this problem. Overall, I believe premiums should be a significant contributor to the health of PBGC, covering at least half of the cost of recapitalization.

We also need our plan participants to pitch in, in the form of solvency fees paid directly to PBGC. With a significant variable-rate premium, by the way, we can make these solvency fees as low as 10 percent or maybe even lower. We need to think long and hard about the levels of shared responsibility that could include premiums imposed on workers, on unions, and increased flat-rate premiums as well. These would be small contributions but significant in the sense that everybody would be participating, everybody would do a little bit, and the taxpayers would be asked to do a lot too. But the only way we can get the taxpayers to make a substantial contribution is to ensure that there is this shared responsibility.

Third, any solution must ensure there is sustainable solvency for the multiemployer plans in the future. Any bipartisan solution should include structural reform to the funding rules governing employer contributions to multiemployer plans so that Congress and the Treasury will not be regularly called upon to bail out a large number of underfunded plans.

Retirees need to know these plans are secure. This includes gradually phasing down the rate at which plans may value existing pension liabilities, which are promises to retirees that should be kept but are being budgeted for through investments that the Congressional Budget Office says are high risk. Without any rules on how these pension liabilities are valued, there is high risk. Here is what the risk is now. Here is the average multiemployer plan target rate of return. Here is a conservative way to look at it, which would be the interest rate on 10-year Treasuries.

By the way, the 10-year Treasury is now down to just about 1 percent, so it has gone down even further. This gap is that high risk the Congressional Budget Office is talking about. So there needs to be some solution here.

I understand that this needs to be phased in. It needs to be gradual. It needs to be reasonable. But we have to, again, ensure that retirees know that, when they get into a plan and make contributions to a plan, it is going to be there for them.

The Senate Finance Committee published its own proposal in November which attempted to get at these two goals of addressing the immediate crisis through shared responsibility and preventing a future crisis through reforms to the funding rules. This was a Republican plan put forward by Senator GRASSLEY, who spoke moments ago. That proposal was called the Multiemployer Pension Recapitalization Reform Plan. It is not perfect, but it is worth emphasizing that the Trump administration supports this proposal and put out a Statement of Administration Policy endorsing it, saying: "We believe it has the potential to serve as the base for a long-term solution to the multiemployer pension crisis." I have talked to several people within the administration, and I think they are also committed to a bipartisan agreement in this Congress to try to solve this problem.

Again, the plan put out by Senator GRASSLEY and also Senator ALEXANDER may not be perfect, but now you have two plans out there, both of which use the same basic structure, and I think there is an opportunity here for us to come together.

Right now, I know some of my counterparts in the House who have worked on the multiemployer pension proposal in the HEROES Act want to know whom they should be negotiating with because they are not negotiating right now on how to find that compromise. I would suggest talking to the Finance Committee. That is where the jurisdiction is. That is what the administration has indicated as well.

We have been working all year with the PBGC on a reasonable proposal that we believe can get support from the National United Committee to Protect Pensions, many of the Teamsters local unions, and many employers who are trying to stay afloat right now.

The Senate Finance Committee will continue to reach out to have a serious conversation with Democrats on both sides of the Capitol to help address this immediate crisis and ensure sustainable solvency for the multiemployer pension system. In order to reach an agreement on this issue, shared responsibility will be necessary to make it work, in my view.

To reiterate, we are willing to put serious Federal money on the table—taxpayer funds—and we are willing to negotiate, but it has to be a balanced approach.

The time to act is now. The Senate Finance Committee has this common-sense proposal on the Republican side—again, vetted by PBGC—that, while not perfect, is an interesting starting point for us to come together. The House has their own proposal that has many similarities in terms of its structure. So let's build upon those, as Republicans and Democrats, to ensure we can get our multiemployer pension system back in working order. We owe it to the retirees. We owe it to the workers, to the participants in these plans. We owe it to these small businesses. Let's get serious about this and ensure we can protect the retirements of hard-working Americans we represent. Taxpayers deserve proactive action now, and so do workers and so do retirees. Let's get it done.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Louisiana.

THE JUSTICE ACT

Mr. CASSIDY. Mr. President, nearly a month has passed since George Floyd died. In a show of unity, which bridged divides Americans—Republicans, Democrats, Independents—demanded that something be done to prevent such deaths from happening in the future. Republicans are trying to do something.

Thanks to the leadership of Senator TIM SCOTT, the Senate is trying to consider the JUSTICE Act, a major bill to reform police departments in meaningful, practical ways; yet today, Democrats blocked consideration of the bill. I hope Democrats allow the Senate to at least debate the JUSTICE Act. If Democrats don't like the bill, offer an amendment. Make the case. Reforming police departments, making justice fair, and equal for all is a bipartisan issue.

I smiled when I was sitting in the Chair where you are right now, Mr. President, when a Senate colleague, who is a Democrat, spoke yesterday and described the Senate as the world's greatest deliberative body. I thought she must be sarcastic. I say that because Democrats refuse to allow deliberation. The people sent us here to solve problems. Let's do the work.

As I was sitting in the Chair yesterday, I heard Democrats rationalize why they refuse to allow debate. As best as I can tell, they refused to allow any deliberation because they are not sure that what they want to be included will be included.

I think now it is time to review that which most of us learned in fifth grade. Just for a civics lesson for my Democratic colleagues, I am going to go through how a bill is passed and to show that, even though they don't like how the bill starts, they can actually change how it ends and vote against it if they don't like it.

We all learned this. This is how a bill is passed. We get an idea from a constituent. Those ideas are on the street right now. They want reform of how policing occurs, to make sure that it is fair and equitable for all. The bill can go through the House. It is debated on the House floor. If it is approved, it comes to the Senate.

I am going to interject here. The Senate may come up with its own bill, and it goes to the floor. Here, it says the bill is debated. That is not happening. Filibuster and cloture may occur, and the Senate may approve the bill.

Let's stop here. If the Democratic Senators don't like the bill in its current form, they can amend it. If they don't like the way it is when it is amended, they can vote against it. If they vote against it, it will not pass. If they don't like where it ends up, after we deliberate, debate, and offer amendments, they can still defeat it.

Let's just imagine that it does get approved, then it goes to the conference committee—you and I know this—but there are some watching who heard this dialogue yesterday or these speeches yesterday from our colleagues on the Democratic side. Let me just remind people, if we approve a bill, it still goes to conference committee.

The legislation passed by the House of Representatives is considered; those two bills are merged; and then it comes back for another vote. They have a chance to amend. They have a chance to vote against it if they don't like the final product, and then it is going to a conference committee with Speaker PELOSI's version, and then they get to vote against that if they don't like that.

If all they do is allow deliberation of the bill—in what one said sarcastically was the "world's greatest deliberative body"—they would have this, that, and that opportunity to either change, disapprove, or to vote on something which they finally approve. That is how it is supposed to work.

By the way, my young aide was bringing us into the Chamber and saw somebody in the hallway, and the young person said: Hmm, it doesn't work that way. He remembered seeing this cartoon, this YouTube, when he was a kid. All he could say was: It doesn't work that way.

It should. It is how our Founding Fathers set it up. But the other side decided it doesn't work that way, and that is too bad. That is too bad because, if we don't do the work, if we don't deliberate, if we continue to have status quo over the change and the reform that all the American people are

demanding, then we will not be answering the pleas of those peaceful protesters who are asking for that change.

The cynic might believe the Democrats blocked deliberation of the JUSTICE Act because they don't want the President or the Republicans to have a win in an election year. If that is the case, if this is purely political, they have let down the American people, especially those who demand justice. They let down the American people just to score political points.

Maybe they blocked it because it doesn't include the Democratic Party's new wish list: defunding and abolishing police forces. Perhaps they knew that, if somebody offered an amendment to the JUSTICE Act to defund police, then Members would be forced to vote on the measure rather than just pay lip service to an idea that is going nowhere.

Let me say, defunding and abolishing police forces is not the direction Republicans believe we should take, for obvious reasons. Mobs are destroying and defacing property and destroying and defacing monuments of national heroes—George Washington, Abraham Lincoln, Ulysses Grant. World War II memorials are being defaced with swastikas, torn down by a mob that hates the United States of America.

When you establish a so-called police-free zone—an absurd promise for a utopian society that is, in fact, full of crime—the one in Seattle has had, I think, four shootings—at this point, the mob's goal is not justice for George Floyd; the mob's goal is about displaying their hatred for the United States of America.

If Senate Democrats reject that behavior of the mob, let the country hear you. Reject it. But that would require debate. That would require deliberation. That is what is being denied the JUSTICE Act. That is what Senate Democrats will not allow.

Here is what Senate Democrats blocked when they decided against allowing deliberation of the JUSTICE Act, if you will, addressing the demands of the people who are calling for reforms of policing. They denied stronger accountability measures for the police departments. The JUSTICE Act requires reporting of use of force and no-knock warrants. It increased penalty for false police reports. It institutes penalties for failing to properly use body cameras. It requires sharing of disciplinary records so that departments will know whether an applicant has the history of bad behavior in another law enforcement department.

By the way, some of the Senate Democrats have said they want to outlaw these things. Offer an amendment. That is why you deliberate. You don't come up with a deal in a back room and bring it—and, oh, my gosh, we have to vote on it. You offer an amendment. Allow deliberation.

Why will they not respond to the pleas of the American people to deliberate, to consider, to come up with

some form of fairness and policing for those who feel like it has been denied?

Let me continue. The JUSTICE Act requires the Department of Justice to develop and provide training and deescalation and intervention techniques to prevent police encounters from getting out of hand. That training works. The New Orleans Police Department has implemented it.

One of the images I saw when the riots were occurring in Minneapolis was the New Orleans Police Department taking a knee with protesters in Jackson Square—literally on common ground—to say that we are with you to work towards a solution. That is because of this sort of training being instituted there. I am so proud that my State has example of that which works. This bill would take that which works and make it common across the country.

The JUSTICE Act also requires training and education about the African-American socioeconomic circumstance so officers can gain a better perspective in these communities. It promotes understanding of how African-American males are impacted by experience, including education, healthcare, financial status in the criminal justice system. It helps departments know the best practices for police tactics, employment processes, community transparency, and how law enforcement can best engage on issues related to mental health, homelessness, and addiction.

Senator SCOTT, drawing from his own experiences, crafted a bill with reforms that will lead to more accountability, fewer uses of force, and a better understanding of disenfranchised and minority communities that police should also serve and protect. Criminal justice reform advocates have long called for the very same reforms the JUSTICE Act institutes. In fact, there is a lot of agreement between Republicans and Democrats on many of the reforms in this bill.

I will ask once more: Why are Democrats blocking even a consideration on this floor of this bill? If you don't like it, work to change it. If it passes, it only passes with your votes. If it does pass, it then goes to the House of Representatives for reconciliation with their bill, and then it comes back. But we should at least debate—at least pretend to hear the cries of the American people who are asking for justice for those who perceive that they have been denied.

We know that the JUSTICE Act brings about the changes to policing that Americans are calling for: more accountability, deescalation training, education, and other things. Yet again, Senate Democrats have blocked even a discussion of those reforms.

I ask myself—it doesn't make sense, good people—why would they block even consideration, any response whatsoever to the cries of the people on the street that the Congress do something? Why would they even do that? Then I

return to this. I think they are afraid that someone on their side of the aisle will offer an amendment to defund the police, and they would have to go on the record as to whether or not they are going to appease a radical left base to vote to defund the police or whether or not they are going to support the men and women in uniform that protect us all. They don't want that.

It is not just a political calculation that they don't want President Trump to have a win, I suppose; it is a political calculation that they don't want a loss. They don't want to be forced to declare their support for the police or their support to defund the police.

They are ignoring the cries of protesters demanding that George Floyd never occur again in order to cover political tracks. I think it is important to recognize that defunding the police, which I think is a radical concept, is absurd. We need police officers. In fact, I am always struck that my colleagues of both parties always thank Capitol Police for the service they do.

Don't the people who live in our community thank the police officers to keep their business from being stolen and robbed or burned? I think they do. But on the other hand, if you think police should be defunded, allow that amendment to come up, and then vote on it. The American people didn't send us here to duck tough votes. They sent us here to declare that which we believe in but also to represent their interest.

A word about the mob that is not peaceful protesters advocating for justice for all but those who hate the United States of America, who wish to erase our history, and who wish to replace our national heroes with toppled statues and swastikas and hammer and sickles upon the side of the building. The irony is that most of the mob relies upon constitutional protections of free speech and freedom of assembly. We cherish those rights. We cherish them and thank those who are peacefully protesting for exercising those constitutional rights.

I also hear from some of my colleagues on the other side of the aisle that, somehow, these actions of anarchists are just violent. There is a sentiment that says we try to enact change peacefully, but nothing is happening. I, unfortunately, have to agree with them.

The Republicans have brought forward a bill that would peacefully begin to make changes in how policing is understood and practiced and, in peacefully doing so, bring about change for which they are advocating. But again, nothing has happened because Senate Democrats have decided that they don't even want to debate a bill, offer amendments, vote against the final product, or allow it to go to a conference committee with the House of Representatives to be changed once more to perhaps come more to their liking.

Again, my Senate Democratic colleagues are not just blocking reform;

they will not even allow discussion of reform. They don't want to talk to Republicans about it. They don't want to take a stand on defunding and abolishing police departments. Rather than have a debate, we go into hiding, leaving the issues regarding the reform of policing unresolved. I hope my Democratic colleagues allow the debate to occur. I hope they recognize the importance of this issue to all Americans, especially to those in communities of color, but really to us all.

To my colleagues on the other side of the aisle: Come back to the table. Let's hear your amendments. Let's have debate. Let's enact the change we need by building a consensus on the best path forward. Let's live up to the statement that the Senate is the world's greatest deliberative body.

Together, the Senate—Republicans and Democrats—can deliver change for the American people. We can bring about the unity that we as a country desperately need in order to heal as a society, but this will only happen if my Senate Democratic colleagues stop hiding behind procedural votes.

Come to the floor. Let's deliberate. Let's do what the Founding Fathers imagined that we would. I know that it is politically difficult, but sometimes, we have to rise above political difficulty with a challenge of time, and that challenge is now.

I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

TRIBUTE TO JOHN ROUSH

Mr. MCCONNELL. Mr. President, over the school's two centuries, some of Kentucky's brightest students have walked Centre College's campus. Our Commonwealth's first Governor, Isaac Shelby, chaired the inaugural board. Prominent Kentucky surgeon Dr. Ephraim McDowell, whose accolades include a statue here in the U.S. Capitol, also served as a trustee. To date, Centre's alumni include two U.S. Vice Presidents, one Chief Justice and an Associate Justice of the Supreme Court, as well as more than a dozen Senators, 43 Members of Congress, and 11 Governors.

Today, I would like to pay tribute to another leading member of Centre's community: its 20th president and my good friend Dr. John Roush. At the end of this month, John will complete his service to the school, closing out 22 years of achievement that have brought well-deserved praise and growth to Centre.

Since coming to Danville, John has led a transformation of the school. He championed major investments into campus infrastructure, the addition of new endowed professorships, and the completion of a \$120 million capital campaign. Along the way, a national publication twice named Centre the top school in the South.

Of course, Centre College is no stranger to making national headlines. In 2000, Centre hosted a Vice Presidential debate between Dick Cheney and our former colleague Joe Lieberman. When Centre was selected for this prestigious honor, it was the smallest higher educational institution in history to host a Presidential or Vice Presidential debate. By any objective standard, the event was a total success, and it came as a clear result of John's creativity and ingenuity. Afterward, a Washington Post writer praised the debate as "one of the best ever. The whole day was a happy pageant of Norman Rockwell meets Alexis de Tocqueville."

That writer wasn't the only one impressed by Centre's performance. The Commission on Presidential Debates went back to John, asking Centre to host another Vice Presidential debate. Once again, the Centre community planned and executed an extraordinary event with the eyes of the country on them.

Last year, John led Centre in the celebration of its bicentennial anniversary with a full year of events. While the school honored its distinguished history, John seemed to consider his own place in it. He announced his retirement from Centre, making him one of the three longest serving presidents in the school's history.

Perhaps John's greatest legacy at Centre will be his fierce devotion to students. Every single graduate was invited into his home at least twice during their undergraduate years. With his beloved wife Susie, who is an institution herself, John brought compassionate leadership to all aspects of his work. His colleagues called John the institution's "beating heart." As he leaves campus at the end of this month, 1 day before his 70th birthday, he should take pride in a job very well done.

I am sure Centre College planned several opportunities for its students, faculty, staff, alumni, and friends to express their sincere appreciation to John. Unfortunately, the coronavirus pandemic changed many of those plans. But there is nothing that can change our heartfelt gratitude to John and Susie for all they have done for Centre College and the Commonwealth of Kentucky. As they embark on their next adventure together, we wish them the very best.

THE JUSTICE ACT

Mrs. FEINSTEIN. Mr. President, I rise in opposition to proceeding on S. 3985, the JUSTICE Act, and want to briefly explain why.

On May 25, a Minneapolis police officer knelt on the neck of George Floyd for almost 9 minutes. Mr. Floyd repeatedly said he could not breathe and pleaded for officers to stop. The officers ignored his pleas and continued to kneel on his neck until his body went limp. George Floyd's alleged crime? Using a counterfeit \$20 bill to buy groceries during a global pandemic.

As a nation, we have seen far too many unarmed Black men and women killed by police. Rayshard Brooks was shot twice in the back while running away from Atlanta police. The police had been called because he had fallen asleep in his car and was blocking a fast-food drive-thru. Breonna Taylor, an emergency medical worker, was shot eight times by Louisville police while asleep in her home. Eric Garner was choked to death by an NYPD officer for selling cigarettes. Freddie Gray was killed after being taken into custody by Baltimore police for possessing a knife. Walter Scott was shot in the back by North Charleston police after being stopped for a bad brake light. Stephon Clark was killed by Sacramento police in his grandmother's backyard for breaking windows. And Michael Brown was shot six times by Ferguson police while his hands were raised in the air.

Over the past month, millions of people—of all races, ages, and backgrounds—have taken to the streets throughout the Nation to protest these killings and to demand real police reform. We need to respond with legislation that truly meets this moment, a bill that actually holds law enforcement agencies and offices accountable under the law.

The Republican JUSTICE Act is nowhere near enough. It simply does not impose accountability on law enforcement. Specifically, it does not create a national use of force standard. For example, in California, lethal force may only be used to prevent an imminent threat of death or serious bodily injury to the officer or to another person. It does not end racial profiling; in other words, it does not stop police from using race to target individuals, a practice I would hope that everyone agrees must cease. It does not prohibit no-knock warrants in drug cases, the very type of warrant that led to the death of Breonna Taylor. It does not reform qualified immunity, a legal defense that has allowed officers to avoid accountability even when they have broken the law. Instead of fixing these problems, the JUSTICE Act collects more information and data on problems we already know exist.

We do not need more information. We need to address the underlying issues of systemic racism and police use of force. That is where the Justice in Policing Act comes in. Senator BOOKER and Senator HARRIS introduced this bill earlier this month. It should be our starting point. The bill makes meaningful reforms. For example, it requires that police departments ban

choke holds and carotid holds in order to receive Federal funds. It prohibits the use of racial profiling by police officers. It creates a national police misconduct registry that would collect disciplinary or termination history of officers so potential employers would know of an officer's past misconduct. It gives subpoena authority to the Justice Department to conduct "pattern or practice" investigations. It eliminates the defense of "qualified immunity" so that police officers can be held civilly liable under the law for misconduct. And it amends Federal criminal law so officers can more effectively be charged for violating people's constitutional and legal rights.

Meaningful reform is long overdue, and rather than rushing a weak bill to the floor, the Senate Judiciary Committee should take up the Justice in Policing Act as soon as possible. This is how the Senate is supposed to work. We should not be trying to address this important issue by rushing an insufficient bill to the floor. Now is the time for leadership, courage, and real police reform.

Thank you.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. BLUMENTHAL. Mr. President, the committee is closely monitoring upgrades to F-35 software and other capabilities under the continuous capability development and delivery C2D2 strategic modernization framework. The principal purpose for C2D2 is the development of Block 4 software and weapons system upgrades, which also includes other elements like Technical Refresh-3 and dual weapons capability, to ensure the F-35 maintains its operational advantage. However, the committee is concerned the planned F-35 air vehicle capability growth, associated with Block 4 weapons systems enhancements, will exceed the established thrust, power, and thermal management capabilities of the current F135 propulsion system beginning with the delivery of Lot 18 aircraft. Such a capability gap between the current F135 performance and future requirements could significantly constrain the operational capabilities of the F-35 weapons system.

The committee is aware of a recent agreement to conduct a 6-month propulsion study and operational assessment to determine the specific F135 propulsion growth requirement that would address this capability gap. The study to determine the future propulsion requirement is expected to conclude in the first quarter of fiscal year 2021. The committee strongly endorses this approach and encourages the Department of Defense to submit recommendations to Congress following completion of the study. Further, the committee strongly supports a long-term focus on propulsion improvements over fiscal years 2021–2025 necessary to support engineering and man-

ufacturing development for upgraded engine production supporting the planned delivery of Lot 18 aircraft.

Therefore, the committee directs the Department of Defense and Joint Program Office to establish an F135 Propulsion Growth Program that ensures propulsion growth requirements are aligned with and support weapons systems upgrade requirements. Finally, the committee directs the Secretary of Defense to include funding in the fiscal year 2022 budget request to support the F135 Propulsion Growth Program across the Future Years Defense Plan.

VOTE EXPLANATION

Ms. SINEMA. Mr. President, I was necessarily absent but had I been present would have voted no on rollcall Vote 112, motion to invoke cloture on confirmation of Michael Pack to be Chief Executive Officer of the Broadcasting Board of Governors.

I was necessarily absent but had I been present would have voted no on rollcall Vote 113, confirmation of Michael Pack, of Maryland, to be Chief Executive Officer of the Broadcasting Board of Governors for the term of three years.

I was necessarily absent but had I been present would have voted yes on rollcall Vote 117, motion to invoke cloture on Gardner Amendment No. 1617.

I was necessarily absent but had I been present would have voted no on rollcall Vote 123, confirmation of Justin Reed Walker, of Kentucky, to be U.S. Circuit Judge for the District of Columbia Circuit.

I was necessarily absent but had I been present would have voted no on rollcall Vote 124, motion to invoke cloture on Cory T. Wilson, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

RECOGNIZING THE 555TH FIGHTER SQUADRON

Mr. COTTON. Mr. President, the "World Famous Highly Respected" 555th Fighter Squadron, commonly known as the Triple Nickel, recently completed the Department of Defense's first real-world combat Dynamic Force Employment DFE to United States Central Command. In plain English, the Triple Nickel executed an unplanned departure to the Middle East last fall to combat Iranian aggression against the United States and our allies in the region.

During its historic deployment, the squadron flew more than 7,000 hours supporting operations in the Arabian Gulf, Afghanistan, Iraq, and Syria. Demonstrating the rapid, agile, and lethal characteristics of airpower, the Nickel executed defensive counter-air missions in Syria—routinely intercepting and monitoring Russian, Syrian, and Iranian aircraft operating near U.S. and partnered ground forces. It also provided close air support to troops battling the Taliban in Afghanistan, as well as ISIS in Iraq and Syria.

The Nickel returned home in December as Iran's aggression began to wane but deployed a second time only days later when tensions rapidly escalated following the U.S. strike against Qasem Soleimani. The squadron subsequently executed force protection missions in Iraq during and after Iran's missile attacks against U.S. forces. The Triple Nickel then deployed to a second expeditionary operating location. U.S. F-16s had not conducted combat missions from this location since 2003. From there, the squadron was able to immediately respond to the rocket attacks on Camp Taji, Iraq, by Iranian-backed Shia militia groups and execute retaliatory strikes.

The squadron returned to Aviano Air Base, Italy, in late April as the Air Force's first major combat unit to re-deploy during the China virus pandemic. Throughout their deployment, the men and women of the 555th Expeditionary Fighter Squadron and Maintenance Unit performed exceptionally under tense combat pressures executing a new and highly mobile deployment construct during a pandemic. The Triple Nickel represents the best America has to offer, and I congratulate them on a job well done. "Once Green!"

TRIBUTE TO KIM CAWLEY

Mr. ENZI. Mr. President. I rise today to recognize the distinguished career and retirement of Kim Cawley after 34 years of service at the Congressional Budget Office. Kim has been Chief of the Natural and Physical Resources Cost Estimates Unit for more than 20 of those years, also spent over a decade as one of CBO's energy analysts. He is one of that agency's experts on the Nuclear Waste Fund, the treatment of Federal loans and loan guarantees, and the budgetary effects of Federal insurance programs.

It is hard to overstate Kim's role in analyzing the budgetary impacts of an incredibly broad swath of legislation over the past three decades. He has been instrumental in providing objective, carefully researched estimates of thousands of pieces of legislation that the Congress has considered, debated, and enacted since the mid-1980, including bills dealing with flood insurance, compensation for victims of asbestos and oil spills, Federal property sales, and infrastructure financing, to name just a few.

Kim has worked tirelessly with Members of Congress and our staff on both sides of the aisle throughout those years. During many hours of discussion and patient explanation, he could be counted on to be forthright and fair. He embodied CBO's commitment to non-partisan analysis and helped the Congress understand the intricacies of such complex laws as the Federal Credit Reform Act, the Terrorism Risk Insurance Act, and the 9-11 Victims Compensation Act.

Kim has been a mentor and guide to dozens of CBO analysts. Thanks to his

guidance and training, a generation of CBO analysts think harder, dig deeper, and ask more probing questions when analyzing the estimated costs of legislation. Kim set high standards for himself and for the Natural Resources Unit, and we are confident that they will continue to provide timely and thorough analyses for the Congress thanks to what they have learned under Kim's leadership.

I, along with House Budget Committee Chairman JOHN YARMUTH, wish to thank Kim for his years of dedicated service to the Congress and extend to him our best wishes for a well-deserved retirement.

ADDITIONAL STATEMENTS

REMEMBERING RICHARD BENEVILLE

• Ms. MURKOWSKI. Mr. President, I rise today to honor the legacy of a friend and one of Alaska's truly unique individuals, the mayor of Nome, Richard Beneville. We lost the mayor last month when he succumbed to pneumonia in the town he called home for more than 32 years. Richard's life story was colorful. He left New York City as a young man struggling with alcoholism and searching for a new life. Alaska was as far away as he could go, and he often said Alaska saved him. He spent a few years in Barrow before moving to Nome in 1988, and I think it is fair to say that the town has never been the same since. His career began on Broadway, and Richard channeled his creative energy to inspire youth and adults in Nome through the Nome Arts Council. He directed more than three dozen plays, including "The Sound of Music," "Music Man," and "Fiddler on the Roof," and inspired generations in the community to appreciate the stage.

Ever the showman, Richard was a tireless ambassador for Nome and Arctic tourism. He founded Nome Discovery Tours in 1994, and he never missed an opportunity to promote Nome and the surrounding region and its rich history. Watching him entertain a tour group with tales of Nome's early gold mining days, while he demonstrated how to pan for gold, audience captivated, was a real treasure.

For the past 4½ years, he served as mayor of Nome, and there was no better cheerleader for this remote community. Some of my colleagues may recall running into him in the halls of the Hart and Dirksen Buildings, wearing his signature "Hello Central" knit hat, a Port of Nome, vest and always sporting his I love Nome! button. Never shy, Richard would greet Senators, staff, and visitors alike, quickly asking them how their day was and what they were up to as he worked the halls and made new friends. His friendly banter and genuine interest in people was refreshing in an environment all too often filled with hustle and tension.

For those of you who have never had the fortune to visit Nome, there are only three ways to get there from Anchorage—airplane, boat, and dog sled. Nome is 2000 miles closer to the North Pole than to New York City, and in 2016 when the *Crystal Serenity* called on the Port of Nome during its maiden voyage from Seward to Manhattan, the mayor was there to greet these intrepid Arctic adventurers. I had the privilege to travel with Richard to many Arctic conferences, and it was a joy to watch as he shared his vision for Arctic tourism and a positive future for this fascinating and challenging part of the world.

The mayor was a passionate champion of the Iditarod and I last saw him on Saturday, March 7, in Anchorage at the ceremonial start of the race. He had just been released from the hospital, having persuaded his doctors and nurses that the "show must go on" to be there for the festivities.

He loved people, the arts, flowers, and above all, Nome to the end. His passing is a true loss for my State. I will miss his boundless enthusiasm and his trademark greeting to all he ran into, "Hello Central!"

RECOGNIZING MERCEDES SCIENTIFIC

• Mr. RUBIO. Mr. President, as chairman of the Senate Committee on Small Business and Entrepreneurship, each week I recognize a small business that exemplifies the American entrepreneurial spirit at the heart of our country. It is my privilege to recognize a woman-owned small business that provides critical medical supplies to hospitals and laboratories nationwide. This week, it is my pleasure to honor Mercedes Scientific of Lakewood Ranch, FL, as the Senate Small Business of the Week.

In 1991, Noelle Haft and Hank Traynor founded Mercedes Scientific in New Hyde Park, NY. The two were veterans of the medical supply industry, combining their scientific expertise and knowledge of laboratory distribution to start their own small business. At the time, it was known as Mercedes Medical. Drawn by the weather and welcoming business regulations, Mercedes Medical relocated to Florida in 1993. When Hank retired, Noelle and her husband, Rob, continued running the company along with their daughter, Alex Miller.

Over the next few decades, Mercedes Medical remained a family-owned company as it grew into a notable medical supplier. The company moved into their Lakewood Ranch facility in 2018 and expanded to provide laboratory equipment and personal protective equipment, PPE. They rebranded as Mercedes Scientific in 2019 due to their growing focus on serving the research, laboratory, and scientific communities.

Mercedes Scientific is active in the community. They donate medical sup-

plies to local organizations and businesses, as well as educational institutions nationwide. The company supports international nonprofit missions, such as helping medical facilities recover from natural disasters. Closer to home, Mercedes Scientific is a team build partner with Habitat for Humanity in Sarasota, FL. They also work with the Lakewood Ranch Business Alliance to promote local economic development.

Like many small businesses in Florida, Mercedes Scientific experienced supply chain disruptions due to the coronavirus pandemic. As a medical supply company, they play a critical role in securing laboratory supplies, PPE, and COVID-19 test kits. Mercedes Scientific works tirelessly with laboratories and hospitals in Florida and throughout the Nation to ensure they receive the resources needed to combat the pandemic.

When the U.S. Small Business Administration launched the Paycheck Protection Program, PPP, Mercedes Scientific applied for funding. The PPP provides forgivable loans to impacted small businesses and nonprofits who maintain their payroll during the COVID-19 pandemic. Thanks to a PPP loan, Mercedes Scientific was able to keep their 67 employees paid and remain focused on its mission sourcing medical supplies.

Mercedes Scientific is a notable example of the key role small businesses play in America's medical supply chains. I commend their continued work to provide essential hospital and laboratory supplies as the United States confronts the coronavirus pandemic. Congratulations to Noelle, Rob, Alex, and the whole team. I look forward to your continued success, growth, and success in the Lakewood Ranch area.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The messages received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4871. A communication from the Federal Register Liaison Officer, Office of the

Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Department of Defense (DoD) Guidance Documents" (RIN0790-AK97) received in the Office of the President of the Senate on June 22, 2020; to the Committee on Armed Services.

EC-4872. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE Pharmacy Benefits Program Reforms" (RIN0720-AB75) received in the Office of the President of the Senate on June 22, 2020; to the Committee on Armed Services.

EC-4873. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE Coverage and Payment for Certain Services in Response to the COVID-19 Pandemic (Interim Final Rule)" (RIN0720-AB81) received in the Office of the President of the Senate on June 22, 2020; to the Committee on Armed Services.

EC-4874. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General John C. Thomson III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4875. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Eric J. Wesley, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4876. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Daniel J. O'Donohue, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4877. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Charles W. Hooper, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4878. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Stephen M. Twitty, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4879. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13405 of June 16, 2006, with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-4880. A communication from the Director of Congressional Affairs, Office of Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulatory Guide (RG) 1.100, Seismic Qualification of Electrical and Active Mechanical Equipment and Functional Qualification of Active Mechanical Equipment for Nuclear Power Plants" received in the Office of the President of the Senate on June 22, 2020; to the Committee on Environment and Public Works.

EC-4881. A communication from the Director of Congressional Affairs, Office of Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulatory Guide (RG) 1.142, Safety Related Structures for Nuclear Power Plants (Other than Reactor Vessels

and Containments)" received in the Office of the President of the Senate on June 22, 2020; to the Committee on Environment and Public Works.

EC-4882. A communication from the Director of Congressional Affairs, Office of Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulatory Guide (RG) 1.233, Revision 0, Guidance for a Technology-Inclusive, Risk-Informed, and Performance-Based Methodology to Inform the Licensing Basis and Content of Applications for Licenses, Certifications, and Approvals for Non-Light Water Reactors" received in the Office of the President of the Senate on June 22, 2020; to the Committee on Environment and Public Works.

EC-4883. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: COVID-19 Relief Under 7701(b)" (Rev. Proc. 2020-20) received in the Office of the President of the Senate on June 22, 2020; to the Committee on Finance.

EC-4884. A communication from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022 and 4044) received in the Office of the President of the Senate on June 18, 2020; to the Committee on Health, Education, Labor, and Pensions.

EC-4885. A communication from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Civil Penalties for Inflation" (RIN1212-AB45) received in the Office of the President of the Senate on June 18, 2020; to the Committee on Health, Education, Labor, and Pensions.

EC-4886. A communication from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Eligibility of Students at Institutions of Higher Education for Funds under the Coronavirus Aid, Relief, and Economic Security (CARES) Act" (RIN1840-AZ04) received in the Office of the President of the Senate on June 22, 2020; to the Committee on Health, Education, Labor, and Pensions.

EC-4887. A communication from the Inspector General of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Inspector General's Semiannual Report to Congress for the period from October 1, 2019, through March 31, 2020; to the Committee on Homeland Security and Governmental Affairs.

EC-4888. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904" (RIN3060-AK57) (WC Docket Nos. 19-126 and 10-90) received in the Office of the President of the Senate on June 23, 2020; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-208. A resolution adopted by the Board of Supervisors of the City and County of San Francisco, California, urging the United States Congress to pass Emergency Earned Income Tax Credit; to the Committee on Finance.

POM-209. A resolution adopted by the Board of Supervisors of the City and County of San Francisco, California, urging the United States Congress to pass H.R. 40 (Commission to Study and Develop Reparation Proposals for African-Americans Act) and implement a federal commission to study and develop reparations proposals for the African American Act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Armed Services:

Report to accompany S. 4049, An original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 116-236).

By Mr. ROBERTS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 4054. An original bill to reauthorize the United States Grain Standards Act, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. INHOFE for the Committee on Armed Services.

*Joyce Louise Connery, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2024.

*Thomas A. Summers, of Pennsylvania, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2025.

Air Force nomination of Col. Kathleen M. Flarity, to be Brigadier General.

Navy nomination of Capt. Terry W. Eddinger, to be Rear Admiral (lower half).

Navy nomination of Capt. Patrick S. Hayden, to be Rear Admiral (lower half).

Navy nomination of Capt. Eric L. Peterson, to be Rear Admiral (lower half).

Navy nomination of Capt. Donald Y. Sze, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Stephen D. Donald and ending with Capt. Gregory K. Emery, which nominations were received by the Senate and appeared in the Congressional Record on February 24, 2020.

Navy nomination of Rear Adm. (lh) Grafton D. Chase, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Eugene A. Burcher and ending with Rear Adm. (lh) William G. Mager, which nominations were received by the Senate and appeared in the Congressional Record on February 24, 2020.

Navy nominations beginning with Capt. William L. Angermann and ending with Capt. Jeffrey S. Spivey, which nominations were received by the Senate and appeared in the Congressional Record on February 24, 2020.

Air Force nomination of Maj. Gen. Michael A. Loh, to be Lieutenant General.

Army nomination of Maj. Gen. Jody J. Daniels, to be Lieutenant General.

*Army nomination of Lt. Gen. Daniel R. Hokanson, to be General.

Army nomination of Maj. Gen. Willard M. Burleson III, to be Lieutenant General.

Navy nomination of Rear Adm. Kenneth R. Whitesell, to be Vice Admiral.

Navy nomination of Rear Adm. John B. Mustin, to be Vice Admiral.

Marine Corps nomination of Maj. Gen. David A. Ottignon, to be Lieutenant General.

Air Force nomination of Lt. Gen. Marc H. Sasseville, to be Lieutenant General.

Air Force nomination of Maj. Gen. Carl E. Schaefer, to be Lieutenant General.

Air Force nomination of Maj. Gen. Kirk S. Pierce, to be Lieutenant General.

Army nomination of Brig. Gen. Alex B. Fink, to be Major General.

Army nominations beginning with Col. Edward H. Bailey and ending with Col. Anthony L. McQueen, which nominations were received by the Senate and appeared in the Congressional Record on June 2, 2020.

Army nomination of Maj. Gen. Jon A. Jensen, to be Lieutenant General.

Army nomination of Col. Jed J. Schaertl, to be Brigadier General.

Marine Corps nomination of Lt. Gen. Robert F. Hedelund, to be Lieutenant General.

Air Force nomination of Lt. Gen. Mark D. Kelly, to be General.

Air Force nomination of Lt. Gen. Jacqueline D. Van Ovost, to be General.

Air Force nomination of Maj. Gen. Brian S. Robinson, to be Lieutenant General.

Air Force nomination of Maj. Gen. Charles L. Moore, Jr., to be Lieutenant General.

Air Force nomination of Maj. Gen. Andrew A. Croft, to be Lieutenant General.

*Army nomination of Gen. Gustave F. Perna, to be General.

Army nomination of Maj. Gen. Michael L. Howard, to be Lieutenant General.

Navy nomination of Vice Adm. James J. Malloy, to be Vice Admiral.

Navy nomination of Rear Adm. Michelle C. Skubic, to be Vice Admiral.

Mr. INHOFE. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Cory L. Baker and ending with Stephenie D. Williams, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2020.

Air Force nomination of Katherine B. Donovan, to be Colonel.

Air Force nomination of Kirk W. Greene, to be Lieutenant Colonel.

Air Force nomination of Patterson G. Aldeza, to be Major.

Air Force nomination of William R. Martin II, to be Colonel.

Army nomination of Michael F. Coerper, to be Lieutenant Colonel.

Army nominations beginning with Syed I. Ahmed and ending with D014798, which nominations were received by the Senate and appeared in the Congressional Record on February 12, 2020.

Army nominations beginning with Bradley Aebi and ending with Kevyn Wetzel, which nominations were received by the Senate and appeared in the Congressional Record on February 12, 2020.

Army nominations beginning with John L. Ament and ending with Wendy G. Woodall,

which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2020.

Army nominations beginning with Fely O. Andrada and ending with D011074, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2020.

Army nominations beginning with Christopher A. Flaugh and ending with Zack T. Solomon, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2020.

Army nominations beginning with Michael Berecz and ending with James W. Pratt, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2020.

Army nominations beginning with Rohul Amin and ending with D015498, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2020.

Army nominations beginning with Thomas E. Allen and ending with Michael T. Zell, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2020.

Army nomination of Christopher V. Emmons, to be Major.

Army nominations beginning with Chad M. Abts and ending with Roger B. Zeigler, which nominations were received by the Senate and appeared in the Congressional Record on May 21, 2020.

Army nominations beginning with Daniel P. Allen and ending with Gary C. Wong, which nominations were received by the Senate and appeared in the Congressional Record on May 21, 2020.

Army nominations beginning with Brian E. Bart and ending with Mitchell J. Wisniewski, which nominations were received by the Senate and appeared in the Congressional Record on May 21, 2020.

Army nomination of Nathaniel A. Stone, to be Major.

Army nomination of Margaret C. Brainard, to be Major.

Army nomination of Michael B. McGuire, to be Lieutenant Colonel.

Army nomination of Ralph Pean, to be Major.

Army nomination of Christopher M. Hartley, to be Lieutenant Colonel.

Army nomination of Mauro Quevedo, Jr., to be Lieutenant Colonel.

Army nomination of Shahin Nassirkhani, to be Colonel.

Army nomination of Joshua W. Krupa, to be Lieutenant Colonel.

Army nomination of Peter C. Renals, to be Major.

Navy nominations beginning with Robert L. Betts and ending with James G. Thurston II, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Matthew L. Abbot and ending with David P. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Paul Annexstad and ending with Peter M. Zubof, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Benjamin E. Baran and ending with Joseph F. Rheker III, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Aaron A. Asimakopoulos and ending with Kimberly A. Pizanti, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Derek L. Buzasi and ending with Tracy A. Sicks, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Francis P. Brown and ending with Mckinnya J. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Stuart R. Blair and ending with Jeffery T. King, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with John P. Bauer and ending with Kurt A. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Steven G. Beall and ending with Almond Smith III, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with David S. Barnes and ending with Joel A. Yates, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Kathryn M. Hermsdorfer and ending with Dwight E. Smith, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Christa D. Almonte and ending with Scott D. Worthington, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Jereal E. Dorsey and ending with Kyle A. Raines, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Jeffrey A. Brown and ending with Joseph B. Ruff, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Brian S. Cooper and ending with John F. Ryan, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nomination of Dell M. Griffith, to be Captain.

Navy nominations beginning with Lionel C. Vigue and ending with Charles Young, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Darren C. Bessett and ending with Gary D. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Shane J. Eisenbraun and ending with Michael W. Murphree, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nomination of Robert A. Scinicariello, to be Captain.

Navy nomination of Dwayne Porter, to be Captain.

Navy nominations beginning with John P. Ferrari and ending with Kevin L. West, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Mark A. Dunaway and ending with Amir M. Tavakolirizi, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nomination of Motisola T. Bowman, to be Captain.

Navy nominations beginning with Hyun S. Chun and ending with Scott C. McKinney, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Michael T. Curry and ending with Rodney H. Moss, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Cory M. Groom and ending with Michael L. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Cassius A. Farrell and ending with Kenneth J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Allan M. Baker and ending with Richard M. Yeatman, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nominations beginning with Ian A. Brown and ending with Kenya D. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2020.

Navy nomination of Suzette Inzerillo, to be Captain.

Navy nomination of Thomas G. Chekouras, to be Captain.

Navy nominations beginning with Ryan P. Anderson and ending with Glenn A. Wright, which nominations were received by the Senate and appeared in the Congressional Record on June 2, 2020.

Navy nominations beginning with Michael D. Amedick and ending with Dennis M. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on June 2, 2020.

Navy nominations beginning with Jeremy P. Adams and ending with Allen E. Willey, which nominations were received by the Senate and appeared in the Congressional Record on June 2, 2020.

Navy nominations beginning with Marco A. Ayala and ending with David M. You, which nominations were received by the Senate and appeared in the Congressional Record on June 2, 2020.

Navy nominations beginning with William M. Anderson and ending with David S. Weldon, which nominations were received by the Senate and appeared in the Congressional Record on June 2, 2020.

Navy nominations beginning with Jerry J. Bailey and ending with Erin R. Wilfong, which nominations were received by the Senate and appeared in the Congressional Record on June 2, 2020.

Navy nominations beginning with Phillip A. Chockley and ending with Daniel Werner, which nominations were received by the Senate and appeared in the Congressional Record on June 2, 2020.

Navy nominations beginning with Kenneth R. Basford and ending with Susan M. Tillmon, which nominations were received by the Senate and appeared in the Congressional Record on June 2, 2020.

Navy nomination of Robert C. Birch, to be Lieutenant Commander.

Navy nomination of Tori J. Moffitt, to be Lieutenant Commander.

Navy nomination of Mattheau B. Willsey, to be Lieutenant Commander.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VAN HOLLEN (for himself, Mrs. SHAHEEN, and Mr. COONS):

S. 4052. A bill to make grants to support online training of residential contractors and rebates for the energy efficiency upgrades of homes, and for other purposes; to the Committee on Finance.

By Mr. REED (for himself, Mr. INHOFE, Mr. MORAN, Mr. JONES, and Mrs. HYDE-SMITH):

S. 4053. A bill to amend the Energy Policy Act of 1992 to modernize the EPSCoR program of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS:

S. 4054. An original bill to reauthorize the United States Grain Standards Act, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

By Mr. DURBIN (for himself and Mr. RUBIO):

S. 4055. A bill to address health workforce shortages and disparities highlighted by the COVID-19 pandemic through additional funding for the National Health Service Corps and the Nurse Corps, and to establish a National Health Service Corps Emergency Service demonstration project; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COTTON (for himself and Mrs. LOEFFLER):

S. 4056. A bill to prohibit certain individuals from being appointed to positions if the individual worked, as part of that individual's employment with the United States, on behalf of a special counsel investigation that investigated or prosecuted a President or a candidates for election to the office of President; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DAINES (for himself, Mr. RISCH, Mr. CRAPO, and Mr. CRAMER):

S. 4057. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and the Federal Land Policy and Management Act of 1976 to provide that the Secretary of Agriculture and the Secretary of the Interior are not required to reinstate consultation on a land management plan or land use plan under certain circumstances, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SMITH (for herself and Ms. MURKOWSKI):

S. 4058. A bill to authorize grants to address substance use during COVID-19; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SMITH (for herself and Ms. MURKOWSKI):

S. 4059. A bill to direct the Secretary of Health and Human Services to award grants to States, political subdivisions of States, Indian Tribes and Tribal organizations, community-based entities, and primary care and behavioral health organizations to address behavioral health needs caused by the public health emergency declared with respect to COVID-19; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SMITH:

S. 4060. A bill to provide additional funds for Federal and State facility energy resiliency programs, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself and Mr. MURPHY):

S. 4061. A bill to provide emergency nutrition assistance to States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. LOEFFLER:

S. 4062. A bill to amend section 230 of the Communications Act of 1934 to require that providers and users of an interactive computer service meet certain standards to qualify for liability protections; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE (for himself and Ms. SMITH):

S. 4063. A bill to provide that, due to the disruptions caused by COVID-19, applications for impact aid funding for fiscal year 2022 may use certain data submitted in the fiscal year 2021 application; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself and Mr. CASSIDY):

S. 4064. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for training on alternatives to use of force, de-escalation, and behavioral health crisis; to the Committee on the Judiciary.

By Mr. LEE (for himself and Mr. KING):

S. 4065. A bill to make exclusive the authority of the Federal Government to regulate the labeling of products made in the United States and introduced in interstate or foreign commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHATZ (for himself and Mr. THUNE):

S. 4066. A bill to require transparency, accountability, and protections for consumers online; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself, Ms. DUCKWORTH, and Mr. VAN HOLLEN):

S. 4067. A bill to prohibit certain assistance for inverted domestic corporations; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 360

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 360, a bill to amend the Securities Exchange Act of 1934 to require the submission by issuers of data relating to diversity, and for other purposes.

S. 373

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 373, a bill to provide for the retention and service of transgender individuals in the Armed Forces.

S. 578

At the request of Mr. COTTON, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 578, a bill to amend title II of the Social Security Act to eliminate the five-month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 1125

At the request of Mr. TILLIS, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 1125, a bill to amend the Health Insurance Portability and Accountability Act.

S. 1863

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1863, a bill to require the Secretary of the Interior to conduct a special resource study of the sites associated with the life and legacy of the noted American philanthropist and business executive Julius Rosenwald, with a special focus on the Rosenwald Schools, and for other purposes.

S. 1970

At the request of Ms. HIRONO, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1970, a bill to secure the rights of public employees to organize, act concertedly, and bargain collectively, which safeguard the public interest and promote the free and unobstructed flow of commerce, and for other purposes.

S. 2216

At the request of Mr. PETERS, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 2216, a bill to require the Secretary of Veterans Affairs to formally recognize caregivers of veterans, notify veterans and caregivers of clinical determinations relating to eligibility for caregiver programs, and temporarily extend benefits for veterans who are determined ineligible for the family caregiver program, and for other purposes.

S. 2446

At the request of Ms. WARREN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2446, a bill to provide certain coverage of audiologist services under the Medicare program, and for other purposes.

S. 2673

At the request of Mrs. SHAHEEN, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 2673, a bill to amend title 10, United States Code, to provide for eating disorders treatment for members and certain former members of the uniformed services, and dependents of such members, and for other purposes.

S. 2741

At the request of Mr. SCHATZ, the names of the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 2741, a bill to amend title XVIII of the Social Security Act to expand access to telehealth services, and for other purposes.

S. 2864

At the request of Ms. SINEMA, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 2864, a bill to require the Secretary of Veterans Affairs to carry out a pilot program on information sharing between the Department of Veterans Affairs and designated relatives and friends of veterans regarding the assistance and benefits available to the veterans, and for other purposes.

S. 3182

At the request of Mr. SULLIVAN, the name of the Senator from Arizona (Ms.

SINEMA) was added as a cosponsor of S. 3182, a bill to direct the Secretary of Veterans Affairs to carry out the Women's Health Transition Training pilot program through at least fiscal year 2020, and for other purposes.

S. 3393

At the request of Ms. HIRONO, her name was added as a cosponsor of S. 3393, a bill to amend title 10, United States Code, to provide for concurrent receipt of veterans' disability compensation and retired pay for disability retirees with fewer than 20 years of service and a combat-related disability, and for other purposes.

At the request of Mr. TESTER, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. 3393, *supra*.

S. 3395

At the request of Ms. HIRONO, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 3395, a bill to require consultations on reuniting Korean Americans with family members in North Korea.

S. 3624

At the request of Mr. COONS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3624, a bill to amend the national service laws to prioritize national service programs and projects that are directly related to the response to and recovery from the COVID-19 public health emergency, and for other purposes.

S. 3727

At the request of Mr. UDALL, his name was added as a cosponsor of S. 3727, a bill to provide for cash refunds for canceled airline flights and tickets during the COVID-19 emergency.

At the request of Mr. HEINRICH, his name was added as a cosponsor of S. 3727, *supra*.

S. 3737

At the request of Ms. SMITH, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3737, a bill to improve the public health workforce loan repayment program.

S. 3775

At the request of Mr. PETERS, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 3775, a bill to establish a United States-Israel Operations-Technology Working Group, and for other purposes.

S. 3783

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 3783, a bill to direct the Secretary of Defense to standardize, collect, and analyze information on the demographics of applicants to military service academies, and for other purposes.

S. 4014

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a co-

sponsor of S. 4014, a bill to provide for supplemental loans under the Paycheck Protection Program.

S. 4017

At the request of Mr. HOEVEN, the names of the Senator from Louisiana (Mr. CASSIDY) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 4017, a bill to extend the period for obligations or expenditures for amounts obligated for the National Disaster Resilience competition.

S. 4019

At the request of Mr. CORNYN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 4019, a bill to amend title 5, United States Code, to designate Juneteenth National Independence Day as a legal public holiday.

S. 4041

At the request of Mr. CORNYN, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 4041, a bill to assist the American energy sector in retaining jobs during challenging economic times.

S. 4046

At the request of Mr. MERKLEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 4046, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to award grants to eligible entities to purchase, and as applicable install, zero emissions port equipment and technology, and for other purposes.

S. 4048

At the request of Ms. HARRIS, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 4048, a bill to modify the deadlines for completing the 2020 decennial census of population and related tabulations, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mr. INHOFE, Mr. MORAN, Mr. JONES, and Mrs. HYDE-SMITH):

S. 4053. A bill to amend the Energy Policy Act of 1992 to modernize the EPSCoR program of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REED. Mr. President, today I introduce, along with Senator INHOFE, Senator JONES, Senator MORAN, and Senator HYDE-SMITH, the DOE EPSCoR Modernization Act of 2020.

As many of our colleagues are aware, the Department of Energy Established Program to Stimulate Competitive Research (DOE EPSCoR) was established by the Energy Policy Act of 1992 (P.L. 102-486). This critical initiative seeks to improve the capacity of eligible states to conduct nationally competitive energy research and connect eligible states with the National Laboratory System.

The purpose of the bill we are introducing is to broaden the scope of the

research funded by the DOE EPSCoR program beyond basic science, to encompass the full range of research supported by DOE. This includes cutting-edge research in applied energy technologies, energy efficiency, energy storage, and environmental management, to name a few key areas. Yet, because of the program's narrow focus on basic science, EPSCoR States are only able to support a small fraction of DOE's research mission.

Our bill would continue to support investments in research infrastructure and expand opportunities for EPSCoR institutions to partner with National Laboratories to conduct their research. Our bill would also increase support for graduate students and early career faculty.

When the National Academy of Sciences evaluated EPSCoR programs, it concluded that EPSCoR programs are critical to the nation's scientific and technology leadership, because EPSCoR helps ensure that talented researchers and scientists from all 50 states are partners in science and technology research. This is even truer in the context of energy issues, where each state and region faces different energy opportunities and infrastructure challenges.

By modernizing the program and bringing it into alignment with EPSCoR programs operated by other agencies, DOE EPSCoR will be better positioned to meet today's energy challenges and align with the interests and strengths of EPSCoR states. I am pleased to have the support of the Coalition of EPSCoR/IDeA States in this effort, and I urge our colleagues to join us in pressing for passage of this bill.

By Mr. DURBIN (for himself and Mr. RUBIO):

S. 4055. A bill to address health workforce shortages and disparities highlighted by the COVID-19 pandemic through additional funding for the National Health Service Corps and the Nurse Corps, and to establish a National Health Service Corps Emergency Service demonstration project; to the Committee on Health, Education, Labor, and Pensions.

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

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

S. 4055

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 "Strengthening America's Health Care Readiness Act".

SEC. 2. ADDITIONAL FUNDING FOR THE NATIONAL HEALTH SERVICE CORPS.

(a) ADDITIONAL FUNDING.—Section 10503(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)) is amended—

(1) in paragraph (1)(F), by striking "and" at the end;

(2) in paragraph (2)(H), by striking the period and inserting ";; and"; and

(3) by adding at the end the following:

"(3) to be transferred to the Secretary of Health and Human Services \$5,000,000,000 for fiscal year 2020, to provide additional funding to carry out the National Health Service Corps Scholarship Program under section 338A of the Public Health Service Act, the National Health Service Corps Loan Program under section 338B of such Act, and the National Health Service Corps Emergency Service under section 2812A of such Act."

(b) CRITERIA FOR USE OF ADDITIONAL FUNDING FOR IN-DEMAND PROFESSIONALS.—Not less than 40 percent of the amounts made available under paragraph (3) of section 10503(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)) (as amended by subsection (a)) shall be allocated to awards to eligible applicants to the National Health Service Corps Scholarship Program under section 338A of the Public Health Service Act (42 U.S.C. 254l), the National Health Service Corps Loan Repayment Program under section 338B of such Act (42 U.S.C. 254l-1), or the National Health Service Corps Emergency Service under section 2812A of such Act (as added by subsection (c)) who are members of groups that are historically underrepresented in health care professions, including racial and ethnic minorities and individuals from low-income urban and rural communities. To carry out the requirements of this subsection, the Secretary may coordinate with entities receiving funding under section 739 or 821 of the Public Health Service Act (42 U.S.C. 293c, 296m) to identify, provide mentorship and support, and recruit such eligible applicants.

(c) NATIONAL HEALTH SERVICE CORPS EMERGENCY SERVICE DEMONSTRATION PROJECT.—Part B of title XXVIII of the Public Health Service Act is amended by inserting after section 2812 (42 U.S.C. 300hh-11) the following:

"SEC. 2812A. NATIONAL HEALTH SERVICE CORPS EMERGENCY SERVICE DEMONSTRATION PROJECT.

"(a) IN GENERAL.—From the amounts made available under section 10503(b)(3) of the Patient Protection and Affordable Care Act for each of fiscal years 2021 through 2025, to the extent permitted by, and consistent with, the requirements of applicable State law, the Secretary shall allocate up to \$50,000,000 to establishing, as a demonstration project, a National Health Service Corps Emergency Service (referred to in this section as the 'emergency service') under which a qualified individual currently or previously participating in the National Health Service Corps agrees to engage in service through the National Disaster Medical System established under section 2812, as described in this section.

"(b) PARTICIPANTS.—

"(1) NHSC ALUMNI.—

"(A) QUALIFIED INDIVIDUALS.—An individual may be eligible to participate in the emergency service under this section if such individual participated in the Scholarship Program under section 338A or the Loan Repayment Program under section 338B, and who satisfied the obligated service requirements under such program, in accordance with the individual's contract.

"(B) PRIORITY AND INCREASED FUNDING AMOUNTS.—

"(i) PRIORITY.—In selecting eligible individuals to participate in the program under this paragraph, the Secretary shall give priority—

"(I) first, to qualified individuals who continue to practice at the site where the individual fulfilled his or her obligated service under the Scholarship Program or Loan Repayment Program through the time of the application to the program under this section; and

"(II) secondly, to qualified individuals who continue to practice in any site approved for obligated service under the Scholarship Program or Loan Repayment Program other than the site at which the individual served.

"(ii) INCREASED FUNDING AMOUNTS.—The Secretary may grant increased award amounts to certain participants in the program under this section based on the site where a participant fulfilled his or her obligated service under the Scholarship Program or Loan Repayment Program.

"(C) PRIVATE PRACTICE.—An individual participating in the emergency service under this section may practice a health profession in any private capacity when not obligated to fulfill the requirements described in subsection (c).

"(2) CURRENT NHSC MEMBERS.—

"(A) IN GENERAL.—An individual who is participating in the Scholarship Program under section 338A or the Loan Repayment Program under section 338B may apply to participate in the program under this section while fulfilling the individual's obligated services under such program.

"(B) CLARIFICATIONS.—Notwithstanding any other provision of law or any contract with respect to service requirements under the Scholarship Program or Loan Repayment Program, an individual fulfilling service requirements described in subsection (c) shall not be considered in breach of such contract under such Scholarship Program or Loan Repayment Program, provided that the individual notifies the site at which the individual is fulfilling his or her obligated service requirements under such contract.

"(C) NO CREDIT TOWARD OBLIGATED SERVICE.—No period of service under the National Disaster Medical System described in subsection (c)(1) shall be counted toward satisfying a period of obligated service under the Scholarship Program or Loan Repayment Program.

"(c) PARTICIPANTS AS MEMBERS OF THE NATIONAL DISASTER MEDICAL SYSTEM.—

"(1) SERVICE REQUIREMENTS.—An individual participating in the program under this section shall participate in the activities of the National Disaster Medical System under section 2812 in the same manner and to the same extent as other participants in such system.

"(2) RIGHTS AND REQUIREMENTS.—An individual participating in the program under this section shall be considered participants in the National Disaster Medical System and shall be subject to the rights and requirements of subsections (c) and (d) of section 2812.

"(d) EMERGENCY SERVICE PLAN.—In carrying out this section, the Secretary, in coordination with the Administrator of the Health Resources and Services Administration and the Assistant Secretary for Preparedness and Response, shall establish an action plan for the service commitments, deployment protocols, coordination efforts, training requirements, liability, workforce development, and such other considerations as the Secretary determines appropriate. Such action plan shall—

"(1) ensure adherence to the missions of both the National Health Service Corps and National Disaster Medical Service;

"(2) ensure an adequate health care workforce during a public health emergency declared by the Secretary under section 319 of this Act, a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, an emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or a national emergency declared by the President under the National Emergencies Act; and

“(3) describe how the program established under this section will be implemented in a manner consistent with, and in furtherance of, the assessments and goals for workforce and training described in the review conducted by the Secretary under section 2812(b)(2).

“(e) **CONTRACTS FOR CERTAIN PARTICIPATING INDIVIDUALS.**—An individual who is participating in the emergency service program under this section shall receive loan repayments in an amount equal to 50 percent of the highest new award made for the year under the National Health Service Corps Loan Repayment Program pursuant to a contract entered into at the same time under section 338B(g), in a manner similar to the manner in which payments are made under such section, pursuant to the terms of a contract between the Secretary and such individual. The Secretary shall establish a system of contracting for purposes of this subsection which shall be similar to the contract requirements and terms under subsections (c), (d), and (f) of section 338B. Amounts received by an individual under this subsection shall be in addition to any amounts received by an individual described in subsection (b)(2) pursuant to the Scholarship Program under section 338A or the Loan Repayment Program under section 338B, as applicable.

“(f) **BREACH OF CONTRACT.**—If an individual breaches the written contract of the individual under subsection (e) by failing either to begin such individual’s service obligation in accordance with such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount equal to the sum of—

“(1) the total of the amounts paid by the United States under such contract on behalf of the individual for any period of such service not served;

“(2) an amount equal to the product of the number of months of service that were not completed by the individual, multiplied by \$3,750; and

“(3) the interest on the amounts described in paragraphs (1) and (2), at the maximum legal prevailing rate, as determined by the Treasurer of the United States, from the date of the breach.

“(g) **REPORT.**—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that evaluates the demonstration project established under this section, including—

“(1) the effects of such program on health care access in underserved areas and health professional shortage areas and on public health emergency response capacity;

“(2) the effects of such program on the health care provider workforce pipeline, including any impact on the demographic representation among, and the fields or specialties pursued by, students in approved graduate training programs in medicine, osteopathic medicine, dentistry, behavioral and mental health, or other health profession;

“(3) the impact of such program on the enrollment, participation, and completion of requirements in the underlying scholarship and loan repayment programs of the National Health Service Corps;

“(4) the effects of such program on the National Disaster Medical System’s response capability, readiness, and workforce strength; and

“(5) recommendations for improving the demonstration project described in this section, and any other considerations as the Secretary determines appropriate.”.

SEC. 3. FUNDING FOR THE NURSE CORPS SCHOLARSHIP AND LOAN REPAYMENT PROGRAM.

(a) **FUNDING.**—There are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, \$1,000,000,000 for fiscal year 2020, for purposes of carrying out section 846 of the Public Health Service Act (42 U.S.C. 297n), to remain available until expended, except that—

(1) of the amount appropriated under this heading and made available for scholarships and loan repayment, not less than 40 percent shall be allocated for eligible applicants who are members of groups that are historically underrepresented in health care professions, including racial and ethnic minorities and individuals from low-income urban and rural communities; and

(2) to carry out the requirements of paragraph (1), the Secretary may coordinate with entities receiving funding under section 821 to identify, recruit, and select individuals to receive such scholarships.

(b) **EMERGENCY DESIGNATION.**—

(1) **IN GENERAL.**—The amounts provided by this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) **DESIGNATION IN SENATE.**—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

By Mr. THUNE (for himself and Ms. SMITH):

S. 4063. A bill to provide that, due to the disruptions caused by COVID-19, applications for impact aid funding for fiscal year 2022 may use certain data submitted in the fiscal year 2021 application; to the Committee on Health, Education, Labor, and Pensions.

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

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

S. 4063

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 “Impact Aid Coronavirus Relief Act”.

SEC. 2. USE OF PRIOR APPLICATION STUDENT COUNT DATA FOR FISCAL YEAR 2022 IMPACT AID APPLICATIONS.

Due to the public health emergency relating to COVID-19 and notwithstanding sections 7002(j) and 7003(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(j), 7703(c)), a local educational agency desiring to receive a payment under section 7002 or 7003 of such Act (20 U.S.C. 7702, 7703) for fiscal year 2022 that also submitted an application for such payment for fiscal year 2021 may, in the application submitted under section 7005 of such Act (20 U.S.C. 7705) for fiscal year 2022—

(1) with respect to a requested payment under section 7002 of such Act, use the Federal property valuation data relating to calculating such payment that was submitted by the local educational agency in the application for fiscal year 2021;

(2) with respect to a requested payment under section 7003 of such Act, use the student count data relating to calculating such payment that was submitted by the local educational agency in the application for fiscal year 2021, provided that for purposes of

the calculation of payments for fiscal year 2022 under section 7003(b)(1) of such Act, such payments shall be based on utilizing fiscal year 2020 data (from academic year 2018–2019) to include total current expenditures, local contribution rates, and per pupil expenditures; or

(3) with respect to a requested payment under section 7002 or 7003 of such Act, use the student count or Federal property valuation data relating to calculating such payment for the fiscal year required under section 7002(j) or 7003(c) of such Act, as applicable.

By Mr. DURBIN (for himself, Ms. DUCKWORTH, and Mr. VAN HOLLEN):

S. 4067. A bill to prohibit certain assistance for inverted domestic corporations; to the Committee on Finance.

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

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

S. 4067

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Assistance for American Companies Act”.

SEC. 2. PROHIBITION ON APPLICATION OF CERTAIN ASSISTANCE TO INVERTED DOMESTIC CORPORATIONS.

(a) **PROHIBITION ON USE OF CERTAIN TAX INCENTIVES.**—

(1) **NET OPERATING LOSS CARRYBACKS.**—

(A) **IN GENERAL.**—Section 172(b)(1)(D) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

“(vi) **SPECIAL RULE FOR INVERTED DOMESTIC CORPORATIONS.**—Clause (i) shall not apply to any foreign corporation for any taxable year in which such corporation is an inverted domestic corporation (as defined in section 7701(p)(2)), or to any member of the expanded affiliated group (as defined in section 7874(c)(1)) of such a foreign corporation, unless such foreign corporation has made an election under section 7701(p)(1).”.

(B) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in section 2303(b) of the CARES Act.

(2) **INCREASED LIMITATION ON BUSINESS INTEREST.**—

(A) **IN GENERAL.**—Section 163(j)(10) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(C) **SPECIAL RULE FOR INVERTED DOMESTIC CORPORATIONS.**—Subparagraphs (A) and (B) shall not apply to any foreign corporation for any taxable year in which such corporation is an inverted domestic corporation (as defined in section 7701(p)(2)), or to any member of the expanded affiliated group (as defined in section 7874(c)(1)) of such a foreign corporation, unless such foreign corporation has made an election under section 7701(p)(1).”.

(B) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in section 2306 of the CARES Act.

(3) **FEDERAL RESERVE EMERGENCY LENDING FACILITIES.**—

(A) **IN GENERAL.**—No inverted domestic corporation, as defined in section 7701(p)(2) of the Internal Revenue Code of 1986, or any member of the expanded affiliated group (as defined in section 7874(c)(1) of such Code) of such inverted domestic corporation, may participate in any program or facility established by the Board of Governors of the Federal Reserve System under the authority of

section 13(3) of the Federal Reserve Act (12 U.S.C. 343) and with funding authorized under section 4003 of the CARES Act (Public Law 116-136), including the Primary Market Corporate Credit Facility and the Secondary Market Corporate Credit Facility.

(B) EXCEPTION.—Subparagraph (A) shall not apply if the inverted domestic corporation makes an election under section 7701(p)(1) of the Internal Revenue Code of 1986.

(C) APPLICABILITY.—This paragraph shall apply to participation in any program or facility described in subparagraph (A) established before, on, or after the date of enactment of this Act.

(b) ELECTION TO TREAT INVERTED DOMESTIC CORPORATIONS AS DOMESTIC CORPORATIONS.—

(1) INVERTED DOMESTIC CORPORATIONS.—Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

“(p) INVERTED DOMESTIC CORPORATIONS.—

“(1) ELECTION TO BE TREATED AS A DOMESTIC CORPORATION.—

“(A) IN GENERAL.—Notwithstanding paragraphs (4) and (5) of subsection (a), an inverted domestic corporation may elect to be treated as a domestic corporation for taxable years beginning with the last taxable year which begins before January 1, 2018.

“(B) ELECTION.—An election under this subsection—

“(i) shall be made not later than 30 days after the date of the enactment of this subsection, and

“(ii) once made, shall be irrevocable.

“(C) TIME FOR FILING RETURNS AND PAYMENT OF TAXES.—Notwithstanding sections 6072 and 6151, any return for any taxable year ending before the date described in subparagraph (B)(i), and any payment of taxes or penalties, shall not be considered due before January 1, 2021.

“(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, the term ‘inverted domestic corporation’ means any foreign corporation which, pursuant to a plan (or a series of related transactions)—

“(A) completes after March 4, 2003, the direct or indirect acquisition of—

“(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

“(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

“(B) after the acquisition, either—

“(i) more than 50 percent of the stock (by vote or value) of the corporation is held—

“(I) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

“(II) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, or

“(ii) the management and control of the expanded affiliated group which includes the corporation occurs, directly or indirectly, primarily within the United States, and such expanded affiliated group has significant domestic business activities.

“(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—Such term shall not include a foreign corporation described in paragraph (2) if after the acquisition the expanded affiliated group which includes the corporation has substantial business activities in the foreign country in which or under the law of which the corporation is created or organized when compared to the total

business activities of such expanded affiliated group. For purposes of the preceding sentence, the term ‘substantial business activities’ shall have the meaning given such term under regulations in effect on January 18, 2017, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.

“(4) MANAGEMENT AND CONTROL.—For purposes of paragraph (2)(B)(ii)—

“(A) IN GENERAL.—The Secretary shall prescribe regulations for purposes of determining cases in which the management and control of an expanded affiliated group is to be treated as occurring, directly or indirectly, primarily within the United States. The regulations prescribed under the preceding sentence shall apply to periods after March 4, 2003.

“(B) EXECUTIVE OFFICERS AND SENIOR MANAGEMENT.—Such regulations shall provide that the management and control of an expanded affiliated group shall be treated as occurring, directly or indirectly, primarily within the United States if substantially all of the executive officers and senior management of the expanded affiliated group who exercise day-to-day responsibility for making decisions involving strategic, financial, and operational policies of the expanded affiliated group are based or primarily located within the United States. Individuals who in fact exercise such day-to-day responsibilities shall be treated as executive officers and senior management regardless of their title.

“(5) SIGNIFICANT DOMESTIC BUSINESS ACTIVITIES.—For purposes of paragraph (2)(B)(ii), an expanded affiliated group has significant domestic business activities if at least 25 percent of—

“(A) the employees of the group are based in the United States,

“(B) the employee compensation incurred by the group is incurred with respect to employees based in the United States,

“(C) the assets of the group are located in the United States, or

“(D) the income of the group is derived in the United States,

determined in the same manner as such determinations are made for purposes of determining substantial business activities under regulations referred to in paragraph (3) as in effect on January 18, 2017, but applied by treating all references in such regulations to ‘foreign country’ and ‘relevant foreign country’ as references to ‘the United States’. The Secretary may issue regulations decreasing the threshold percent in any of the tests under such regulations for determining if business activities constitute significant domestic business activities for purposes of this paragraph.

“(6) DEFINITIONS AND OTHER RULES.—

“(A) EXPANDED AFFILIATED GROUP.—The term ‘expanded affiliated group’ has the meaning give such term under section 7874(c)(1).

“(B) OTHER RULES.—Rules similar to the rules of paragraphs (2), (3), (5), and (6) of section 7874(c) shall apply for purposes of this subsection.”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1676. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table.

SA 1677. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3985, to improve and reform policing practices, accountability, and transparency; which was ordered to lie on the table.

SA 1678. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3985, supra; which was ordered to lie on the table.

SA 1679. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3985, supra; which was ordered to lie on the table.

SA 1680. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3985, supra; which was ordered to lie on the table.

SA 1681. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1682. Ms. WARREN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1683. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1684. Ms. DUCKWORTH (for herself and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1685. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1686. Ms. DUCKWORTH (for herself and Mr. RISCH) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1687. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1688. Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mrs. GILLIBRAND, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1689. Mr. BLUMENTHAL (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1690. Mr. BLUMENTHAL (for himself, Ms. BALDWIN, Ms. WARREN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1691. Mr. BLUMENTHAL (for himself, Ms. BALDWIN, Mrs. GILLIBRAND, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1692. Ms. HIRONO (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1693. Mr. MORAN (for himself, Mr. UDALL, Mrs. BLACKBURN, Mr. BOOZMAN, Mrs. CAPITO, and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1694. Mr. MORAN (for himself and Mr. TESTER) submitted an amendment intended

WYDEN) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1759. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1760. Mr. MORAN (for himself, Mr. TESTER, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1761. Mr. MORAN (for himself and Mr. SCHATZ) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1762. Mr. MURPHY (for himself, Mr. BLUMENTHAL, Ms. WARREN, Mr. MARKEY, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1763. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1764. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1765. Mr. HOEVEN (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1766. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1767. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1768. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1769. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1770. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1771. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1772. Mr. SCHATZ (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1773. Mr. SCHATZ (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1774. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1775. Mr. BLUMENTHAL (for himself, Mr. BROWN, Mr. DURBIN, Ms. HIRONO, Mr. CASEY, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1776. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1777. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1778. Ms. DUCKWORTH (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1779. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1780. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1781. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1782. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1783. Mr. MENENDEZ (for himself, Mr. CRAMER, Mr. BOOKER, Mr. DAINES, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1784. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1785. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1786. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1787. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1788. Mr. SANDERS (for himself and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1789. Mr. SANDERS (for himself, Mr. GRASSLEY, Mr. WYDEN, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1790. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1791. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1792. Mr. DURBIN (for himself, Mr. PAUL, Ms. DUCKWORTH, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1793. Mr. DURBIN (for himself, Mr. LEAHY, Mr. UDALL, Mr. MURPHY, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1794. Mr. DURBIN (for himself, Mr. CARDIN, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1795. Mr. DURBIN (for himself, Ms. DUCKWORTH, Mr. PERDUE, Mr. BLUMENTHAL, Mr. JONES, Mr. MURPHY, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1676. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 707(c), strike “section 1074g(a)(9)(C)(i)” and insert “section 1074g(a)(9)(C)(ii)”.

SA 1677. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3985, to improve and reform policing practices, accountability, and transparency; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XII—FAIR ACT

SEC. 1201. SHORT TITLE.

This title may be cited as the “Fifth Amendment Integrity Restoration Act of 2019” or the “FAIR Act”.

SEC. 1202. CIVIL FORFEITURE PROCEEDINGS.

Section 983 of title 18, United States Code, is amended—

(1) in subsection (b)(2)(A)—

(A) by striking “, and the property subject to forfeiture is real property that is being used by the person as a primary residence,”; and

(B) by striking “, at the request of the person, shall insure” and inserting “shall ensure”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “a preponderance of the evidence” and inserting “clear and convincing evidence”;

(B) in paragraph (2), by striking “a preponderance of the evidence” and inserting “clear and convincing evidence”; and

(C) by striking paragraph (3) and inserting the following:

“(3) if the Government’s theory of forfeiture is that the property was used to commit or facilitate the commission of a criminal offense, or was involved in the commission of a criminal offense, the Government shall establish, by clear and convincing evidence, that—

“(A) there was a substantial connection between the property and the offense; and

“(B) the owner of any interest in the seized property—

“(i) used the property with intent to facilitate the offense; or

“(ii) knowingly consented or was willfully blind to the use of the property by another in connection with the offense.”;

(3) in subsection (d)(2)(A), by striking “an owner who” and all that follows through “upon learning” and inserting “an owner who, upon learning”;

(4) in subsection (f)(6), in the matter preceding paragraph (7), by inserting “, and shall award to the claimant an amount equal to 3 times the value of the property seized and a reasonable attorney’s fee” before the period at the end; and

(5) in subsection (i)—

(A) by striking subparagraphs (A) and (B); and

(B) by redesignating subparagraphs (C) through (E) as subparagraphs (A) through (C), respectively.

SEC. 1203. DISPOSITION OF FORFEITED PROPERTY.

(a) REVISIONS TO CONTROLLED SUBSTANCES ACT.—Section 511(e) of the Controlled Substances Act (21 U.S.C. 881(e)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “civilly or”;

(B) by striking subparagraph (A); and

(C) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively;

(2) in paragraph (2)—

(A) in subparagraph (A), in the matter preceding clause (i), by striking “subparagraph (B) of paragraph (1)” and inserting “paragraph (1)(A)”; and

(B) in subparagraph (B), by striking “accordance with section 524(c) of title 28,” and inserting “the General Fund of the Treasury of the United States”;

(3) by striking paragraph (3);

(4) by redesignating paragraph (4) as paragraph (3); and

(5) in paragraph (3), as redesignated—

(A) in subparagraph (A), by striking “paragraph (1)(B)” and inserting “paragraph (1)(A)”; and

(B) in subparagraph (B), in the matter preceding clause (i), by striking “paragraph (1)(B) that is civilly or” and inserting paragraph “(1)(A) that is”.

(b) REVISIONS TO TITLE 18.—Chapter 46 of title 18, United States Code, is amended—

(1) in section 981(e)—

(A) by striking “is authorized” and all that follows through “or forfeiture of the property,” and inserting “shall forward to the Treasurer of the United States any proceeds of property forfeited pursuant to this section for deposit in the General Fund of the Treasury or transfer such property on such terms and conditions as such officer may determine—”;

(B) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (1), (2), (3), (4), and (5), respectively; and

(C) in the matter following paragraph (5), as so redesignated—

(i) by striking the first, second, third, sixth, and eighth sentences; and

(ii) by striking “paragraphs (3), (4), and (5)” and inserting “paragraphs (1), (2), and (3)”; and

(2) in section 983(g)—

(A) in paragraph (3), by striking “grossly”; and

(B) in paragraph (4), by striking “grossly”.

(c) TARIFF ACT OF 1930.—The Tariff Act of 1930 (19 U.S.C. 1304 et seq.) is amended—

(1) in section 613A(a) (19 U.S.C. 1613b(a))—

(A) in paragraph (1)—

(i) in subparagraph (D), by inserting “and” after the semicolon;

(ii) in subparagraph (E), by striking “; and” and inserting a period; and

(iii) by striking subparagraph (F); and

(B) in paragraph (2)—

(i) by striking “(A) Any payment” and inserting “Any payment”; and

(ii) by striking subparagraph (B); and

(2) in section 616 (19 U.S.C. 1616a)—

(A) in the section heading, by striking “TRANSFER OF FORFEITED PROPERTY” and inserting “DISMISSAL IN FAVOR OF FORFEITURE UNDER STATE LAW”;

(B) in subsection (a), by striking “(a) The Secretary” and inserting “The Secretary”; and

(C) by striking subsections (b) through (d).

(d) TITLE 31.—Section 9705 of title 31, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraph (G); and

(B) by redesignating subparagraphs (H) through (J) as subparagraphs (G) through (I), respectively; and

(2) in subsection (b)—

(A) by striking paragraphs (2) and (4); and

(B) by redesignating paragraphs (3) and (5) as paragraphs (2) and (3), respectively.

SEC. 1204. DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND DEPOSITS.

Section 524(c)(4) of title 28, United States Code, is amended—

(1) by striking subparagraphs (A) and (B); and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively.

SEC. 1205. STRUCTURING TRANSACTIONS TO EVADE REPORTING REQUIREMENT PROHIBITED.

(a) AMENDMENTS TO TITLE 31.—Section 5324 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “knowingly” after “Public Law 91–508”; and

(B) in paragraph (3), by inserting “of funds not derived from a legitimate source” after “any transaction”;

(2) in subsection (b), in the matter preceding paragraph (1), by inserting “knowingly” after “such section”; and

(3) in subsection (c), in the matter preceding paragraph (1), by inserting “knowingly” after “section 5316”.

(b) PROBABLE CAUSE HEARING IN CONNECTION WITH PROPERTY SEIZURES RELATING TO CERTAIN MONETARY INSTRUMENTS TRANSACTIONS.—

(1) AMENDMENT.—Section 5317 of title 31, United States Code, is amended by adding at the end the following:

“(d) PROBABLE CAUSE HEARING IN CONNECTION WITH PROPERTY SEIZURES RELATING TO CERTAIN MONETARY INSTRUMENTS TRANSACTIONS.—

“(1) IN GENERAL.—Not later than 14 days after the date on which notice is provided under paragraph (2)—

“(A) a court of competent jurisdiction shall conduct a hearing on any property seized or restrained under subsection (c)(2) with respect to an alleged violation of section 5324; and

“(B) any property described in subparagraph (A) shall be returned unless the court finds that there is probable cause to believe that there is a violation of section 5324 involving the property.

“(2) NOTICE.—Each person from whom property is seized or restrained under subsection (c)(2) with respect to an alleged violation of section 5324 shall be notified of the right of the person to a hearing under paragraph (1).”.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to property seized or restrained after the date of enactment of this Act.

SEC. 1206. PROPORTIONALITY.

Section 983(g)(2) of title 18, United States Code, is amended to read as follows:

“(2) In making this determination, the court shall consider such factors as—

“(A) the seriousness of the offense;

“(B) the extent of the nexus of the property to the offense;

“(C) the range of sentences available for the offense giving rise to forfeiture;

“(D) the fair market value of the property; and

“(E) the hardship to the property owner and dependents.”.

SEC. 1207. REPORTING REQUIREMENTS.

Section 524(c)(6)(i) of title 28, United States Code, is amended by inserting “from each type of forfeiture, and specifically identifying which funds were obtained from including criminal forfeitures and which were obtained from civil forfeitures,” after “deposits”.

SEC. 1208. NONJUDICIAL FORFEITURE.

Section 983 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking “CLAIM”;;

(B) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (i)—

(aa) by striking “clauses (ii) through (v), in any nonjudicial” and inserting “clause (ii), in any”; and

(bb) by striking “60” and inserting “7”;

(II) by striking clauses (ii) through (iv);

(III) by redesignating clause (v) as clause (ii); and

(IV) by striking clause (ii), as so redesignated, and inserting the following:

“(ii) If the identity or interest of a party is not determined until after the seizure or turnover but is determined before a declaration of forfeiture is entered, the Government shall determine the identity and address of the party or interest within 7 days after the seizure or turnover, and notice shall be sent to such interested party not later than 7 days after the determination by the Government of the identity and address of the party or the party’s interest.”;

(ii) by striking subparagraphs (B) through (D);

(iii) by redesignating subparagraphs (D) through (F) as subparagraphs (B) through (D), respectively; and

(iv) in subparagraph (C), as so redesignated, by striking “nonjudicial”;

(C) by striking paragraph (2);

(D) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(E) in paragraph (2)(A), as so redesignated—

(i) by striking “90” and inserting “30”; and

(ii) by striking “after a claim has been filed” and inserting “the date of the seizure”;

(2) in subsection (b)—

(A) by striking paragraph (1)(A) and inserting the following:

“(1)(A) If a person with standing to contest the forfeiture of property in a judicial civil forfeiture proceeding under a civil forfeiture statute is—

“(i) financially unable to obtain representation by counsel; or

“(ii) the cost of obtaining representation would exceed the value of the seized property,

the court may authorize or appoint counsel to represent that person with respect to the claim.”;

(B) in subparagraph (1)(B), by inserting “or appoint” after “authorize”; and

(C) in paragraph (2)(A), by inserting “under paragraph (1)” after “counsel”;

(3) in subsection (d)(1), by striking the second sentence;

(4) in subsection (e)—

(A) in paragraph (1), in the matter preceding subparagraph (A)—

(i) by striking “nonjudicial”; and

(ii) by striking “a declaration” and inserting “an order”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “declaration” and inserting “order”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) Any proceeding described in subparagraph (A) shall be commenced within 6 months of the entry of the order granting the motion.”; and

(C) by striking paragraph (5);

(5) in subsection (f)(1), in the matter preceding subparagraph (A), by striking “(a)” and inserting “(a)(3)(A)”; and

(6) in subsection (g)(1), by striking “(a)(4)” and inserting “(a)(3)”; and

(7) by adding at the end the following:

“(k)(1) Notwithstanding any other provision of law—

“(A) no Federal seizing agency may conduct nonjudicial forfeitures;

“(B) no property may be subject to forfeiture except through judicial process; and

“(C) no order of forfeiture may be entered except by a United States district court.

“(2) In this subsection, the term ‘non-judicial forfeiture’ means an in rem action that permits the Federal seizing agency to start a forfeiture without judicial involvement.”.

SEC. 1209. APPLICABILITY.

The amendments made by this title shall apply to—

(1) any civil forfeiture proceeding pending on or filed on or after the date of enactment of this Act; and

(2) any amounts received from the forfeiture of property on or after the date of enactment of this Act.

SA 1678. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3985, to improve and reform policing practices, accountability, and transparency; which was ordered to lie on the table; as follows:

Strike section 102 and insert the following:

SEC. 102. JUSTICE FOR BREONNA TAYLOR.

(a) **SHORT TITLE.**—This section may be cited as the “Justice for Breonna Taylor Act”.

(b) **PROHIBITION ON NO-KNOCK WARRANTS.**—

(1) **FEDERAL PROHIBITION.**—Notwithstanding any other provision of law, a Federal law enforcement officer (as defined in section 115 of title 18, United States Code) may not execute a warrant until after the officer provides notice of his or her authority and purpose, except in the case of an imminent risk of death or serious bodily injury.

(2) **STATE AND LOCAL LAW ENFORCEMENT AGENCIES.**—Beginning in the first fiscal year beginning after the date of enactment of this Act, and each fiscal year thereafter, a State or local law enforcement agency that receive funds from the Department of Justice during the fiscal year may not execute a warrant that does not require the law enforcement officer serving the warrant to provide notice of his or her authority and purpose before forcibly entering a premises, except in the case of an imminent risk of death or serious bodily injury.

In section 103(a), by striking “subsections (h) and (i) of section 501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10152), as added by sections 101 and 102 of this Act, respectively, and that ensure the reporting under such subsections (h) and (i)” and inserting “subsection (h) of section 501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10152), as added by section 101, and that ensure the reporting under such subsection (h)”.

In section 103(b), by striking “or 102”.

In section 104(a), by striking “subsections (h) and (i) of section 501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10152), as added by sections 101 and 102 of this Act, respectively” and inserting “subsection (h) of section 501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10152), as added by section 101”.

SA 1679. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3985, to improve and reform policing practices, accountability, and transparency; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —STOP MILITARIZING LAW ENFORCEMENT ACT

SEC. 01. SHORT TITLE.

This title may be cited as the “Stop Militarizing Law Enforcement Act”.

SEC. 02. ADDITIONAL LIMITATIONS ON TRANSFER OF DEPARTMENT OF DEFENSE PERSONAL PROPERTY TO FEDERAL AND STATE LAW ENFORCEMENT AGENCIES.

(a) **ADDITIONAL LIMITATIONS.**—

(1) **IN GENERAL.**—Section 2576a of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking “subsection (b)” and inserting “the provisions of this section”; and

(II) in subparagraph (A), by striking “, including counter-drug and counterterrorism activities”; and

(ii) in paragraph (2), by striking “and the Director of National Drug Control Policy”;

(B) in subsection (b)—

(i) in paragraph (5), by striking “and” at the end;

(ii) in paragraph (6), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following new paragraphs:

“(7) the recipient certifies to the Department of Defense that it has the personnel and technical capacity, including training, to operate the property; and

“(8) the recipient certifies to the Department of Defense that if the recipient determines that the property is surplus to the needs of the recipient, the recipient will return the property to the Department of Defense.”;

(C) by striking subsections (d), (e), and (f); and

(D) by adding at the end the following:

“(d) **LIMITATIONS ON TRANSFERS.**—The Secretary of Defense may not transfer under this section any property as follows:

“(1) Weapons, weapon parts, and weapon components, including camouflage and deception equipment, and optical sights.

“(2) Weapon system specific vehicular accessories.

“(3) Demolition materials.

“(4) Explosive ordinance.

“(5) Night vision equipment.

“(6) Tactical clothing, including uniform clothing and footwear items, special purpose clothing items, and specialized flight clothing and accessories.

“(7) Drones.

“(8) Combat, assault, and tactical vehicles, including Mine-Resistant Ambush Protected (MRAP) vehicles.

“(9) Training aids and devices.

“(10) Firearms of .50 caliber or higher, ammunition of .50 caliber or higher, grenade launchers, flash grenades, and bayonets.

“(e) **APPROVAL BY LAW REQUIRED FOR TRANSFER OF PROPERTY NOT PREVIOUSLY TRANSFERABLE.**—(1) In the event the Secretary of Defense proposes to make available for transfer under this section any property of the Department of Defense not previously made available for transfer under this section, the Secretary shall submit to the appropriate committees of Congress a report setting forth the following:

“(A) A description of the property proposed to be made available for transfer.

“(B) A description of the conditions, if any, to be imposed on use of the property after transfer.

“(C) A certification that transfer of the property would not violate a provision of this section or any other provision of law.

“(2) The Secretary may not transfer any property covered by a report under this subsection unless authorized by a law enacted by Congress after the date of the receipt of the report by Congress.

“(f) **ANNUAL CERTIFICATION ACCOUNTING FOR TRANSFERRED PROPERTY.**—(1) The Secretary of Defense shall submit to the appropriate committees of Congress each year a certification in writing that each recipient to which the Secretary has transferred property under this section during the preceding fiscal year—

“(A) has provided to the Secretary documentation accounting for all property the Secretary has previously transferred to such recipient under this section; and

“(B) has complied with paragraphs (7) and (8) of subsection (b) with respect to the property so transferred during such fiscal year.

“(2) If the Secretary cannot provide a certification under paragraph (1) for a recipient, the Secretary may not transfer additional property to such recipient under this section, effective as of the date on which the Secretary would otherwise make the certification under this subsection, and such recipient shall be suspended or terminated from further receipt of property under this section.

“(g) **CONDITIONS FOR EXTENSION OF PROGRAM.**—Notwithstanding any other provision of law, amounts authorized to be appropriated or otherwise made available for any fiscal year may not be obligated or expended to carry out this section unless the Secretary submits to the appropriate committees of Congress a certification that for the preceding fiscal year that—

“(1) each recipient agency that has received property under this section has—

“(A) demonstrated 100 percent accountability for all such property, in accordance with paragraph (2) or (3), as applicable; or

“(B) been suspended or terminated from the program pursuant to paragraph (4);

“(2) with respect to each non-Federal agency that has received property under this section, the State Coordinator responsible for each such agency has verified that the State Coordinator or an agent of the State Coordinator has conducted an in-person inventory of the property transferred to the agency and that 100 percent of such property was accounted for during the inventory or that the agency has been suspended or terminated from the program pursuant to paragraph (4);

“(3) with respect to each Federal agency that has received property under this section, the Secretary of Defense or an agent of the Secretary has conducted an in-person inventory of the property transferred to the agency and that 100 percent of such property was accounted for during the inventory or that the agency has been suspended or terminated from the program pursuant to paragraph (4);

“(4) the eligibility of any agency that has received property under this section for which 100 percent of the equipment was not accounted for during an inventory described in paragraph (2) or (3), as applicable, to receive property transferred under this section has been suspended or terminated;

“(5) each State Coordinator has certified, for each non-Federal agency located in the State for which the State Coordinator is responsible that—

“(A) the agency has complied with all requirements under this section; or

“(B) the eligibility of the agency to receive property transferred under this section has been suspended or terminated; and

“(6) the Secretary of Defense has certified, for each Federal agency that has received property under this section that—

“(A) the agency has complied with all requirements under this section; or

“(B) the eligibility of the agency to receive property transferred under this section has been suspended or terminated.

“(h) **WEBSITE.**—The Defense Logistics Agency shall maintain, and update on a quarterly basis, an Internet website on which the following information shall be made publicly available in a searchable format:

“(1) A description of each transfer made under this section, including transfers made before the date of the enactment of the Stop Militarizing Law Enforcement Act, set forth by State, county, and recipient agency, and including item name, item type, item model, and quantity.

“(2) A list of all property transferred under this section that is not accounted for by the Defense Logistics Agency, including—

“(A) the name of the State, county, and recipient agency;

“(B) the item name, item type, and item model;

“(C) the date on which such property became unaccounted for by the Defense Logistics Agency; and

“(D) the current status of such item.

“(3) A list of each agency suspended or terminated from further receipt of property under this section, including State, county, and agency, and the reason for and duration of such suspension or termination.

“(i) DEFINITIONS.—In this section:

“(1) The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(B) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

“(2) The term ‘agent of a State Coordinator’ means any individual to whom a State Coordinator formally delegates responsibilities for the duties of the State Coordinator to conduct inventories described in subsection (g)(2).

“(3) The term ‘controlled property’ means any item assigned a demilitarization code of B, C, D, E, G, or Q under Department of Defense Manual 4160.21-M, ‘Defense Materiel Disposition Manual’, or any successor document.

“(4) The term ‘State Coordinator’, with respect to a State, means the individual appointed by the governor of the State to maintain property accountability records and oversee property use by the State.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(b) RETURN OF PROPERTY TO DEPARTMENT OF DEFENSE.—Not later than one year after the date of the enactment of this Act, each Federal or State agency to which property described by subsection (d) of section 2576a of title 10, United States Code (as added by subsection (a)(1) of this section), was transferred before the date of the enactment of this Act shall return such property to the Defense Logistics Agency on behalf of the Department of Defense.

SEC. 03. USE OF DEPARTMENT OF HOMELAND SECURITY PREPAREDNESS GRANT FUNDS.

(a) DEFINITIONS.—In this section—

(1) the term “Agency” means the Federal Emergency Management Agency; and

(2) the term “preparedness grant program” includes—

(A) the Urban Area Security Initiative authorized under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604);

(B) the State Homeland Security Grant Program authorized under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605);

(C) the Port Security Grant Program authorized under section 70107 of title 46, United States Code; and

(D) any other non-disaster preparedness grant program of the Agency.

(b) LIMITATION.—The Agency may not permit awards under a preparedness grant program to be used to buy, maintain, or alter—

(1) explosive entry equipment;

(2) canines (other than bomb-sniffing canines for agencies with certified bomb technicians or for use in search and rescue operations);

(3) tactical or armored vehicles;

(4) long-range hailing and warning devices;

(5) tactical entry equipment (other than for use by specialized teams such as Accred-

ited Bomb Squads, Tactical Entry, or Special Weapons and Tactics (SWAT) Teams); or

(6) firearms of .50 caliber or higher, ammunition of .50 caliber or higher, grenade launchers, flash grenades, or bayonets.

(c) REVIEW OF PRIOR RECEIPT OF PROPERTY BEFORE AWARD.—In making an award under a preparedness grant program, the Agency shall—

(1) determine whether the awardee has already received, and still retains, property from the Department of Defense pursuant to section 2576a of title 10, United States Code, including through review of the website maintained by the Defense Logistics Agency pursuant to subsection (h) of such section (as added by section 02(a)(1) of this Act);

(2) require that the award may not be used by the awardee to procure or obtain property determined to be retained by the awardee pursuant to paragraph (1); and

(3) require that the award only be used to procure or obtain property in accordance with use restrictions contained within the Agency’s State and Local Preparedness Grant Programs’ Authorized Equipment List.

(d) USE OF GRANT PROGRAM FUNDS FOR REQUIRED RETURN OF PROPERTY TO DoD.—Notwithstanding any other provision of law, the use of funds by a State or local agency to return to the Department of Defense property transferred to such State or local agency pursuant to section 2676a of title 10, United States Code, as such return is required by section 02(b) of this Act, shall be an allowable use of preparedness grant program funds by such agency.

(e) ACCOUNTABILITY MEASURES.—

(1) AUDIT OF USE OF PREPAREDNESS GRANT FUNDS.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an audit covering the period of fiscal year 2010 through the current fiscal year on the use of preparedness grant program funds. The audit shall assess how funds have been used to procure equipment, how the equipment has been used, and whether the grant awards have furthered the Agency’s goal of improving the preparedness of State and local communities.

(2) ANNUAL ACCOUNTING OF USE OF AWARD FUNDS.—Not later than one year after the date of the enactment of this Act, the Agency shall develop and implement a system of accounting on an annual basis how preparedness grant program funds have been used to procure equipment, how the equipment has been used, whether grantees have complied with restrictions on the use of equipment contained with the Authorized Equipment List, and whether the awards have furthered the Agency’s goal of enhancing the capabilities of State agencies to prevent, deter, respond to, and recover from terrorist attacks, major disasters, and other emergencies.

SEC. 04. USE OF EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS.

(a) LIMITATION.—Section 501(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10152(d)) is amended by adding at the end the following:

“(3) The purchase, maintenance, alteration, or operation of—

“(A) lethal weapons; or

“(B) less-lethal weapons.”.

(b) USE OF GRANT FUNDS FOR REQUIRED RETURN OF PROPERTY TO DoD.—Notwithstanding any other provision of law, the use of funds by a State agency or unit of local government to return to the Department of Defense property transferred to such agency or unit of local government pursuant to section 2676a of title 10, United States Code, as such return is required by section 02(b) of this Act, shall be an allowable use of grant

amounts under the Edward Byrne Memorial Justice Assistance Grant Program.

SEC. 05. COMPTROLLER GENERAL REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to Congress a report on Federal agencies, including offices of Inspector General for Federal agencies, that have specialized units that receive special tactical or military-style training or use hard-plated body armor, shields, or helmets and that respond to high-risk situations that fall outside the capabilities of regular law enforcement officers, including any special weapons and tactics (SWAT) team, tactical response teams, special events teams, special response teams, or active shooter teams.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of each specialized unit described under such subsection.

(2) A description of the training and weapons of each such unit.

(3) The criteria for activating each such unit and how often each such unit was activated for each year of the previous ten years.

(4) An estimate of the annual cost of equipping and operating each such unit.

(5) Any other information that is relevant to understanding the usefulness and justification for the units.

SA 1680. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3985, to improve and reform policing practices, accountability, and transparency; which was ordered to lie on the table; as follows:

Strike section 403 and insert the following:

SEC. 403. LYNCHING.

(a) OFFENSE.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“SEC. 250. LYNCHING.

“Whoever conspires with another person to violate section 249 and willfully causes or attempts to cause serious bodily injury (as defined in section 1365(h)) shall be punished in the same manner as a completed violation of such section, except that if the maximum term of imprisonment for such completed violation is less than 10 years, the person may be imprisoned for not more than 10 years.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 13 of title 18, United States Code, is amended by inserting after the item relating to section 249 the following:

“250. Lynching.”.

SA 1681. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. 12. REPORT ON HUMANITARIAN EFFECTS OF THE DE FACTO AIR, LAND, AND SEA BLOCKADE OF YEMEN AND THE ACTIVITIES OF THE HOUTHIS, THE GOVERNMENT OF THE REPUBLIC OF YEMEN, AND THE SOUTHERN TRANSITIONAL COUNCIL.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act,

the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the humanitarian effects on the people of Yemen of—

(1) the air, land, and sea blockade of Yemen;

(2) the activities of the Ansar Allah, or the Houthis, to illicitly profit from critical commercial and humanitarian imports; and

(3) the activities of the Government of the Republic of Yemen and the Southern Transitional Council.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) Any credible information known about the estimated number of civilian deaths in Yemen that are reasonably attributable, in whole or in part, to—

(A) the air, land, and sea blockade of Yemen imposed by the Kingdom of Saudi Arabia, the Government of the United Arab Emirates, or the Saudi-led coalition since March 1, 2015; and

(B) the activities of the Houthis, the Government of the Republic of Yemen, and the Southern Transitional Council.

(2) Any credible information known about the humanitarian effects of such blockade and activities on the people of Yemen, including the effects on—

(A) food security, water, sanitation, hygiene, and public health; and

(B) the capacity of Government of Yemen to halt or reduce the transmission of Coronavirus Disease 2019 (COVID-19) in Yemen.

(3) Any credible information known about the effects of such blockade and activities on the economy of Yemen.

(4) Any credible information known about such activities that have exacerbated the adverse effects of such blockade.

(5) Any credible information known about whether the military support of the United States to the Kingdom of Saudi Arabia, the Government of the United Arab Emirates, or the Saudi-led coalition since March 1, 2015, has contributed in any manner to such blockade, including—

(A) the transfer of logistics support, supplies, and services under sections 2341 and 2342 of title 10, United States Code, or any other applicable law; and

(B) the total amount of such support.

(6) A description of the Department of Defense and Department of State processes in place to ensure that the provision of military support to the Kingdom of Saudi Arabia, the Government of the United Arab Emirates, or the Saudi-led coalition for military operations in Yemen is in compliance with Federal and international law of armed conflict, and a determination of whether the Secretary of Defense or the Secretary of State have made an assessment of such support in accordance with such processes.

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

(d) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Financial Services of the House of Representatives.

SA 1682. Ms. WARREN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize ap-

propriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____ . CLARIFICATION OF TERMINATION OF LEASES OF PREMISES AND MOTOR VEHICLES OF SERVICEMEMBERS WHO INCUR CATASTROPHIC INJURY OR ILLNESS OR DIE WHILE IN MILITARY SERVICE.

(a) CATASTROPHIC INJURIES AND ILLNESSES.—Paragraph (4) of section 305(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3955(a)), as added by section 545 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), is amended to read as follows:

“(4) CATASTROPHIC INJURY OR ILLNESS OF LESSEE.—

“(A) TERMINATION.—If the lessee on a lease described in subsection (b) incurs a catastrophic injury or illness during a period of military service or while performing covered service, during the one-year period beginning on the date on which the lessee incurs such injury or illness—

“(i) the lessee may terminate the lease; or

“(ii) in the case of a lessee who lacks the mental capacity to contract or to manage his or her own affairs (including disbursement of funds without limitation) due to such injury or illness—

“(I) in a case in which the lessee has a spouse, the spouse may terminate the lease;

“(II) in a case in which the lessee does not have a spouse but does have an adult dependent, the dependent may terminate the lease;

“(III) in a case in which the lessee does not have a spouse or an adult dependent, a person who has been granted a power of attorney by the lessee may terminate the lease; or

“(IV) in any other case, such other person as a court of competent jurisdiction may appoint to manage the affairs of the lessee may terminate the lease.

“(B) DEFINITIONS.—In this paragraph:

“(i) CATASTROPHIC INJURY OR ILLNESS.—The term ‘catastrophic injury or illness’ has the meaning given that term in section 439(g) of title 37, United States Code.

“(ii) COVERED SERVICE.—The term ‘covered service’ means full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training (as such terms are defined in section 101(d) of title 10, United States Code).”.

(b) DEATHS.—Paragraph (3) of such section is amended by striking “The spouse of the lessee” and inserting “The spouse or dependent of the lessee”.

SA 1683. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII, insert the following:

Subtitle ____—Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act

SEC. ____ 1. SHORT TITLE.

This subtitle may be cited as the “Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act”.

SEC. ____ 2. ASSISTANCE FOR UNITED STATES NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD.

(a) REVIEW.—The Secretary of State shall review the cases of United States nationals detained abroad to determine if there is credible information that they are being detained unlawfully or wrongfully, based on criteria which may include whether—

(1) United States officials receive or possess credible information indicating innocence of the detained individual;

(2) the individual is being detained solely or substantially because he or she is a United States national;

(3) the individual is being detained solely or substantially to influence United States Government policy or to secure economic or political concessions from the United States Government;

(4) the detention appears to be because the individual sought to obtain, exercise, defend, or promote freedom of the press, freedom of religion, or the right to peacefully assemble;

(5) the individual is being detained in violation of the laws of the detaining country;

(6) independent nongovernmental organizations or journalists have raised legitimate questions about the innocence of the detained individual;

(7) the United States mission in the country where the individual is being detained has received credible reports that the detention is a pretext for an illegitimate purpose;

(8) the individual is detained in a country where the Department of State has determined in its annual human rights reports that the judicial system is not independent or impartial, is susceptible to corruption, or is incapable of rendering just verdicts;

(9) the individual is being detained in inhumane conditions;

(10) due process of law has been sufficiently impaired so as to render the detention arbitrary; and

(11) United States diplomatic engagement is likely necessary to secure the release of the detained individual.

(b) REFERRALS TO THE SPECIAL ENVOY.—Upon a determination by the Secretary of State, based on the totality of the circumstances, that there is credible information that the detention of a United States national abroad is unlawful or wrongful, and regardless of whether the detention is by a foreign government or a nongovernmental actor, the Secretary shall transfer responsibility for such case from the Bureau of Consular Affairs of the Department of State to the Special Envoy for Hostage Affairs created pursuant to section ____ 3.

(c) REPORT.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees an annual report with respect to United States nationals for whom the Secretary determines there is credible information of unlawful or wrongful detention abroad.

(B) FORM.—The report required under this paragraph shall be submitted in unclassified form, but may include a classified annex if necessary.

(2) COMPOSITION.—The report required under paragraph (1) shall include current estimates of the number of individuals so detained, as well as relevant information about particular cases, such as—

(A) the name of the individual, unless the provision of such information is inconsistent

with section 552a of title 5, United States Code (commonly known as the "Privacy Act of 1974");

(B) basic facts about the case;

(C) a summary of the information that such individual may be detained unlawfully or wrongfully;

(D) a description of specific efforts, legal and diplomatic, taken on behalf of the individual since the last reporting period, including a description of accomplishments and setbacks; and

(E) a description of intended next steps.

(d) RESOURCE GUIDANCE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act and after consulting with relevant organizations that advocate on behalf of United States nationals detained abroad and the Family Engagement Coordinator established pursuant to section 4(c)(2), the Secretary of State shall provide resource guidance in writing for government officials and families of unjustly or wrongfully detained individuals.

(2) CONTENT.—The resource guidance required under paragraph (1) should include—

(A) information to help families understand United States policy concerning the release of United States nationals unlawfully or wrongfully held abroad;

(B) contact information for officials in the Department of State or other government agencies suited to answer family questions;

(C) relevant information about options available to help families obtain the release of unjustly or wrongfully detained individuals, such as guidance on how families may engage with United States diplomatic and consular channels to ensure prompt and regular access for the detained individual to legal counsel, family members, humane treatment, and other services;

(D) guidance on submitting public or private letters from members of Congress or other individuals who may be influential in securing the release of an individual; and

(E) appropriate points of contacts, such as legal resources and counseling services, who have a record of assisting victims' families.

SEC. 3. SPECIAL ENVOY FOR HOSTAGE AFFAIRS.

(a) ESTABLISHMENT.—There shall be a Special Presidential Envoy for Hostage Affairs, appointed by the President, who shall report to the Secretary of State.

(b) RANK.—The Special Envoy shall have the rank and status of ambassador.

(c) RESPONSIBILITIES.—The Special Presidential Envoy for Hostage Affairs shall—

(1) lead diplomatic engagement on United States hostage policy;

(2) coordinate all diplomatic engagements and strategy in support of hostage recovery efforts, in coordination with the Hostage Recovery Fusion Cell and consistent with policy guidance communicated through the Hostage Response Group;

(3) in coordination with the Hostage Recovery Fusion Cell as appropriate, coordinate diplomatic engagements regarding cases in which a foreign government has detained a United States national and the United States Government regards such detention as unlawful or wrongful;

(4) provide senior representation from the Special Envoy's office to the Hostage Recovery Fusion Cell established under section 4 and the Hostage Response Group established under section 5; and

(5) ensure that families of United States nationals unlawfully or wrongfully detained abroad receive updated information about developments in cases and government policy.

SEC. 4. HOSTAGE RECOVERY FUSION CELL.

(a) ESTABLISHMENT.—The President shall establish an interagency Hostage Recovery Fusion Cell.

(b) PARTICIPATION.—The President shall direct the heads of each of the following executive departments, agencies, and offices to make available personnel to participate in the Hostage Recovery Fusion Cell:

(1) The Department of State.

(2) The Department of the Treasury.

(3) The Department of Defense.

(4) The Department of Justice.

(5) The Office of the Director of National Intelligence.

(6) The Federal Bureau of Investigation.

(7) The Central Intelligence Agency.

(8) Other agencies as the President, from time to time, may designate.

(c) PERSONNEL.—The Hostage Recovery Fusion Cell shall include—

(1) a Director, who shall be a full-time senior officer or employee of the United States Government;

(2) a Family Engagement Coordinator who shall—

(A) work to ensure that all interactions by executive branch officials with a hostage's family occur in a coordinated fashion and that the family receives consistent and accurate information from the United States Government; and

(B) if directed, perform the same function as set out in subparagraph (A) with regard to the family of a United States national who is unlawfully or wrongfully detained abroad; and

(3) other officers and employees as deemed appropriate by the President.

(d) DUTIES.—The Hostage Recovery Fusion Cell shall—

(1) coordinate efforts by participating agencies to ensure that all relevant information, expertise, and resources are brought to bear to secure the safe recovery of United States nationals held hostage abroad;

(2) if directed, coordinate the United States Government's response to other hostage-takings occurring abroad in which the United States has a national interest;

(3) if directed, coordinate or assist the United States Government's response to help secure the release of United States nationals unlawfully or wrongfully detained abroad; and

(4) pursuant to policy guidance coordinated through the National Security Council—

(A) identify and recommend hostage recovery options and strategies to the President through the National Security Council or the Deputies Committee of the National Security Council;

(B) coordinate efforts by participating agencies to ensure that information regarding hostage events, including potential recovery options and engagements with families and external actors (including foreign governments), is appropriately shared within the United States Government to facilitate a coordinated response to a hostage-taking;

(C) assess and track all hostage-takings of United States nationals abroad and provide regular reports to the President and Congress on the status of such cases and any measures being taken toward the hostages' safe recovery;

(D) provide a forum for intelligence sharing and, with the support of the Director of National Intelligence, coordinate the declassification of relevant information;

(E) coordinate efforts by participating agencies to provide appropriate support and assistance to hostages and their families in a coordinated and consistent manner and to provide families with timely information regarding significant events in their cases;

(F) make recommendations to agencies in order to reduce the likelihood of United

States nationals' being taken hostage abroad and enhance United States Government preparation to maximize the probability of a favorable outcome following a hostage-taking; and

(G) coordinate with agencies regarding congressional, media, and other public inquiries pertaining to hostage events.

(e) ADMINISTRATION.—The Hostage Recovery Fusion Cell shall be located within the Federal Bureau of Investigation for administrative purposes.

SEC. 5. HOSTAGE RESPONSE GROUP.

(a) ESTABLISHMENT.—The President shall establish a Hostage Response Group, chaired by a designated member of the National Security Council or the Deputies Committee of the National Security Council, to be convened on a regular basis, to further the safe recovery of United States nationals held hostage abroad or unlawfully or wrongfully detained abroad, and to be tasked with coordinating the United States Government response to other hostage-takings occurring abroad in which the United States has a national interest.

(b) MEMBERSHIP.—The regular members of the Hostage Response Group shall include the Director of the Hostage Recovery Fusion Cell, the Hostage Recovery Fusion Cell's Family Engagement Coordinator, the Special Envoy appointed pursuant to section 3, and representatives from the Department of the Treasury, the Department of Defense, the Department of Justice, the Federal Bureau of Investigation, the Office of the Director of National Intelligence, the Central Intelligence Agency, and other agencies as the President, from time to time, may designate.

(c) DUTIES.—The Hostage Response Group shall—

(1) identify and recommend hostage recovery options and strategies to the President through the National Security Council;

(2) coordinate the development and implementation of United States hostage recovery policies, strategies, and procedures;

(3) receive regular updates from the Hostage Recovery Fusion Cell and the Special Envoy for Hostage Affairs on the status of United States nationals being held hostage or unlawfully or wrongfully detained abroad and measures being taken to effect safe recoveries;

(4) coordinate the provision of policy guidance to the Hostage Recovery Fusion Cell, including reviewing recovery options proposed by the Hostage Recovery Fusion Cell and working to resolve disputes within the Hostage Recovery Fusion Cell;

(5) as appropriate, direct the use of resources at the Hostage Recovery Fusion Cell to coordinate or assist in the safe recovery of United States nationals unlawfully or wrongfully detained abroad; and

(6) as appropriate, direct the use of resources at the Hostage Recovery Fusion Cell to coordinate the United States Government response to other hostage-takings occurring abroad in which the United States has a national interest.

(d) MEETINGS.—The Hostage Response Group shall meet regularly.

(e) REPORTING.—The Hostage Response Group shall regularly provide recommendations on hostage recovery options and strategies to the National Security Council.

SEC. 6. AUTHORIZATION OF IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to any foreign person the President determines, based on credible evidence—

(1) is responsible for or is complicit in, or responsible for ordering, controlling, or otherwise directing, the hostage-taking of a

United States national abroad or the unlawful or wrongful detention of a United States national abroad; or

(2) knowingly provides financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (1).

(b) **SANCTIONS DESCRIBED.**—The sanctions described in this subsection are the following:

(1) **INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.**—

(A) **VISAS, ADMISSION, OR PAROLE.**—An alien described in subsection (a) may be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) **CURRENT VISAS REVOKED.**—

(i) **IN GENERAL.**—An alien described in subsection (a) may be subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) **IMMEDIATE EFFECT.**—A revocation under clause (i) may—

(I) take effect immediately; and

(II) cancel any other valid visa or entry documentation that is in the alien's possession.

(2) **BLOCKING OF PROPERTY.**—

(A) **IN GENERAL.**—The President may exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person described in subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) **INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.**—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

(c) **EXCEPTIONS.**—

(1) **EXCEPTION FOR INTELLIGENCE ACTIVITIES.**—Sanctions under this section shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) **EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.**—Sanctions under subsection (b)(1) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

(3) **EXCEPTION RELATING TO IMPORTATION OF GOODS.**—

(A) **IN GENERAL.**—The authorities and requirements to impose sanctions authorized under subsection (b)(2) shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) **GOOD DEFINED.**—In this paragraph, the term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(d) **PENALTIES.**—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(2) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(e) **TERMINATION OF SANCTIONS.**—The President may terminate the application of sanctions under this section with respect to a person if the President determines that—

(1) information exists that the person did not engage in the activity for which sanctions were imposed;

(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a) in the future; or

(4) the termination of the sanctions is in the national security interests of the United States.

(f) **REPORTING REQUIREMENT.**—If the President terminates sanctions pursuant to subsection (d), the President shall report to the appropriate congressional committees a written justification for such termination within 15 days.

(g) **IMPLEMENTATION OF REGULATORY AUTHORITY.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(h) **DEFINITIONS.**—In this section:

(1) **FOREIGN PERSON.**—The term “foreign person” means—

(A) any citizen or national of a foreign country (including any such individual who is also a citizen or national of the United States); or

(B) any entity not organized solely under the laws of the United States or existing solely in the United States.

(2) **UNITED STATES PERSON.**—The term “United States person” means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SEC. 7. DEFINITIONS.

In this subtitle:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, the Committee on Armed Services, and the Select Committee on Intelligence of the United States Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Financial Services, the Committee on the Judiciary, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **UNITED STATES NATIONAL.**—The term “United States national” means—

(A) a United States national as defined in section 101(a)(22) or section 308 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22), 8 U.S.C. 1408); and

(B) a lawful permanent resident alien with significant ties to the United States.

SEC. 8. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to authorize a private right of action.

SA 1684. Ms. DUCKWORTH (for herself and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ INTERAGENCY COMMITTEE ON WOMEN'S BUSINESS ENTERPRISE.

Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101 et seq.) is amended—

(1) in section 402 (15 U.S.C. 7102)—

(A) in subsection (a)—

(i) by striking paragraphs (2) and (5);

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(iii) by adding at the end the following:

“(4) monitor the plans, programs, and operations of the departments and agencies of the Federal Government to identify barriers to new business formation by women entrepreneurs, or barriers experienced by women-led startups in accessing and participating in the plans, programs, and operations of the departments and agencies of the Federal Government.”;

(B) in subsection (b), by inserting after the second sentence the following: “In addition to the meetings described in the preceding sentence, the Interagency Committee shall meet at the call of the executive director of the Council or the chairperson of the Interagency Committee.”; and

(C) in subsection (c), in the first sentence, by inserting “, including through the use of research and policy developed by the Council” after “Council”;

(2) in section 403 (15 U.S.C. 7103)—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by inserting “the executive director of the Council and” before “1 representative”

(II) by adding at the end the following:

“(K) The National Aeronautics and Space Administration.

“(L) The Environmental Protection Agency.

“(M) The Deputy Director of Management of the Office of Management and Budget.

“(N) The Bureau of Labor Statistics.

“(O) The Department of Homeland Security.

“(P) The Department of Veterans Affairs.”; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “Small Business Administration Reauthorization Act of 1997” and inserting “Interagency Committee on Women's Business Enterprise Act of 2020”; and

(II) in subparagraph (B)—

(aa) by striking “Small Business”; and

(bb) by striking “National Women's Business Council established under section 405” and inserting “Council”; and

(B) by amending subsection (b) to read as follows:

“(b) **APPOINTMENT.**—

“(1) IN GENERAL.—Not later than 45 days after the date of enactment of the Interagency Committee on Women’s Business Enterprise Act of 2020, the President, in consultation with the Administrator, shall appoint one of the members of the Interagency Committee to serve as chairperson.

“(2) VACANCY.—In the event that a chairperson is not appointed within the time frame required under paragraph (1), the Deputy Administrator of the Small Business Administration shall serve as acting chairperson of the Interagency Committee until a chairperson is appointed under paragraph (1).”; and

(3) in section 404 (15 U.S.C. 7104)—

(A) in the matter preceding paragraph (1), by striking “1995” and inserting “2020”;

(B) in paragraph (1), by adding “and” at the end;

(C) in paragraph (2), by striking “; and” and inserting a period; and

(D) by striking paragraph (3).

SA 1685. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . MICROLOAN PROGRAM.

(a) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (4)(C)(i)(II)—

(A) by striking “has a portfolio” and inserting “has—

“(aa) a portfolio”;

(B) in item (aa), by striking the period at the end and inserting “; or”;

(C) by adding at the end the following:

“(bb) a portfolio of loans made under this subsection of which not less than 25 percent is serving rural areas during the period of the intermediary’s participation in the program.”;

(2) in paragraph (6), by adding at the end the following:

“(F) LOAN DURATION.—

“(i) IN GENERAL.—With respect to a loan made by an eligible intermediary under this paragraph on or after the date of enactment of this subparagraph, the duration of the loan shall be not more than 8 years.

“(ii) EXISTING BORROWERS.—With respect to a loan made by an eligible intermediary under this paragraph to a borrower before the date of enactment of this subparagraph, the duration of the loan may be extended to not more than 8 years.”; and

(3) by striking paragraph (7) and inserting the following:

“(7) PROGRAM FUNDING FOR MICROLOANS.—Under the program authorized by this subsection, the Administration may fund, on a competitive basis, not more than 300 intermediaries.”.

SA 1686. Ms. DUCKWORTH (for herself and Mr. RISCH) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . OFFICE OF SMALL BUSINESS AND DIS-ADVANTAGED BUSINESS UTILIZATION.

Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended, in the matter preceding paragraph (1)—

(1) by inserting after the first sentence the following: “If the Government Accountability Office has determined that a Federal agency is not in compliance with all of the requirements under this subsection, the Federal agency shall, not later than 120 days after that determination or 120 days after the date of enactment of this sentence, whichever is later, submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes the reasons why the Federal agency is not in compliance and the specific actions that the Federal agency will take to comply with the requirements under this subsection.”; and

(2) by striking “The management of each such office” and inserting “The management of each Office of Small Business and Disadvantaged Business Utilization”.

SA 1687. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ELIGIBILITY OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR CERTAIN SMALL BUSINESS ADMINISTRATION PROGRAMS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 7(m)(7)(B) (15 U.S.C. 636(m)(7)(B))—

(A) by striking “and American Samoa” each place such term appears and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”; and

(B) in clause (i)(I)(bb), by striking “¹/₅₅” and inserting “¹/₅₆”;

(2) in section 21(a) (15 U.S.C. 648(a))—

(A) in paragraph (1), by inserting before “The Administration shall require” the following new sentence: “The previous sentence shall not apply to an applicant that has its principal office located in the Commonwealth of the Northern Mariana Islands.”; and

(B) in paragraph (4)(C)(ix), by striking “and American Samoa” and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”; and

(3) in section 34(a)(9) (15 U.S.C. 657d(a)(9)), by striking “and American Samoa” and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

SA 1688. Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mrs. GILLIBRAND, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X of division A, add the following:

SEC. 1 ____ . REPEAL OF REQUIREMENT TO SELL CERTAIN FEDERAL PROPERTY IN PLUM ISLAND, NEW YORK.

(a) REPEAL OF REQUIREMENT IN PUBLIC LAW 110-329.—Section 540 of the Department of Homeland Security Appropriations Act, 2009 (division D of Public Law 110-329; 122 Stat. 3688) is repealed.

(b) REPEAL OF REQUIREMENT IN PUBLIC LAW 112-74.—Section 538 of the Department of Homeland Security Appropriations Act, 2012 (6 U.S.C. 190 note; division D of Public Law 112-74) is repealed.

SA 1689. Mr. BLUMENTHAL (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 320. RESTRICTION ON PROCUREMENT BY DEFENSE LOGISTICS AGENCY OF CERTAIN ITEMS CONTAINING PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES.

(a) PROHIBITION.—The Director of the Defense Logistics Agency may not procure any covered item containing a perfluoroalkyl substance or polyfluoroalkyl substance.

(b) DEFINITIONS.—In this section:

(1) COVERED ITEM.—The term “covered item” means—

(A) non-stick cookware or food service ware for use in galleys or dining facilities;

(B) food packaging materials;

(C) furniture or floor waxes;

(D) carpeting, rugs, or upholstered furniture;

(E) personal care items;

(F) dental floss; and

(G) sunscreen.

(2) PERFLUOROALKYL SUBSTANCE.—The term “perfluoroalkyl substance” means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(3) POLYFLUOROALKYL SUBSTANCE.—The term “polyfluoroalkyl substance” means a man-made chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SA 1690. Mr. BLUMENTHAL (for himself, Ms. BALDWIN, Ms. WARREN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MODIFICATIONS TO THE INSURRECTION ACT OF 1807.

(a) CERTIFICATIONS TO CONGRESS.—Chapter 13 of title 10, United States Code (commonly known as the “Insurrection Act of 1807”), is amended—

(1) in section 251—

(A) by striking “Whenever” and inserting the following:

“(a) AUTHORITY.—Whenever”; and

(B) by adding at the end the following new subsection:

“(b) CERTIFICATION TO CONGRESS.—Whenever the President invokes the authority under this section, not later than 48 hours after such invocation of authority, the President shall certify to Congress that the legislature or the governor of the State concerned has requested the aid described in subsection (a) to suppress an insurrection.”;

(2) in section 252—

(A) by striking “Whenever” and inserting the following:

“(a) AUTHORITY.—Whenever”; and

(B) by adding at the end the following new subsection:

“(b) CERTIFICATION TO CONGRESS.—

“(1) Whenever the President invokes the authority under this section, not later than 48 hours after such invocation of authority, the President shall certify to Congress that the State concerned is unable or unwilling to suppress an unlawful obstruction, combination, or assemblage, or rebellion against the authority of the United States described in subsection (a).

“(2) A certification under paragraph (1) shall include the following:

“(A) A description of the circumstances necessitating such invocation of authority.

“(B) Demonstrable evidence that the State concerned is unable or unwilling to suppress such unlawful obstruction, combination, or assemblage, or rebellion against the authority of the United States, and a legal justification for resorting to the authority under this section to so suppress.

“(C) A description of the mission, scope, and duration of use of members of the armed forces under this section.”; and

(3) in section 253—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) in the matter preceding subparagraph (A), as so redesignated, by striking “The President” and inserting the following:

“(a) AUTHORITY.—(1) The President”; and

(C) in the undesignated matter following subparagraph (B), as so redesignated, by striking “In any situation covered by clause (1)” and inserting the following new paragraph (2):

“(2) RULE OF CONSTRUCTION.—In any situation covered by subparagraph (A)”;

(D) by adding at the end the following new subsection:

“(b) CERTIFICATION TO CONGRESS.—

“(1) Whenever the President invokes the authority under this section, not later than 48 hours after such invocation of authority, the President shall certify to Congress that the State concerned is unable or unwilling to suppress an insurrection, domestic violence, an unlawful combination, or a conspiracy described in subsection (a).

“(2) A certification under paragraph (1) shall include the following:

“(A) A description of the circumstances necessitating such invocation of authority.

“(B) Demonstrable evidence that the State concerned is unable or unwilling to suppress such insurrection, domestic violence, unlawful combination, or conspiracy, and a legal justification for resorting to the authority under this section to so suppress.

“(C) A description of the mission, scope, and duration of use of members of the armed forces under this section.”.

(b) INVOCATION OF AUTHORITY FOR PROTECTION OF CIVIL RIGHTS.—Section 253 of title 10, United States Code, as amended by subsection (a)(3), is further amended, in subsection (a)(1)(B), as so designated, by striking “the laws of the United States or” and inserting “Federal or State law to protect the civil rights of the people of the United States under the Constitution and”.

(c) CONSULTATION WITH CONGRESS.—

(1) IN GENERAL.—Chapter 13 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 256. Consultation with Congress

“The President, in every possible instance, shall consult with Congress before invoking the authority under section 251, 252, or 253.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 13 of title 10, United States Code, is amended by adding at the end the following new item:

“256. Consultation with Congress.”.

SA 1691. Mr. BLUMENTHAL (for himself, Ms. BALDWIN, Mrs. GILLIBRAND, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MODIFICATIONS TO THE INSURRECTION ACT OF 1807.

(a) FEDERAL AID FOR STATE GOVERNMENTS.—Section 251 of title 10, United States Code, is amended to read as follows:

“§ 251. Federal aid for State governments

“(a) AUTHORITY.—Whenever there is an insurrection in any State against its government, the President may, upon the request of the governor of the State concerned, call into Federal service such of the militia of the other States, in the number requested by the governor of the State concerned, and use such of the armed forces, as the President considers necessary to suppress the insurrection.

“(b) CERTIFICATION TO CONGRESS.—The President may not invoke the authority under this section unless the President, the Secretary of Defense, and the Attorney General certify to Congress that the governor of the State concerned has requested the aid described in subsection (a) to suppress an insurrection.”.

(b) USE OF MILITIA AND ARMED FORCES TO ENFORCE FEDERAL AUTHORITY.—Section 252 of title 10, United States Code, is amended to read as follows:

“§ 252. Use of militia and armed forces to enforce Federal authority

“(a) AUTHORITY.—Whenever unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State by the ordinary course of judicial proceedings, the President may call into Federal service such of the militia of any State, and use such of the armed forces, as the President considers necessary to enforce those laws or to suppress the rebellion.

“(b) CERTIFICATION TO CONGRESS.—

“(1) The President may not invoke the authority under this section unless the President, the Secretary of Defense, and the At-

torney General certify to Congress that the State concerned is unable or unwilling to suppress an unlawful obstruction, combination, or assemblage, or rebellion against the authority of the United States described in subsection (a).

“(2) A certification under paragraph (1) shall include the following:

“(A) A description of the circumstances necessitating the invocation of the authority under this section.

“(B) Demonstrable evidence that the State concerned is unable or unwilling to suppress such unlawful obstruction, combination, or assemblage, or rebellion against the authority of the United States, and a legal justification for resorting to the authority under this section to so suppress.

“(C) A description of the mission, scope, and duration of use of members of the armed forces under this section.”.

(c) INTERFERENCE WITH STATE AND FEDERAL LAW.—Section 253 of title 10, United States Code, is amended to read as follows:

“§ 253. Interference with State and Federal law

“(a) AUTHORITY.—(1) The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as the President considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

“(A) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

“(B) opposes or obstructs the execution of the Federal or State laws to protect the civil rights of the people of the United States under the Constitution and impedes the course of justice under those laws.

“(2) In any situation covered by paragraph (1)(A), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

“(b) CERTIFICATION TO CONGRESS.—

“(1) The President may not invoke the authority under this section unless the President, the Secretary of Defense, and the Attorney General certify to Congress that the State concerned is unable or unwilling to suppress an insurrection, domestic violence, an unlawful combination, or a conspiracy described in subsection (a).

“(2) A certification under paragraph (1) shall include the following:

“(A) A description of the circumstances necessitating the invocation of the authority under this section.

“(B) Demonstrable evidence that the State concerned is unable or unwilling to suppress such insurrection, domestic violence, unlawful combination, or conspiracy, and a legal justification for resorting to the authority under this section to so suppress.

“(C) A description of the mission, scope, and duration of use of members of the armed forces under this section.”.

(d) CONSULTATION WITH CONGRESS.—

(1) IN GENERAL.—Chapter 13 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 256. Consultation

“The President, in every possible instance, shall consult with Congress before invoking the authority under section 251, 252, or 253.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 13 of title 10, United States Code, is amended by adding at the end the following:

“256. Consultation.”.

(e) TERMINATION AND EXTENSION OF AUTHORITY.—

(1) IN GENERAL.—Chapter 13 of title 10, United States Code, as amended by subsection (d), is further amended by adding at the end the following new section:

“§ 257. Termination of authority and expedited procedures for extension by joint resolution of Congress

“(a) DEFINITIONS.—In this section:

“(1) 14-DAY PERIOD.—With respect to an invocation of authority under section 251, 252, or 253, the term ‘14-day period’ means, as applicable—

“(A) in the case of an invocation of authority on a date on which Congress is in session, the period beginning on the date on which the President invokes such authority and ending on the date that is 14 calendar days after the date of such invocation; or

“(B) in the case of an invocation of authority on a date on which Congress is adjourned, the period beginning on the date on which the next session of Congress commences and ending on the date that is 14 calendar days after the date of such commencement.

“(2) JOINT RESOLUTION.—The term ‘joint resolution’ means a joint resolution—

“(A) that is introduced with respect to the invocation of authority under section 251, 252, or 253 during the 14-day period;

“(B) which does not have a preamble;

“(C) the title of which is as follows: ‘Joint resolution relating to the extension of authority for purposes of _____ of title 10, United States Code’, the blank space being filled in with whether the extension relates to the provision of Federal aid for State governments under section 251, the use of militia and armed forces to enforce Federal authority under section 252, or the suppression of interference with State and Federal law under section 253; and

“(D) the matter after the resolving clause of which is as follows: ‘That Congress extends the authority to _____, invoked by the President on _____’, the first blank space being filled in with whether the extension relates to the provision of Federal aid for State governments, the use of militia and armed forces to enforce Federal authority, or the suppression of interference with State and Federal law, and the second blank space being filled in with the date on which the President invoked such authority.

“(b) JOINT RESOLUTION ENACTED.—Notwithstanding any other provision of this section, if, not later than the last day of the 14-day period, there is enacted into law a joint resolution, the period of such authority shall be extended for a period to be determined by Congress and expressed in the joint resolution.

“(c) JOINT RESOLUTION NOT ENACTED.—Notwithstanding any other provision of this section, if a joint resolution is not enacted on or before the last day of the 14-day period—

“(1) such authority invoked by the President shall terminate; and

“(2) the President may not, at any time after the 14-day period, re-invoke authority under section 251, 252, or 253, unless there has been a material and significant change in factual circumstances, and such circumstances are provided in a new certification to Congress.

“(d) EXPEDITED CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

“(1) RECONVENING.—Upon invocation by the President of the authority under section 251, 252, or 253, the Speaker of the House of Representatives, if the House of Representatives would otherwise be adjourned, shall notify the Members of the House of Representatives that, pursuant to this section, the House of Representatives shall convene not later than 3 calendar days after the date of such invocation.

“(2) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House of Representatives not later than 7 calendar days after the last day of the 14-day period, there is enacted into law a joint resolution. If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar.

“(3) PROCEEDING TO CONSIDERATION.—

“(A) IN GENERAL.—After each committee authorized to consider a joint resolution reports it to the House of Representatives or has been discharged from its consideration, it shall be in order, not later than 7 calendar days after the last day of the 14-day period, to move to proceed to consider the joint resolution in the House of Representatives.

“(B) PROCEDURE.—For a motion to proceed to consider a joint resolution—

“(i) all points of order against the motion are waived;

“(ii) such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed on the joint resolution;

“(iii) the previous question shall be considered as ordered on the motion to its adoption without intervening motion;

“(iv) the motion shall not be debatable; and

“(v) a motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(4) CONSIDERATION.—If the House of Representatives proceeds to consideration of a joint resolution—

“(A) the joint resolution shall be considered as read;

“(B) all points of order against the joint resolution and against its consideration are waived;

“(C) the previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except 10 hours of debate equally divided and controlled by the proponent and an opponent;

“(D) an amendment to the joint resolution shall not be in order; and

“(E) a motion to reconsider the vote on passage of the joint resolution shall not be in order.

“(e) EXPEDITED CONSIDERATION IN SENATE.—

“(1) RECONVENING.—Upon invocation by the President of the authority under section 251, 252, or 253, if the Senate has adjourned or recessed for more than 2 calendar days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this section, the Senate shall convene not later than 3 calendar days after the date of such invocation.

“(2) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

“(3) PROCEEDING TO CONSIDERATION.—

“(A) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 7 calendar days after the last day of the 14-day period (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of a joint resolution.

“(B) PROCEDURE.—For a motion to proceed to the consideration of a joint resolution—

“(i) all points of order against the motion are waived;

“(ii) the motion is not debatable;

“(iii) the motion is not subject to a motion to postpone;

“(iv) a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order; and

“(v) if the motion is agreed to, the joint resolution shall remain the unfinished business until disposed of.

“(4) FLOOR CONSIDERATION.—

“(A) IN GENERAL.—If the Senate proceeds to consideration of a joint resolution—

“(i) all points of order against the joint resolution (and against consideration of the joint resolution) are waived;

“(ii) consideration of the joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees;

“(iii) a motion further to limit debate is in order and not debatable;

“(iv) an amendment to, a motion to postpone, or a motion to commit the joint resolution is not in order; and

“(v) a motion to proceed to the consideration of other business is not in order.

“(B) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the consideration of a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

“(C) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of this subsection or the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

“(f) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

“(1) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution—

“(A) the joint resolution of the other House shall not be referred to a committee; and

“(B) with respect to a joint resolution of the House receiving the resolution—

“(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; and

“(ii) the vote on passage shall be on the joint resolution of the other House.

“(2) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—If one House fails to introduce or consider a joint resolution under this subsection, the joint resolution of the other House shall be entitled to expedited floor procedures under this section.

“(3) TREATMENT OF COMPANION MEASURES.—If, following passage of a joint resolution in the Senate, the Senate receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

“(4) CONSIDERATION AFTER PASSAGE.—

“(A) PERIOD PENDING WITH PRESIDENT.—If Congress passes a joint resolution—

“(i) the period beginning on the date on which the President is presented with the joint resolution and ending on the date on which the President signs, allows to become law without signature, or vetoes and returns the joint resolution (but excluding days when either House is not in session) shall be disregarded in determining whether the joint resolution was enacted before the last day of the 14-day period; and

“(ii) the date that is the number of days in the period described in clause (i) after the 14-day period shall be substituted for the 14-day period for purposes of subsections (b) and (c).

“(B) VETOES.—If the President vetoes the joint resolution, consideration of a veto message in the Senate under this section shall be not more than 2 hours equally divided between the majority and minority leaders or their designees.

“(g) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsections (d) and (e) and paragraphs (1), (2), (3), and (4)(B) of subsection (f) are enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and supersede other rules only to the extent that they are inconsistent with such rules; and

“(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 13 of title 10, United States Code, as amended by subsection (d), is further amended by adding at the end the following:

“257. Termination of authority and expedited procedures for extension by joint resolution of Congress.”.

(f) JUDICIAL REVIEW FOR INJURY RESULTING FROM USE OF THE ARMED FORCES.—

(1) IN GENERAL.—Chapter 13 of title 10, United States Code, as amended by subsection (e), is further amended by adding at the end the following new section:

“§ 258. Judicial review

“(a) IN GENERAL.—Notwithstanding, and without prejudice to, any other provision of law, any individual or entity (including a State or local government) that is injured by, or has a credible fear of injury from, the use of members of the armed forces under this chapter may bring a civil action for declaratory or injunctive relief. In any action under this section, the district court shall have jurisdiction to decide any question of law or fact arising under this chapter, including challenges to the legal basis for members of the armed forces to be acting under this chapter.

“(b) EXPEDITED CONSIDERATION.—It shall be the duty of the applicable district court of the United States and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under this section.

“(c) APPEALS.—

“(1) IN GENERAL.—The Supreme Court of the United States shall have jurisdiction of an appeal from a final decision of a district court of the United States in a civil action brought under this section.

“(2) FILING DEADLINE.—A party shall file an appeal under paragraph (1) not later than 30 days after the court issues a final decision under subsection (a).”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 13 of title 10, United States Code, as amended by subsection (e), is further amended by adding at the end the following:

“258. Judicial review.”.

(g) RESTRICTION ON DIRECT PARTICIPATION BY MILITARY PERSONNEL.—Section 275 of title 10, United States Code, is amended to read as follows:

“§ 275. Restriction on direct participation by military personnel

“(a) IN GENERAL.—No activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this title shall include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar ac-

tivity unless participation in such activity by such member is otherwise expressly authorized by law.

“(b) REGULATIONS.—The Secretary of Defense shall prescribe such regulations as may be necessary to ensure compliance with subsection (a).”.

SA 1692. Ms. HIRONO (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____ . EXEMPTION FROM IMMIGRANT VISA LIMIT.

Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

“(F) Aliens who—

“(i) are eligible for a visa under paragraph (1) or (3) of section 203(a); and

“(ii) have a parent (regardless of whether the parent is living or dead) who was naturalized pursuant to—

“(I) section 405 of the Immigration Act of 1990 (Public Law 101-649; 8 U.S.C. 1440 note); or

“(II) title III of the Act of October 14, 1940 (54 Stat. 1137, chapter 876), as added by section 1001 of the Second War Powers Act, 1942 (56 Stat. 182, chapter 199).”.

SA 1693. Mr. MORAN (for himself, Mr. UDALL, Mrs. BLACKBURN, Mr. BOOZMAN, Mrs. CAPITO, and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. ____ . 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 sub-

section 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.

SA 1694. Mr. MORAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____ . STUDY ON UNEMPLOYMENT RATE OF FEMALE VETERANS WHO SERVED ON ACTIVE DUTY IN THE ARMED FORCES AFTER SEPTEMBER 11, 2001.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Bureau of Labor Statistics of the Department of Labor, shall conduct a study on why Post-9/11 Veterans who are female are at higher risk of unemployment than all other groups of female veterans and their non-veteran counterparts.

(2) CONDUCT OF STUDY.—

(A) IN GENERAL.—The Secretary shall conduct the study under paragraph (1) primarily through the Center for Women Veterans under section 318 of title 38, United States Code.

(B) CONSULTATION.—In carrying out the study conducted under paragraph (1), the Secretary may consult with—

(i) other Federal agencies, such as the Department of Defense, the Office of Personnel Management, and the Small Business Administration;

(ii) foundations; and

(iii) entities in the private sector.

(3) ELEMENTS OF STUDY.—The study conducted under paragraph (1) shall include, with respect to Post-9/11 Veterans who are female, at a minimum, an analysis of the following:

(A) Rank at time of separation from the Armed Forces.

(B) Geographic location upon such separation.

(C) Educational level upon such separation.

(D) The percentage of such veterans who enrolled in an education or employment

training program of the Department of Veterans Affairs or the Department of Labor after such separation.

(E) Industries that have employed such veterans.

(F) Military occupational specialties available to such veterans.

(G) Barriers to employment of such veterans.

(H) Causes to fluctuations in employment of such veterans.

(I) Current employment training programs of the Department of Veterans Affairs or the Department of Labor that are available to such veterans.

(J) Economic indicators that impact unemployment of such veterans.

(K) Health conditions of such veterans that could impact employment.

(L) Whether there are differences in the analyses conducted under subparagraphs (A) through (K) based on the race of such veteran.

(M) The difference between unemployment rates of Post-9/11 Veterans who are female compared to unemployment rates of Post-9/11 Veterans who are male, including an analysis of potential causes of such difference.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after completing the study under subsection (a), 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 report on such study.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The analyses conducted under subsection (a)(3).

(B) A description of the methods used to conduct the study under subsection (a).

(C) Such other matters relating to the unemployment rates of Post-9/11 Veterans who are female as the Secretary considers appropriate.

(c) POST-9/11 VETERAN DEFINED.—In this section, the term "Post-9/11 Veteran" means a veteran who served on active duty in the Armed Forces on or after September 11, 2001.

SA 1695. Mr. MORAN (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —DECLASSIFICATION REFORM

SEC. 1. SHORT TITLE.

This title may be cited as the "Declassification Reform Act of 2020".

SEC. 2. DEFINITIONS.

In this title:

(1) CLASSIFICATION.—The term "classification" means the act or process by which information is determined to be classified information.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION OR CLASSIFIED INFORMATION.—The term "classified national security information" or "classified information" means information that has been determined pursuant to Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or any predecessor or successor order, to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

(3) DECLASSIFICATION.—The term "declassification" means the authorized change in the status of information from classified information to unclassified information.

(4) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given such term in section 105 of title 5, United States Code.

SEC. 3. EXECUTIVE AGENT FOR DECLASSIFICATION.

(a) ESTABLISHMENT.—There is in the executive branch of the Federal Government an Executive Agent for Declassification who shall be responsible for promoting programs, processes, and systems relating to declassification, including developing technical solutions for automating declassification review, and directing resources for such purposes in the Federal Government.

(b) DESIGNATION.—The Director of National Intelligence shall serve as the Executive Agent for Declassification.

(c) DUTIES.—The duties of the Executive Agent for Declassification are as follows:

(1) To promote programs, processes, and systems with the goal of ensuring that declassification activities keep pace with classification activities and that classified information is declassified at such time as it no longer meets the standard for classification.

(2) To promote the establishment of a federated declassification system to streamline, modernize, and oversee declassification across Executive agencies.

(3) To provide guidance on resources to develop, coordinate, and implement a federated declassification system that includes technologies that automate declassification review and promote consistency in declassification determinations across the executive branch of the Federal Government.

(4) To work with the Director of the Office of Management and Budget in developing a line item for declassification in each budget of the President that is submitted for a fiscal year under section 1105(a) of title 31, United States Code.

(5) To identify and support the development of—

(A) best practices for declassification among Executive agencies; and

(B) goal oriented declassification pilot programs.

(6) To promote technological and automated solutions relating to declassification, with human input as necessary for key policy decisions.

(7) To promote feasible, sustainable, and interoperable programs, processes, and systems to facilitate a federate declassification system.

(8) To coordinate the implementation across Executive agencies of the most effective programs and approaches relating to declassification.

(9) In coordination with the Administrator of the Office of Federal Procurement Policy, develop acquisition and contracting policies relating to declassification and review agency compliance therewith.

(10) In coordination with the Information Security Oversight Office in the National Archives and Records Administration—

(A) to issue policies and directives to the heads of Executive agencies relating to directing resources and making technological investments in declassification that include support for a federated declassification system;

(B) to ensure implementation of the policies and directives issued under subparagraph (A);

(C) to collect information on declassification practices and policies across Executive agencies, including challenges to effective declassification, training, accounting, and costs associated with classification and declassification;

(D) to develop policies for ensuring the accuracy of information obtained from Federal agencies; and

(E) to develop accurate and relevant metrics for judging the success of declassification policies and directives.

(d) CONSULTATION WITH EXECUTIVE COMMITTEE ON DECLASSIFICATION PROGRAMS AND TECHNOLOGY.—In making decisions under this section, the Executive Agent for Declassification shall consult with the Executive Committee on Declassification Programs and Technology established under section 5(a).

(e) COORDINATION WITH THE NATIONAL DECLASSIFICATION CENTER.—In implementing a federated declassification system, the Executive Agent for Declassification shall act in coordination with the National Declassification Center established by section 3.7(a) of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information).

SEC. 4. EXECUTIVE COMMITTEE ON DECLASSIFICATION PROGRAMS AND TECHNOLOGY.—

(a) ESTABLISHMENT.—There is established a committee to provide advice and guidance to the Executive Agent for Declassification on matters relating to declassification programs and technology.

(b) DESIGNATION.—The committee established by subsection (a) shall be known as the "Executive Committee on Declassification Programs and Technology" (in this section referred to as the "Committee").

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of the following:

(A) The Director of National Intelligence.

(B) The Under Secretary of Defense for Intelligence.

(C) The Secretary of Energy.

(D) The Secretary of State.

(E) The Director of the National Declassification Center.

(F) The Director of the Information Security Oversight Board.

(G) The Director of the Office of Management and Budget.

(H) Such other members as the Executive Agent for Declassification considers appropriate.

(2) CHAIRPERSON.—The chairperson of the Committee shall be the Director of National Intelligence.

SEC. 5. ADVISORY BODIES FOR EXECUTIVE AGENT FOR DECLASSIFICATION.

(a) DESIGNATION OF ADVISORY BODIES.—The following are hereby advisory bodies for the Executive Agent for Declassification:

(1) The Public Interest Declassification Board established by section 703(a) of the Public Interest Declassification Act of 2000 (Public Law 106-567).

(2) The Office of the Historian of the Department of State.

(3) The Historical Office of the Secretary of Defense.

(4) The office of the chief historian of the Central Intelligence Agency.

(b) MATTERS PERTAINING TO THE PUBLIC INTEREST DECLASSIFICATION BOARD.—

(1) CONTINUITY OF MEMBERSHIP.—Subsection (c)(2) of section 703 of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 3161 note) is amended by adding at the end the following:

"(E) Notwithstanding the other provisions of this paragraph, a member whose term has expired may continue to serve until a successor is appointed."

(2) MEETINGS.—Subsection (e) of such section is amended, in the second sentence, by inserting "appointed" before "members".

SEC. 6. REPORTING.

(a) **ANNUAL REPORT.**—Not later than the end of the first full fiscal year beginning after the date of the enactment of this Act and not less frequently than once each fiscal year, the Executive Agent for Declassification shall submit to Congress and make available to the public a report on the implementation of declassification programs and processes in the most recently completed fiscal year.

(b) **COORDINATION.**—The report shall be coordinated with the Annual Report of the Information Security Oversight Office in the National Archives and Records Administration pursuant to Section 5.2(b)(8) of Executive Order 13526.

(c) **CONTENTS.**—Each report submitted and made available under subsection (a) shall include, for the period covered by the report, the following:

(1) The costs incurred by the Federal Government for classification and declassification.

(2) A description of information systems of the Federal Government and technology programs, processes, and systems of Executive agencies related to declassification.

(3) A description of the policies and directives issued by the Executive Agent for Declassification and other activities of the Executive Agent for Declassification.

(4) A description of the challenges posed to Executive agencies in implementing the policies and directives of the Executive Agent for Declassification relating to declassification as well as the policies of the Executive agencies.

(5) A description of pilot programs and new investments in programs, processes, and systems relating to declassification and metrics of effectiveness for such programs, processes, and systems.

(6) A description of progress and challenges in achieving the goal described in section 4(c)(1).

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$5,000,000 for fiscal year 2021.

SA 1696. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

SEC. _____. CROSS-FUNCTIONAL TEAMS AND RELATED MATTERS.

(a) **REQUIREMENT FOR CIVILIAN LEADERSHIP OF CFTs.**—The Secretary of Defense shall ensure that the leadership of each cross-functional team in the Department of Defense is composed solely of civilian officers or employees of the Department.

(b) **ACQUISITION CERTIFICATIONS FOR LEADERSHIP OF ACQUISITION CFTs.**—The Secretary shall ensure that any civilian or senior military personnel of the Department who are assigned to a leadership position within a defense acquisition organization or cross-functional team possess appropriate acquisition certifications (as determined in accordance with the Defense Acquisition Workforce Improvement Act (DAWIA)).

(c) **REPORTING BY ARMY FUTURES COMMAND.**—The Secretary of the Army shall ensure each of that following:

(1) That the Army Futures Command reports directly to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

(2) That the Assistant Secretary has final authority over all acquisition and modernization decisions with respect to the Army Futures Command.

SA 1697. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

SEC. 28. SENSE OF CONGRESS ON RELOCATION OF JOINT SPECTRUM CENTER.

It is the Sense of Congress that Congress strongly recommends that the Director of the Defense Information Systems Agency begin the process for the relocation of the Joint Spectrum Center of the Department of Defense to the building at Fort Meade that is allocated for such center.

SA 1698. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. _____. PROHIBITION ON MILITARY PARADES THAT CONSIST OF A DEMONSTRATION OF FORCE.

None of the amounts authorized to be appropriated by this Act may be obligated or expended for or in connection with any military parade that consists entirely or primarily of a demonstration of force.

SA 1699. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, add the following:

SEC. _____. ESTABLISHMENT OF ENERGETICS PROGRAM OFFICE.

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish a program office in the Department of the Navy to coordinate innovative energetics research and to ensure a robust and sustained energetics material enterprise.

(b) **DESIGNATION.**—The program office established under subsection (a) shall be known as the “Energetics Program Office”.

SA 1700. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII, insert the following:

SEC. _____. CONTRACT FINANCE RATES.

Section 2307(a) of title 10, United States Code is amended by adding at the end the following new paragraph:

“(3)(A) The Secretary of Defense may not establish a contract finance rate for a payment that is lower than any other government agency.

“(B)(i) The Secretary of Defense may not initiate a regulatory change to a contract finance rate until the Secretary provides the congressional defense committees with a notice of determination of need to adjust the customary rates. At a minimum, this notice shall include—

“(I) a justification for the rate change, together with the data and analysis relied upon to inform the determination; and

“(II) an assessment of how the rate change will lead to a more effective acquisition process and a healthier industrial base.

“(ii) The Secretary shall ensure the notice of determination of need required under clause (i) is published in the Federal Register not later than 5 business days after the notice is provided to the congressional defense committees.”.

SA 1701. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII, insert the following:

Subtitle _____. Enhancing Human Rights Protections in Arms Sales**SEC. _____. SHORT TITLE.**

This subtitle may be cited as the “Enhancing Human Rights Protections in Arms Sales Act of 2020”.

SEC. _____. STRATEGY ON ENHANCING HUMAN RIGHTS CONSIDERATIONS IN UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS.

(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 to the appropriate congressional committees a strategy to enhance United States efforts to ensure human rights protections for United States military assistance and arms transfers. The strategy shall include processes and procedures to—

(1) determine when United States military assistance and arms transfers are used to commit gross violations of internationally recognized human rights;

(2) determine when United States military assistance and arms transfers are used to undermine international peace and security or contribute to gross violations of internationally recognized human rights, including acts of gender-based violence and acts of violence against children, violations of international humanitarian law, terrorism, mass atrocities, or transnational organized crime;

(3) detect other violations of United States law concerning United States military or security assistance, cooperation, and arms

transfers, including the diversion of such assistance or the use of such assistance by security force or police units credibly implicated in gross violations of internationally recognized human rights;

(4) train partner militaries, security, and police forces on methods for preventing civilian casualties; and

(5) determine whether individuals or units that have received United States military, security, or police training or have participated or are scheduled to participate in joint exercises with United States forces have later been credibly implicated in gross violations of internationally recognized human rights.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 1702. Mr. CARDIN (for himself, Mr. YOUNG, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Promotion of Democracy and Human Rights in Burma

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the “Burma Human Rights and Freedom Act of 2020”.

SEC. 1292. DEFINITIONS.

In this subtitle:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

(2) **CRIMES AGAINST HUMANITY.**—The term “crimes against humanity” includes, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack—

(A) murder;

(B) deportation or forcible transfer of population;

(C) torture;

(D) rape, sexual slavery, or any other form of sexual violence of comparable severity;

(E) persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law; and

(F) enforced disappearance of persons.

(3) **GENOCIDE.**—The term “genocide” means any offense described in section 1091(a) of title 18, United States Code.

(4) **TRANSITIONAL JUSTICE.**—The term “transitional justice” means the range of judicial, nonjudicial, formal, informal, retributive, and restorative measures employed by countries transitioning out of armed conflict or repressive regimes—

(A) to redress legacies of atrocities; and

(B) to promote long-term, sustainable peace.

(5) **WAR CRIME.**—The term “war crime” has the meaning given the term in section 2441(c) of title 18, United States Code.

SEC. 1293. STATEMENT OF POLICY.

It is the policy of the United States that—

(1) the pursuit of a calibrated engagement strategy is essential to support the establishment of a peaceful, prosperous, and democratic Burma that includes respect for the human rights of all its people regardless of ethnicity and religion; and

(2) the guiding principles of such a strategy include—

(A) support for meaningful legal and constitutional reforms that remove remaining restrictions on civil and political rights and institute civilian control of the military, civilian control of the government, and the constitutional provision reserving 25 percent of parliamentary seats for the military, which provides the military with veto power over constitutional amendments;

(B) the establishment of a fully democratic, pluralistic, civilian controlled, and representative political system that includes regularized free and fair elections in which all people of Burma, including the Rohingya, can vote;

(C) the promotion of genuine national reconciliation and conclusion of a credible and sustainable nationwide ceasefire agreement, political accommodation of the needs of ethnic Shan, Kachin, Chin, Karen, and other ethnic groups, safe and voluntary return of displaced persons to villages of origins, and constitutional change allowing inclusive permanent peace;

(D) independent and international investigations into credible reports of war crimes, crimes against humanity, including sexual and gender-based violence and genocide, perpetrated against ethnic minorities like the Rohingya by the government, military, and security forces of Burma, violent extremist groups, and other combatants involved in the conflict;

(E) accountability for determinations of war crimes, crimes against humanity, including sexual and gender-based violence and genocide perpetrated against ethnic minorities like the Rohingya by the Government, military, and security forces of Burma, violent extremist groups, and other combatants involved in the conflict;

(F) strengthening the government’s civilian institutions, including support for greater transparency and accountability;

(G) the establishment of professional and nonpartisan military, security, and police forces that operate under civilian control;

(H) empowering local communities, civil society, and independent media;

(I) promoting responsible international and regional engagement;

(J) strengthening respect for and protection of human rights and religious freedom;

(K) addressing and ending the humanitarian and human rights crises, including by supporting the return of the displaced Rohingya to their homes and granting or restoring full citizenship for the Rohingya population; and

(L) promoting broad-based, inclusive economic development and fostering healthy and resilient communities.

SEC. 1294. AUTHORIZATION OF APPROPRIATIONS FOR HUMANITARIAN ASSISTANCE AND RECONCILIATION.

There is authorized to be appropriated not less than \$220,500,000 for fiscal year 2021 for humanitarian assistance and reconciliation activities for ethnic groups and civil society organizations in Burma, Bangladesh, Thailand, and the region. The assistance may include—

(1) assistance for the victims of the Burmese military’s crimes against humanity

targeting Rohingya and other ethnic minorities in Rakhine State, Kachin, and Shan States, including those displaced in Burma, Bangladesh, Thailand, and the region;

(2) support for voluntary resettlement or repatriation in Burma, pending a genuine repatriation agreement that is developed and negotiated with Rohingya involvement and consultation;

(3) assistance to promote ethnic and religious tolerance, to combat gender-based violence, and to support victims of violence and destruction in Rakhine, Kachin, and Shan States, including victims of gender-based violence and unaccompanied minors;

(4) support for formal education for children currently living in the camps, and opportunities to access higher education in Bangladesh;

(5) support for programs to investigate and document allegations of war crimes and crimes against humanity, including sexual and gender-based violence and genocide committed in Burma;

(6) assistance to ethnic groups and civil society in Burma to help sustain ceasefire agreements and further prospects for reconciliation and sustainable peace; and

(7) promotion of ethnic minority inclusion and participation in Burma’s political processes.

SEC. 1295. MULTILATERAL ASSISTANCE.

The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Burma that—

(1) provide for accountability and transparency, including the collection, verification and publication of beneficial ownership information related to extractive industries and on-site monitoring during the life of the project;

(2) will be developed and carried out in accordance with best practices regarding environmental conservation, cultural protection, and empowerment of local populations, including free, prior, and informed consent of affected indigenous communities;

(3) do not provide incentives for, or facilitate, forced displacement; and

(4) do not partner with or otherwise involve enterprises owned or controlled by the armed forces.

SEC. 1296. SENSE OF CONGRESS ON RIGHT OF RETURNEES AND FREEDOM OF MOVEMENT.

(a) **RIGHT OF RETURN.**—It is the sense of Congress that the Government of Burma, in collaboration with the regional and international community, including the United Nations High Commissioner for Refugees, should—

(1) ensure the dignified, safe, sustainable, and voluntary return of all those displaced from their homes, especially from Rakhine State, without an unduly high burden of proof, and the opportunity to obtain appropriate compensation to restart their lives in Burma;

(2) ensure that those returning are granted or restored full citizenship and all the rights that adhere to citizenship in Burma;

(3) offer to those who do not want to return meaningful opportunity to obtain appropriate compensation or restitution;

(4) not place returning Rohingya in internally displaced persons camps or “model villages”, but instead make efforts to reconstruct Rohingya villages as and where they were;

(5) facilitate the return of any funds collected by the Government by harvesting the land previously owned and tended by Rohingya farmers for them upon their return;

(6) fully implement all of the recommendations of the Advisory Commission on Rakhine State; and

(7) ensure there is proper consultation, buy-in, and confidence building from the Rohingya refugee community on decisions being made on their behalf.

(b) **FREEDOM OF MOVEMENT OF REFUGEES AND INTERNALLY DISPLACED PERSONS.**—Congress recognizes that the Government of Bangladesh has provided long-standing support and hospitality to people fleeing violence in Burma, and calls on the Government of Bangladesh—

(1) to ensure all refugees, including Rohingya persons living in camps in Bangladesh and in internally displaced persons camps in Burma, have freedom of movement, including outside of the camps, and under no circumstance are subject to unsafe, involuntary, or uninformed repatriation;

(2) to ensure the dignified, safe, sustainable, and voluntary return of those displaced from their homes, and offer to those who do not want to return meaningful means to obtain compensation or restitution; and

(3) to ensure the rights of refugees are protected, including through allowing them to build more permanent shelters, and ensuring equal access to healthcare, basic services, education, and work.

SEC. 1297. MILITARY COOPERATION.

(a) **PROHIBITION.**—Except as provided under subsection (b), the President may not furnish any security assistance or engage in any military-to-military programs with the armed forces of Burma, including training or observation or participation in regional exercises, until the Secretary of State, in consultation with the Secretary of Defense, certifies to the appropriate congressional committees that the Burmese military has demonstrated significant progress in abiding by international human rights standards and is undertaking meaningful and significant security sector reform, including transparency and accountability to prevent future abuses, as determined by applying the following criteria:

(1) The military adheres to international human rights standards and institutes meaningful internal reforms to stop future human rights violations.

(2) The military supports efforts to carry out meaningful and comprehensive independent and international investigations of credible reports of abuses and is holding accountable those in the Burmese military responsible for human rights violations.

(3) The military supports efforts to carry out meaningful and comprehensive independent and international investigations of reports of conflict-related sexual and gender-based violence and is holding accountable those in the Burmese military who failed to prevent, respond to, investigate, and prosecute violence against women, sexual violence, or other gender-based violence.

(4) The Government of Burma, including the military, allows immediate and unfettered humanitarian access to communities in areas affected by conflict, including Rohingya and other minority communities in Rakhine, Kachin, and Shan States, specifically to the United Nations High Commissioner for Refugees and other relevant United Nations agencies.

(5) The Government of Burma, including the military, cooperates with the United Nations High Commissioner for Refugees and other relevant United Nations agencies to ensure the protection of displaced persons and the safe and voluntary return of Rohingya and other minority refugees and internally displaced persons.

(6) The Government of Burma, including the military, takes steps toward the imple-

mentation of the recommendations of the Advisory Commission on Rakhine State.

(b) **EXCEPTIONS.**—

(1) **CERTAIN EXISTING AUTHORITIES.**—The Department of Defense may continue to conduct consultations based on the authorities under section 1253 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 22 U.S.C. 2151 note).

(2) **HOSPITALITY.**—The United States Agency for International Development and the Department of State may provide assistance authorized by part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to support ethnic armed groups and the Burmese military for the purpose of supporting research, dialogues, meetings, and other activities related to the Union Peace Conference, Political Dialogues, and related processes, in furtherance of inclusive, sustainable reconciliation.

(c) **MILITARY REFORM.**—The certification required under subsection (a) shall include a written justification in classified and unclassified form describing the Burmese military’s efforts to implement reforms, end impunity for human rights violations, and increase transparency and accountability.

(d) **RULE OF CONSTRUCTION.**—Nothing in this subtitle shall be construed to authorize Department of Defense assistance to the Government of Burma except as provided in this section.

(e) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State and the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, on the strategy and plans for military-to-military engagement between the United States Armed Forces and the military of Burma.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements:

(A) A description and assessment of the Government of Burma’s strategy for—

(i) security sector reform, including as it relates to an end to involvement in the illicit trade in jade, rubies, and other natural resources;

(ii) reforms to end corruption and illicit drug trafficking; and

(iii) constitutional reforms to ensure civilian control of the Government.

(B) A list of ongoing military activities conducted by the United States Government with the Government of Burma, and a description of the United States strategy for future military-to-military engagements between the United States and Burma’s military forces, including the military of Burma, the Burma Police Force, and armed ethnic groups.

(C) An assessment of the progress of the military of Burma towards developing a framework to implement human rights reforms, including—

(i) cooperation with civilian authorities to investigate and prosecute cases of human rights violations;

(ii) steps taken to demonstrate respect for internationally-recognized human rights standards and implementation of and adherence to the laws of war; and

(iii) a description of the elements of the military-to-military engagement between the United States and Burma that promote such implementation.

(D) An assessment of progress on the peaceful settlement of armed conflicts between the Government of Burma and ethnic minority groups, including actions taken by the military of Burma to adhere to ceasefire agreements, allow for safe and voluntary re-

turns of displaced persons to their villages of origin, and withdraw forces from conflict zones.

(E) An assessment of the Burmese military recruitment and use of children as soldiers.

(F) An assessment of the Burmese military’s use of violence against women, sexual violence, or other gender-based violence as a tool of terror, war, or crimes against humanity.

(f) **CIVILIAN CHANNELS.**—Any program initiated under this section shall use appropriate civilian government channels with the democratically elected Government of Burma.

(g) **REGULAR CONSULTATIONS.**—Any new program or activity in Burma initiated under this section shall be subject to prior consultation with the appropriate congressional committees.

SEC. 1298. TRADE RESTRICTIONS.

(a) **REINSTATEMENT OF IMPORT RESTRICTIONS ON JADEITE AND RUBIES FROM BURMA.**—

(1) **IN GENERAL.**—Section 3A of the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61; 50 U.S.C. 1701 note) is amended by adding at the end the following:

“(i) **TERMINATION.**—Notwithstanding section 9, this section shall remain in effect until the President determines and certifies to the appropriate congressional committees that the Government of Burma has taken measures to reform the gemstone industry in Burma, including measures to require—

“(1) the disclosure of the ultimate beneficial ownership of entities in that industry; and

“(2) the publication of project revenues, payments, and contract terms relating to that industry.”

(2) **CONFORMING AMENDMENTS.**—Section 3A of the Burmese Freedom and Democracy Act of 2003 is further amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking “until such time” and all that follows through “2008” and inserting “beginning on the date that is 15 days after the date of the enactment of the Burma Human Rights and Freedom Act of 2020”; and

(ii) in paragraph (3), by striking “the date of the enactment of this Act” and inserting “the date of the enactment of the Burma Human Rights and Freedom Act of 2020”; and

(B) in subsection (c)(1), by striking “until such time” and all that follows through “2008” and inserting “beginning on the date that is 15 days after the date of the enactment of the Burma Human Rights and Freedom Act of 2020”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) **REVIEW OF ELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES.**—

(1) **IN GENERAL.**—Not later than one year after the date of enactment of this Act, the President shall submit to the committees specified in paragraph (2) a report that includes a detailed review of the eligibility of Burma for preferential duty treatment under the Generalized System of Preferences under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

(2) **COMMITTEES SPECIFIED.**—The committees specified in this paragraph are—

(A) the Committee on Appropriations, the Committee on Finance, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Ways and Means of the House of Representatives.

SEC. 1299. VISA BAN AND ECONOMIC SANCTIONS WITH RESPECT TO MILITARY OFFICIALS RESPONSIBLE FOR HUMAN RIGHTS VIOLATIONS.

(a) LIST REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of—

(A) senior officials of the military and security forces of Burma that the President determines have knowingly played a direct and significant role in the commission of gross violations of human rights, war crimes, or crimes against humanity (including sexual or gender-based violence), in Burma, including against the Rohingya minority population; and

(B) entities owned or controlled by officials described in subparagraph (A).

(2) INCLUSIONS.—The list required by paragraph (1) shall include—

(A) each senior official of the military and security forces of Burma—

(i) in charge of a unit that was operational during the so-called “clearance operations” that began during or after October 2016; and

(ii) who—

(I) knew, or should have known, that the official’s subordinates were committing gross violations of human rights, war crimes, or crimes against humanity (including sexual or gender-based violence); and

(II) failed to take adequate steps to prevent such violations or crimes or punish the subordinates responsible for such violations or crimes; and

(B) each entity owned or controlled by an official described in subparagraph (A).

(3) UPDATES.—Not later than one year after the date of the enactment of this Act, and not less frequently than every 180 days thereafter, the President shall submit to the appropriate congressional committees an updated version of the list required by paragraph (1).

(b) SANCTIONS.—

(1) VISA BAN.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any individual included in the most recent list required by subsection (a).

(2) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of a person included in the most recent list required by subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this paragraph.

(3) AUTHORITY FOR ADDITIONAL FINANCIAL SANCTIONS.—The Secretary of the Treasury may, in consultation with the Secretary of State, prohibit or impose strict conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by a foreign financial institution that the President determines has, on or after the date of the enactment of this Act, knowingly conducted or facilitated a significant transaction or transactions on behalf of a person included in the most recent list required by subsection (a) or included on the SDN list pursuant to subsection (c).

(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to apply with respect to any transaction with a nongovern-

mental humanitarian organization in Burma.

(c) CONSIDERATION OF INCLUSIONS IN SDN LIST.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall—

(A) determine whether the individuals specified in paragraph (2) should be included on the SDN list; and

(B) submit to the appropriate congressional committees a report, in classified form if necessary, on the procedures for including those individuals on the SDN list under existing authorities of the Department of the Treasury.

(2) INDIVIDUALS SPECIFIED.—The individuals specified in this paragraph are—

(A) the head of a unit of the military or security forces of Burma that was operational during the so-called “clearance operations” that began during or after October 2016, including—

(i) Senior General Min Aung Hlaing;

(ii) Deputy Commander-in-Chief and Vice Senior-General Soe Win;

(iii) the Commander of the 33rd Light Infantry Division, Brigadier-General Aung Aung; and

(iv) the Commander of the 99th Light Infantry Division, Brigadier-General Than Oo; and

(B) any senior official of the military or security forces of Burma for which the President determines there are credible reports that the official—

(i) aided, participated in, or is otherwise implicated in gross violations of human rights, war crimes, or crimes against humanity (including sexual or gender-based violence), in Burma;

(ii)(I) knew, or should have known, that the official’s subordinates were committing such violations or crimes; and

(II) failed to take adequate steps to prevent such violations or crimes or punish the subordinates responsible for such violations or crimes; or

(iii) took significant steps to impede the investigation or prosecution of such violations or crimes.

(d) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to an individual placed on the list required by subsection (a) under paragraph (1)(A) of that subsection, or an entity placed on that list because the entity is owned or controlled by such an individual, if the President determines and reports to the appropriate congressional committees not later than 15 days before the termination of the sanctions that—

(1) the individual has—

(A) publicly acknowledged the role of the individual in committing past gross violations of human rights, war crimes, or crimes against humanity (including sexual or gender-based violence);

(B) cooperated with independent efforts to investigate such violations or crimes;

(C) been held accountable for such violations or crimes; and

(D) demonstrated substantial progress in reforming the individual’s behavior with respect to the protection of human rights in the conduct of civil-military relations; and

(2) removing the individual or entity from the list is in the national interest of the United States.

(e) EXCEPTIONS.—

(1) HUMANITARIAN ASSISTANCE.—A requirement to impose sanctions under this section shall not apply with respect to the provision of medicine, medical equipment or supplies, food, or any other form of humanitarian or human rights-related assistance provided to Burma in response to a humanitarian crisis.

(2) UNITED NATIONS HEADQUARTERS AGREEMENT.—Subsection (b)(1) shall not apply to the admission of an individual to the United States if such admission is necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, or under the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other international obligations of the United States.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority to block and prohibit all transactions in all property and interests in property under this section shall not include the authority to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term “good” means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(f) WAIVER.—The President may waive a requirement of this section if the Secretary of State, in consultation with the Secretary of the Treasury, determines and reports to the appropriate congressional committees that the waiver is important to the national security interest of the United States.

(g) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (2) or (3) of subsection (b) or any regulation, license, or order issued to carry out either such paragraph shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(h) REPORT TO CONGRESS ON DIPLOMATIC ENGAGEMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report on diplomatic efforts to impose coordinated sanctions with respect to persons sanctioned under—

(1) section 1299; or

(2) section 1263 of the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) for activities described in subsection (a) of that section in or with respect to Burma.

(i) DEFINITIONS.—In this section:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(2) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(3) SDN LIST.—The term “SDN list” means the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury.

(4) UNITED STATES PERSON.—The term “United States person” has the meaning given that term in section 595.315 of title 31, Code of Federal Regulations (as in effect on

the day before the date of the enactment of this Act).

SEC. 1299A. STRATEGY FOR PROMOTING ECONOMIC DEVELOPMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, the Secretary of the Treasury, and the Administrator of the United States Agency for International Development shall jointly submit to the appropriate congressional committees a strategy to support sustainable, inclusive, and broad-based economic development, in accordance with the priorities of disadvantaged communities in Burma and in consultation with relevant civil society and local stakeholders, and to improve economic conditions and government transparency.

(b) ELEMENTS.—The strategy required by subsection (a) shall include a roadmap—

(1) to assess and recommend measures to diversify control over and access to participation in key industries and sectors, including efforts to remove barriers and increase competition, access, and opportunity in sectors dominated by officials of the Burmese military, former military officials, and their families, and businesspeople connected to the military of Burma, with the goal of eliminating the role of the military in the economy of Burma;

(2) to increase transparency disclosure requirements in key sectors of the economy of Burma to promote responsible investment, including through efforts—

(A) to provide technical support to develop and implement policy reforms related to public disclosure of the beneficial owners of entities in key sectors identified by the Government of Burma, specifically by—

(i) working with the Government of Burma to require—

(I) the disclosure of the ultimate beneficial ownership of entities in the ruby industry; and

(II) the publication of project revenues, payments, and contract terms relating to that industry; and

(ii) ensuring that reforms complement disclosures due to be put in place in Burma as a result of its participation in the Extractives Industry Transparency Initiative; and

(B) to identify the persons seeking or securing access to the most valuable resources of Burma; and

(3) to promote universal access to reliable, affordable, energy efficient, and sustainable power, including leveraging United States assistance to support reforms in the power sector and electrification projects that increase energy access, in partnership with multilateral organizations and the private sector.

SEC. 1299B. REPORT ON CRIMES AGAINST HUMANITY AND SERIOUS HUMAN RIGHTS ABUSES IN BURMA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report detailing the credible reports of crimes against humanity and serious human rights abuses committed against the Rohingya and other ethnic minorities in Burma, including credible reports of war crimes, crimes against humanity, and genocide, and on potential transnational justice mechanisms in Burma.

(b) ELEMENTS.—The reports required under subsection (a) shall include—

(1) a description of credible reports of war crimes, crimes against humanity, including sexual and gender-based violence, and genocide perpetrated against the Rohingya and other ethnic minorities in Burma, including—

(A) incidents that may constitute such crimes committed by the Burmese military, and other actors involved in the violence;

(B) the role of the civilian government in the commission of such crimes;

(C) incidents that may constitute such crimes committed by violent extremist groups or antigovernment forces;

(D) any incidents that may violate the principle of medical neutrality and, if possible, identification of the individual or individuals who engaged in or organized such incidents; and

(E) to the extent possible, a description of the conventional and unconventional weapons used for such crimes and the origins of such weapons;

(2) a description and assessment by the Department of State, the United States Agency for International Development, the Department of Justice, and other appropriate Federal departments and agencies of programs that the United States Government has already or is planning to undertake to ensure accountability for credible reports of war crimes, crimes against humanity, including sexual and gender-based violence, and genocide perpetrated against the Rohingya and other ethnic minority groups by the Government, security forces, and military of Burma, violent extremist groups, and other combatants involved in the conflict, including programs—

(A) to train investigators within and outside of Burma and Bangladesh on how to document, investigate, develop findings of, and identify and locate alleged perpetrators of such crimes in Burma;

(B) to promote and prepare for a transitional justice process or processes for the perpetrators of such crimes in Burma; and

(C) to document, collect, preserve, and protect evidence of reports of such crimes in Burma, including support for Burmese and Bangladeshi, foreign, and international nongovernmental organizations, the United Nations Human Rights Council's investigative team, and other entities; and

(3) A detailed study of the feasibility and desirability of potential transitional justice mechanisms for Burma, including a hybrid or ad hoc tribunal as well as other international justice and accountability options. The report should be produced in consultation with Rohingya representatives and those of other ethnic minorities who have suffered grave human rights abuses.

(c) PROTECTION OF WITNESSES AND EVIDENCE.—The Secretary shall take due care to ensure that the identification of witnesses and physical evidence are not publicly disclosed in a manner that might place such persons at risk of harm or encourage the destruction of evidence by the Government of Burma.

SEC. 1299C. TECHNICAL ASSISTANCE AUTHORIZED.

(a) IN GENERAL.—The Secretary of State, in consultation with the Department of Justice and other appropriate Federal departments and agencies, is authorized to provide appropriate assistance to support entities that, with respect to credible reports of war crimes, crimes against humanity, including sexual and gender-based violence, and genocide perpetrated by the military, security forces, and Government of Burma, Buddhist militias, and all other armed groups fighting in Rakhine State—

(1) identify suspected perpetrators of such crimes;

(2) collect, document, and protect evidence of crimes and preserve the chain of custody for such evidence;

(3) conduct criminal investigations; and

(4) support investigations by third-party states, as appropriate.

(b) ADDITIONAL ASSISTANCE.—The Secretary of State, after consultation with appropriate Federal departments and agencies and the appropriate congressional commit-

tees, and taking into account the findings of the transitional justice study required under section 1299B(b)(3), is authorized to provide assistance to support the creation and operation of transitional justice mechanisms for Burma.

SEC. 1299D. SENSE OF CONGRESS ON PRESS FREEDOM.

In order to promote freedom of the press in Burma, it is the sense of Congress that—

(1) Reuters journalists Wa Lone and Kyaw Soe Oo should be immediately released and should have access to lawyers and their families; and

(2) the Government of Burma should repeal the Official Secrets Act, a colonial-era law that was used to arrest these journalists, as well as other laws that are used to arrest journalists and undermine press freedom around the world.

SEC. 1299E. MEASURES RELATING TO MILITARY COOPERATION BETWEEN BURMA AND NORTH KOREA.

(a) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President may, with respect to any person described in paragraph (2)—

(A) impose the sanctions described in paragraph (1) or (3) of section 1299(b); or

(B) include that person on the SDN list (as defined in section 1299(i)).

(2) PERSONS DESCRIBED.—A person described in this paragraph is an official of the Government of Burma or an individual or entity acting on behalf of that Government that the President determines purchases or otherwise acquires defense articles from the Government of North Korea or an individual or entity acting on behalf of that Government.

(b) RESTRICTION ON FOREIGN ASSISTANCE.—The President may terminate or reduce the provision of United States foreign assistance to Burma if the President determines that the Government of Burma does not verifiably and irreversibly eliminate all purchases or other acquisitions of defense articles by persons described in subsection (a)(2) from the Government of North Korea or individuals or entities acting on behalf of that Government.

(c) DEFENSE ARTICLE DEFINED.—In this section, the term “defense article” has the meaning given that term in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

SEC. 1299F. NO AUTHORIZATION FOR THE USE OF MILITARY FORCE.

Nothing in this subtitle shall be construed as an authorization for the use of force.

SA 1703. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—United States National Security Interests in Europe

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the “Maintaining United States National Security Interests in Europe Act”.

SEC. 1292. FINDINGS; SENSE OF CONGRESS.

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

(1) The 2017 National Security Strategy states, “[t]he United States will deepen collaboration with our European allies and partners to confront forces threatening to

undermine our common values, security interests, and shared vision. The United States and Europe will work together to counter Russian subversion and aggression, and the threats posed by North Korea and Iran. We will continue to advance our shared principles and interests in international forums.”

(2) After the end of World War II, the presence of foreign military forces in Germany was governed by a law signed in April 1949 that allowed France, the United Kingdom, and the United States to retain forces in Germany.

(3) The initial law was succeeded by the Convention on the Presence of Foreign Forces in the Federal Republic of Germany, signed at Paris on October 23, 1954, allowing eight North Atlantic Treaty Organization (NATO) members, specifically Belgium, Canada, Denmark, France, Luxembourg, the Netherlands, the United Kingdom, and the United States, to maintain a long-term presence of military forces in the Federal Republic of Germany.

(4) The Federal Republic of Germany has made significant contributions to the North Atlantic Treaty Organization alliance, and by hosting the largest United States Armed Forces presence in Europe, the Federal Republic of Germany has borne a significant burden in the interest of collective security.

(5) As of June 2020, the United States presence in various locations in the Federal Republic of Germany, including in Stuttgart at the United States European Command and the United States Africa Command, consists of—

- (A) approximately—
 - (i) 35,000 members of the Armed Forces;
 - (ii) 10,000 Department of Defense civilian employees; and
 - (iii) 2,000 defense contractors;
- (B) personnel of the Department of State and other United States Government agencies; and
- (C) the dependents of individuals described in subparagraphs (A) and (B).

(6) The United States presence in Europe, including in the Federal Republic of Germany—

- (A) protects and defends the United States and United States allies and partners by deterring conflict with the Russian Federation and other adversaries;
- (B) strengthens and supports the North Atlantic Treaty Organization alliance and critical partnerships in Europe; and
- (C) serves as an essential support platform for carrying out vital national security engagements in Afghanistan, the Middle East, Africa, and Europe.

(7) The deep bilateral ties between the United States and the Federal Republic of Germany have led to decades of economic prosperity for both countries and their allies and have strengthened human rights and democracy around the world.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

- (1) the United States should continue to maintain and strengthen the bilateral relationship with the Federal Republic of Germany and the relationships with other European allies;
- (2) the United States should maintain a robust military presence in the Federal Republic of Germany so as to deter further aggression from the Russian Federation or aggression from other adversaries against the United States and its allies and partners; and
- (3) the United States should remain committed to strong collaboration with European allies as outlined in the 2017 National Security Strategy.

SEC. 1293. PROHIBITION ON USE OF FUNDS TO WITHDRAW THE UNITED STATES ARMED FORCES FROM EUROPE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other provision of law, no Federal funds are authorized to be appropriated, obligated, expended, or otherwise made available to take any action—

(1) to withdraw or otherwise reduce the overall presence, including the rotational presence, of United States Armed Forces personnel and civilian employees of the Department of Defense in Europe;

(2) to close or change the status of any base or other facility of the United States Armed Forces located in Europe; or

(3) to withdraw or otherwise reduce the overall presence of United States Armed Forces assets in Europe.

(b) EXCEPTIONS.—The prohibition under subsection (a) shall not apply if—

(1) the host government transmits to the United States Government a written request for such a withdrawal or other reduction; or

(2)(A) the President declares the intent to take an action described in subsection (a); (B) not later 180 days before initiating an action described in subsection (a), the President submits to the appropriate committees of Congress notice of such intent that includes—

- (i) a justification for the action;
- (ii) the number of members of the United States Armed Forces or civilian employees of the Department of Defense to be withdrawn or reduced, as applicable;
- (iii) a description of the United States Armed Forces assets to be withdrawn or reduced, as applicable;
- (iv) a description of any base or facility of the United States Armed Forces in Europe to be subject to closure or change of status, as applicable;
- (v) an explanation of the national security benefit of the action to the United States and the North Atlantic Treaty Organization; and
- (vi) a plan to offset the reduction in United States and North Atlantic Treaty Organization conventional deterrence against Russian Federation aggression caused by the action; and

(C) the action is expressly authorized by a joint resolution of Congress or an Act of Congress enacted after the date of the declaration described in subparagraph (A).

(c) PUBLIC TESTIMONY.—Not later than 14 days after the submission of the notice required by subparagraph (B), the Secretary of State and the Secretary of Defense shall testify before the appropriate committees of Congress in public session on such withdrawal or reduction.

SEC. 1294. REPORT TO CONGRESS ON DECISION TO WITHDRAW THE UNITED STATES ARMED FORCES FROM GERMANY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President, in consultation with the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, shall submit to the appropriate committees of Congress, a report that details the decisionmaking process used to arrive at the decision to withdraw members of the Armed Forces from the Federal Republic of Germany announced on June 15, 2020.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of whether any withdrawal of or reduction in United States Armed Forces personnel in the Federal Republic of Germany was ordered by a Presidential directive.

(2) A description of the interagency process undertaken to inform the decision outlined in any such Presidential directive or other

document calling for such a withdrawal or reduction.

(3) A description of the communications with the North Atlantic Treaty Organization, the Government of the Federal Republic of Germany, or other North Atlantic Treaty Organization member countries about the potential decision to change United States force posture in the Federal Republic of Germany.

(4) An analysis of the United States national security implications of the proposed withdrawal or reduction of United States Armed Forces presence in the Federal Republic of Germany.

SEC. 1295. APPROPRIATE COMMITTEES OF CONGRESS DEFINED.

In this subtitle, the term “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SA 1704. Mr. MENENDEZ (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1216. CONGRESSIONAL OVERSIGHT OF UNITED STATES TALKS WITH TALIBAN OFFICIALS AND AFGHANISTAN'S COMPREHENSIVE PEACE PROCESS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) GOVERNMENT OF AFGHANISTAN.—The term “Government of Afghanistan” means the Government of the Islamic Republic of Afghanistan and its agencies, instrumentalities, and controlled entities.

(3) THE TALIBAN.—The term “the Taliban”—

(A) refers to the organization that refers to itself as the “Islamic Emirate of Afghanistan”, that was founded by Mohammed Omar, and that is currently led by Mawlawi Hibatullah Akhundzada; and

(B) includes subordinate organizations, such as the Haqqani Network, and any successor organization.

(4) FEBRUARY 29 AGREEMENT.—The term “February 29 Agreement” refers to the political arrangement between the United States and the Taliban titled “Agreement for Bringing Peace to Afghanistan Between the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban and the United States of America” signed at Doha, Qatar February 29, 2020.

(b) OVERSIGHT OF PEACE PROCESS AND OTHER AGREEMENTS.—

(1) TRANSMISSION TO CONGRESS OF MATERIALS RELEVANT TO THE FEBRUARY 29 AGREEMENT.—The Secretary of State, in consultation with the Secretary of Defense, shall continue to submit to the appropriate congressional committees materials relevant to the February 29 Agreement.

(2) SUBMISSION TO CONGRESS OF ANY FUTURE DEALS INVOLVING THE TALIBAN.—The Secretary of State shall submit to the appropriate congressional committees, within 5 days of conclusion and on an ongoing basis thereafter, any future agreement or arrangement involving the Taliban in any manner, as well as materials relevant to any future agreement or arrangement involving the Taliban in any manner.

(3) DEFINITIONS.—In this subsection, the terms “materials relevant to the February 29 Agreement” and “materials relevant to any future agreement or arrangement” include all annexes, appendices, and instruments for implementation of the February 29 Agreement or a future agreement or arrangement, as well as any understandings or expectations related to the Agreement or a future agreement or arrangement.

(c) REPORT AND BRIEFING ON VERIFICATION AND COMPLIANCE.—

(1) IN GENERAL.—

(A) REPORT.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 120 days thereafter, the President shall submit to the appropriate congressional committees a report verifying whether the key tenets of the February 29 Agreement, or future agreements, and accompanying implementing frameworks are being preserved and honored.

(B) BRIEFING.—At the time of each report submitted under subparagraph (A), the Secretary of State shall direct a Senate-confirmed Department of State official and other appropriate officials to brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the contents of the report. The Director of National Intelligence shall also direct an appropriate official to participate in the briefing.

(2) ELEMENTS.—The report and briefing required under paragraph (1) shall include—

(A) an assessment—

(i) of the Taliban’s compliance with counterterrorism guarantees, including guarantees to deny safe haven and freedom of movement to al-Qaeda and other terrorist threats from operating on territory under its influence; and

(ii) whether the United States intelligence community has collected any intelligence indicating the Taliban does not intend to uphold its commitments;

(B) an assessment of Taliban actions against terrorist threats to United States national security interests;

(C) an assessment of whether Taliban officials have made a complete, transparent, public, and verifiable breaking of all ties with al-Qaeda;

(D) an assessment of the current relationship between the Taliban and al-Qaeda, including any interactions between members of the two groups in Afghanistan, Pakistan, or other countries, and any change in Taliban conduct towards al-Qaeda since February 29, 2020;

(E) an assessment of the relationship between the Taliban and any other terrorist group that is assessed to threaten the security of the United States or its allies, including any change in conduct since February 29, 2020;

(F) an assessment of whether the Haqqani Network has broken ties with al-Qaeda, and whether the Haqqani Network’s leader

Sirajuddin Haqqani remains part of the leadership structure of the Taliban;

(G) an assessment of threats emanating from Afghanistan against the United States homeland and United States partners, and a description of how the United States Government is responding to those threats;

(H) an assessment of intra-Afghan discussions, political reconciliation, and progress towards a political roadmap that seeks to serve all Afghans;

(I) an assessment of the viability of any intra-Afghan governing agreement;

(J) an assessment as to whether the terms of any reduction in violence or ceasefire are being met by all sides in the conflict;

(K) a detailed overview of any United States and NATO presence remaining in Afghanistan and any planned changes to such force posture;

(L) an assessment of the status of human rights, including the rights of women, minorities, and youth;

(M) an assessment of the access of women, minorities, and youth to education, justice, and economic opportunities in Afghanistan;

(N) an assessment of the status of the rule of law and governance structures at the central, provincial, and district levels of government;

(O) an assessment of the media and of the press and civil society’s operating space in Afghanistan;

(P) an assessment of illicit narcotics production in Afghanistan, its linkages to terrorism, corruption, and instability, and policies to counter illicit narcotics flows;

(Q) an assessment of corruption in Government of Afghanistan institutions at the district, provincial, and central levels of government;

(R) an assessment of the number of Taliban and Afghan prisoners and any plans for the release of such prisoners from either side;

(S) an assessment of any malign Iranian, Chinese, and Russian influence in Afghanistan;

(T) an assessment of how other regional actors, such as Pakistan, are engaging with Afghanistan;

(U) a detailed overview of national-level efforts to promote transitional justice, including forensic efforts and documentation of war crimes, mass killings, or crimes against humanity, redress to victims, and reconciliation activities;

(V) A detailed overview of United States support for Government of Afghanistan and civil society efforts to promote peace and justice at the local level and how these efforts are informing government-level policies and negotiations;

(W) an assessment of the progress made by the Afghanistan Ministry of Interior and the Office of the Attorney General to address gross violations of human rights (GVHRs) by civilian security forces, Taliban, and non-government armed groups, including—

(i) a breakdown of resources provided by the Government of Afghanistan towards these efforts; and

(ii) a summary of assistance provided by the United States Government to support these efforts; and

(X) an overview of civilian casualties caused by the Taliban, non-government armed groups, and Afghan National Defense and Security Forces, including—

(i) an estimate of the number of destroyed or severely damaged civilian structures;

(ii) a description of steps taken by the Government of Afghanistan to minimize civilian casualties and other harm to civilians and civilian infrastructure;

(iii) an assessment of the Government of Afghanistan’s capacity and mechanisms for investigating reports of civilian casualties; and

(iv) an assessment of the Government of Afghanistan’s efforts to hold local militias accountable for civilian casualties.

(3) COUNTERTERRORISM STRATEGY.—In the event that the Taliban does not meet its counterterrorism obligations under the February 29 Agreement, the report and briefing required under this subsection shall include information detailing the United States’ counterterrorism strategy in Afghanistan and Pakistan.

(4) FORM.—The report required under subparagraph (A) of paragraph (1) shall be submitted in unclassified form, but may include a classified annex, and the briefing required under subparagraph (B) of such paragraph shall be conducted at the appropriate classification level.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall prejudice whether a future deal involving the Taliban in any manner constitutes a treaty for purposes of Article II of the Constitution of the United States.

(e) SUNSET.—Except for subsections (b) and (d), the provisions of this section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

SA 1705. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1085. AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE COALITION FOR EPIDEMIC PREPAREDNESS INNOVATIONS.

(a) IN GENERAL.—The United States is authorized to participate in the Coalition for Epidemic Preparedness Innovations.

(b) INVESTORS COUNCIL OF CEPI.—The Administrator of the United States Agency for International Development is authorized to designate an employee of such agency to serve on the Investors Council of the Coalition for Epidemic Preparedness as a representative of the United States.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that describes the following:

(1) The United States’ planned contributions to the Coalition for Epidemic Preparedness Innovations (in this section referred to as the “Coalition”) and the mechanisms for United States participation in the Coalition.

(2) The manner and extent to which the United States shall participate in the governance of the Coalition.

(3) The role of the Coalition in and anticipated benefits of United States participation in the Coalition on—

(A) the Global Health Security Strategy required by section 7058(c)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 (division K of Public Law 115-141);

(B) the applicable revision of the National Biodefense Strategy required by section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104); and

(C) any other relevant policy and planning process.

(d) UNITED STATES CONTRIBUTIONS.—There is authorized to be appropriated \$200,000,000 to carry out global health security, for contributions to the Coalition for Epidemic Preparedness Innovations.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SA 1706. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. 603. BASIC NEEDS ALLOWANCE FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 402a the following new section:

“§ 402b. Basic needs allowance for low-income members

“(a) ALLOWANCE REQUIRED.—The Secretary concerned shall pay to each member of the armed forces described in subsection (b), whether with or without dependents, a monthly basic needs allowance in the amount determined for such member under subsection (c).

“(b) MEMBERS ENTITLED TO ALLOWANCE.—

“(1) IN GENERAL.—A member of the armed forces is entitled to receive the allowance described in subsection (a) for a year if—

“(A) the gross household income of the member during the year preceding such year did not exceed an amount equal to 130 percent of the Federal poverty guidelines of the Department of Health and Human Services for the location and number of persons in the member's household for such year; and

“(B) the member does not elect under subsection (e) not to receive the allowance for such year.

“(2) EXCLUSION OF BAH FROM GROSS HOUSEHOLD INCOME.—In determining the gross household income of a member for a year for purposes of paragraph (1)(B) there shall be excluded any basic allowance for housing (BAH) received by the member (and any dependents of the member in the member's household) during such year under section 403 of this title.

“(3) HOUSEHOLD WITH MORE THAN ONE ELIGIBLE MEMBER.—In the event a household contains two or more members entitled to receive the allowance under subsection (a) for a year, only one allowance shall be paid under that subsection for such year to such member among such members as such members shall jointly elect.

“(c) AMOUNT OF ALLOWANCE; MONTHS CONSTITUTING YEAR OF PAYMENT.—

“(1) AMOUNT.—The amount of the monthly allowance payable to a member under subsection (a) for a year shall be—

“(A) the aggregate amount equal to—

“(i) 130 percent of the Federal poverty guidelines of the Department of Health and Human Services for the location and number of persons in the member's household for such year; minus

“(ii) the gross household income of the member during the preceding year; and

“(B) divided by 12.

“(2) MONTHS CONSTITUTING YEAR OF PAYMENT.—The monthly allowance payable to a

member for a year shall be payable for each of the 12 months following March of such year.

“(d) NOTICE OF ELIGIBILITY.—

“(1) PRELIMINARY NOTICE OF ELIGIBILITY.—Not later than December 31 each year, the Director of the Defense Finance and Accounting Service shall notify, in writing, each member of the armed forces whose aggregate amount of basic pay and compensation for service in the armed forces during such year is estimated to not exceed the amount equal to 130 percent of the Federal poverty guidelines of the Department of Health and Human Services for the location and number of persons in the member's household for such year of the member's potential entitlement to the allowance described in subsection (a) for the following year.

“(2) INFORMATION TO DETERMINE ENTITLEMENT.—Not later than January 31 each year, each member seeking to receive the allowance for such year (whether or not subject to a notice for such year under paragraph (1)) shall submit to the Director such information as the Director shall require for purposes of this section in order to determine whether or not such member is entitled to receive the allowance for such year.

“(3) NOTICE OF ENTITLEMENT.—Not later than February 28 each year, the Director shall notify, in writing, each member determined by the Director to be entitled to receive the allowance for such year.

“(e) ELECTION NOT TO RECEIVE ALLOWANCE.—

“(1) IN GENERAL.—A member otherwise entitled to receive the allowance described in subsection (a) for a year may elect, in writing, not to receive the allowance for such year. Any election under this subsection shall be effective only for the year for which made. Any election for a year under this subsection is irrevocable.

“(2) DEEMED ELECTION.—A member who does not submit information described in subsection (d)(2) for a year as otherwise required by that subsection shall be deemed to have elected not to receive the allowance for such year.

“(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations shall specify the income to be included in, and excluded from, the gross household income of members for purposes of this section.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 402a the following new item:

“402b. Basic needs allowance for low-income members.”.

SA 1707. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 382. PROHIBITION ON HOUSING OF ANIMALS AT ALAMOGORDO PRIMATE FACILITY AT HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) IN GENERAL.—On and after September 1, 2020, or the date of the enactment of this Act, whichever occurs later, the Secretary of

the Air Force may not grant any permit to an individual or entity to house a non-human primate or other animal at the Alamogordo Primate Facility at Holloman Air Force Base, New Mexico.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on—

(1) the amount paid by the Department of the Air Force for electricity, gas, water, and disposal of wastewater at Alamogordo Primate Facility during the period beginning on October 1, 2009, and ending on September 30, 2019;

(2) any additional costs related to the operations of Alamogordo Primate Facility paid by the Department of the Air Force; and

(3) any additional contractors or grantees that are using facilities on Holloman Air Force Base under an agreement with the Secretary of the Air Force, or other agreement, including—

(A) details of the rent or additional fees paid by any such contractor or grantee under the agreement; and

(B) any cost to the Air Force under the agreement.

SA 1708. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . MARITIME SECURITY AND DOMAIN AWARENESS.

(a) PROGRESS REPORT ON MARITIME SECURITY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, the Secretary of the Department in which the Coast Guard is operating, and the heads of other appropriate Federal agencies, shall submit to the congressional defense committees a report on the steps taken since December 20, 2019, to make further use of the following mechanisms to combat IUU fishing:

(A) Inclusion of counter-IUU fishing in existing shiprider agreements to which the United States is a party.

(B) Entry into shiprider agreements that include counter-IUU fishing with priority flag states and countries in priority regions with which the United States does not already have such agreements.

(C) Inclusion of counter-IUU fishing in the mission of the Combined Maritime Forces.

(D) Inclusion of counter-IUU fishing exercises in the annual at-sea exercises conducted by the Department of Defense, in coordination with the United States Coast Guard.

(E) Development of partnerships similar to the Oceania Maritime Security Initiative and the Africa Maritime Law Enforcement Partnership in other priority regions.

(2) ELEMENT.—The report required by paragraph (1) shall include a description of specific steps taken by the Secretary of the Navy with respect to each mechanism described in paragraph (1), including a detailed description of any security cooperation engagement undertaken to combat IUU fishing

by such mechanisms and resulting coordination between the Department of the Navy and the Coast Guard.

(b) ASSESSMENT OF SERVICE COORDINATION ON MARITIME DOMAIN AWARENESS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall enter into an agreement with the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, to assess the available commercial solutions for collecting, sharing, and disseminating among United States maritime services and partner countries maritime domain awareness information relating to illegal maritime activities, including IUU fishing.

(2) ELEMENTS.—The assessment carried out pursuant to an agreement under paragraph (1) shall—

(A) build on the ongoing Coast Guard assessment related to autonomous vehicles;

(B) consider appropriate commercially and academically available technological solutions; and

(C) consider any limitation related to affordability, exportability, maintenance, and sustainment requirements and any other factor that may constrain the suitability of such solutions for use in a joint and combined environment, including the potential provision of such solutions to one or more partner countries.

(3) SUBMITTAL TO CONGRESS.—Not later than one year after entering into an agreement under paragraph (1), the Secretary of the Navy shall submit to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives the assessment prepared in accordance with the agreement.

(c) REPORT ON USE OF FISHING FLEETS BY FOREIGN GOVERNMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Naval Intelligence shall submit to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives a report on the use by governments of foreign countries of distant-water fishing fleets as extensions of the official maritime security forces of such countries.

(2) ELEMENT.—The report required by paragraph (1) shall include the following:

(A) An analysis of the manner in which fishing fleets are leveraged in support of the naval operations and policies of foreign countries more generally.

(B) A consideration of—

(i) threats posed, on a country-by-country basis, to the fishing vessels and other vessels of the United States and partner countries;

(ii) risks to Navy and Coast Guard operations of the United States, and the naval and coast guard operations of partner countries; and

(iii) the broader challenge to the interests of the United States and partner countries.

(3) FORM.—The report required by paragraph (1) shall be in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section, any term that is also used in the Maritime SAFE Act

(Public Law 116-92) shall have the meaning given such term in that Act.

SA 1709. Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 377 and insert the following:

SEC. 377. COMMISSION ON THE NAMING OF ASSETS OF THE DEPARTMENT OF DEFENSE THAT COMMEMORATE THE CONFEDERATE STATES OF AMERICA OR ANY PERSON WHO SERVED VOLUNTARILY WITH THE CONFEDERATE STATES OF AMERICA.

(a) IN GENERAL.—The Secretary of Defense shall establish a commission relating to the assigning, modifying, keeping, or removing of names, symbols, displays, monuments, and paraphernalia of assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America (in this section referred to as the “Commission”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of eight members, of whom—

(A) two shall be appointed by the President;

(B) two shall be appointed by the Secretary of Defense;

(C) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(E) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(F) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(c) INITIAL MEETING.—The Commission shall hold its initial meeting on the date that is 60 days after the date of the enactment of this Act.

(d) DUTIES.—The Commission shall do the following:

(1) Assess the cost of renaming or removing names, symbols, displays, monuments, or paraphernalia on assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.

(2) Develop criteria to assess whether an existing name, symbol, display, monument, or paraphernalia commemorates or valorizes the Confederate States of America or any person who served voluntarily with the Confederate States of America.

(3) Develop criteria to assess whether the predominant meaning now given by the local community to an existing name, symbol, display, monument, or paraphernalia that commemorates the Confederate States of America or any person who served voluntarily with the Confederate States of America has changed since the name, symbol, monument, display, or paraphernalia first became associated with an asset of the Department of Defense.

(4) Nominate names, symbols, displays, monuments, or paraphernalia to be poten-

tially renamed or removed from assets of the Department of Defense based on the criteria developed under paragraphs (2) and (3).

(5) Develop proposed procedures for renaming or removing names, symbols, displays, monuments, or paraphernalia that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America that the Commission nominates as suitable candidates for renaming or removal, as the case may be, if such procedures do not already exist within directives, issuances, or regulations issued by the Department of Defense.

(6) Ensure that input from State and local stakeholders is substantially reflected in the criteria developed under paragraphs (2) and (3), nominations made under paragraph (4), and procedures developed under paragraph (5), including by—

(A) conducting public hearings on such criteria, nominations, and procedures in the States that would be affected by any renaming or removal; and

(B) soliciting input on such criteria, nominations, and procedures from the State entities, local government entities, military families, veterans service organizations, military service organizations, community organizations, and other non-government entities that would be affected by any renaming or removal.

(e) PROCEDURES.—

(1) HEARINGS.—Not later than 14 days before a hearing to be conducted under subsection (d)(6)(A), the Commission shall publish on a website of the Department of Defense—

(A) an announcement of such hearing; and

(B) an agenda for the hearing and a list of materials relevant to the topics to be discussed at the hearing.

(2) SOLICITATION OF INPUT.—Not later than 60 days before soliciting input under subsection (d)(6)(B) with respect to a renaming or removal, the Commission shall provide notice to State entities, local government entities, military families, veterans service organizations, military service organizations, community organizations, and other non-government entities that would be affected by the renaming or removal to provide those individuals and entities time to consider and comment on the criteria, nominations, and procedures being developed under subsection (d).

(f) EXEMPTION FOR GRAVE MARKERS.—

(1) IN GENERAL.—Any renaming or removal proposed under this section or conducted pursuant to this section shall not apply to grave markers.

(2) GRAVE MARKERS DEFINED.—For purposes of this subsection, the term “grave marker” has the meaning given that term by the Commission.

(g) BRIEFINGS AND REPORTS.—

(1) BRIEFING.—Not later than October 1, 2021, the Commission shall brief the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives detailing the progress of the Commission in carrying out the requirements of the Commission under subsection (d).

(2) BRIEFING AND REPORT.—Not later than October 1, 2022, the Commission shall brief and provide a written report to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives detailing the results of requirements of the Commission under subsection (d), including the following:

(A) A list of assets of the Department of Defense to be renamed or removed.

(B) The costs associated with the renaming or removal of such assets.

(C) A description of the criteria used to nominate such assets for renaming or removal.

(D) A description of the feedback received and incorporated from State and local stakeholders pursuant to subsection (d)(6), including a detailed explanation of any decision by the Commission to overrule concerns raised by State or local stakeholders when developing and issuing recommendations on the criteria, nominations, and proposed procedures described in paragraphs (2) through (5) of subsection (d).

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$2,000,000 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by this Act for fiscal year 2021 for Operation and Maintenance, Army, sub activity group 434, other personnel support is hereby reduced by \$2,000,000.

(i) ASSETS OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term “assets of the Department of Defense” includes any base, installation, street, building, facility, aircraft, ship, plane, weapon, equipment, or any other property owned or controlled by the Department of Defense.

SA 1710. Mr. KING (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ DEPARTMENT OF HOMELAND SECURITY CRITICAL TECHNOLOGY SECURITY CENTERS.

Section 307(b)(3) of the Homeland Security Act of 2002, is amended—

(1) in the matter preceding subparagraph (A), by inserting “, national laboratories” after “development centers”;

(2) in subparagraph (C), by striking “and” at the end;

(3) in subparagraph (D), by striking the period at the end and inserting “; and”;

(4) by adding at the end the following:

“(E) establish not less than 1, but not more than 3, cybersecurity focused critical technology security center to—

“(i) to test the security of cyber-related hardware and software;

“(ii) to test the security of connected programmable data logic controllers, supervisory control and data acquisition servers, and other cyber connected industrial equipment; and

“(iii) to test and fix vulnerabilities in open-source software repositories.”.

SA 1711. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ CYBERSECURITY REPORTING REQUIREMENTS FOR PUBLICLY TRADED COMPANIES.

(a) DEFINITIONS.—Section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201) is amended by adding at the end the following:

“(18) CRITICAL INFORMATION SYSTEM.—The term ‘critical information system’ means a set of activities—

“(A) involving people, processes, data, or technology; and

“(B) that enable an issuer to obtain, generate, use, and communicate transactions and information in pursuit of the core business objectives of the issuer.

“(19) INFORMATION SECURITY CONTROL.—The term ‘information security control’ means a safeguard or countermeasure that is—

“(A) prescribed for an information system or an organization; and

“(B) designed to—

“(i) protect the confidentiality, integrity, and availability of information; and

“(ii) meet a set of defined security requirements.

“(20) CYBERSECURITY RISK.—The term ‘cybersecurity risk’ means a significant vulnerability to, or a significant deficiency in, the security and defense activities of an information system.”.

(b) CORPORATE RESPONSIBILITY FOR FINANCIAL REPORTS AND CRITICAL INFORMATION SYSTEMS.—

(1) IN GENERAL.—Section 302 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241) is amended—

(A) in the section heading, by inserting “AND CRITICAL INFORMATION SYSTEMS” after “REPORTS”; and

(B) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking “and the principal financial officer or officers” and inserting the following: “, the principal financial officer or officers, and the principal security, risk, or information security officer or officers”;

(ii) in paragraph (4)—

(I) in subparagraph (A), by inserting “, including information security controls” after “internal controls”;

(II) in subparagraph (B), by inserting “, including information security controls,” after “internal controls”;

(III) in subparagraph (C), by inserting “, including information security controls,” after “internal controls”; and

(IV) in subparagraph (D), by inserting “, including information security controls,” after “internal controls”;

(iii) in paragraph (5)(A), by inserting “and all significant cybersecurity risks in the critical information systems of the issuer” after “internal controls”; and

(iv) in paragraph (6)—

(I) by inserting “, including information security controls,” after “significant changes in internal controls”;

(II) by inserting “, including information security controls,” after “could significantly affect internal controls”; and

(III) by striking “significant deficiencies and” and inserting the following: “cybersecurity risks, significant deficiencies, and”.

(2) CLERICAL AMENDMENT.—The table of contents for the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 note) is amended by striking the item relating to section 302 and inserting the following:

“Sec. 302. Corporate responsibility for financial reports and critical information systems.”.

(c) MANAGEMENT ASSESSMENTS OF INTERNAL CONTROLS AND CRITICAL INFORMATION SYSTEMS.—

(1) IN GENERAL.—Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended—

(A) in the section heading, by inserting “AND CRITICAL INFORMATION SYSTEMS” after “CONTROLS”;

(B) in subsection (a)—

(i) in paragraph (1), by striking “and” at the end;

(ii) in paragraph (2), by striking “of the issuer for financial reporting.” and inserting the following: “of the issuer for financial reporting and for maintaining internal information security controls; and”;

(iii) by adding at the end the following:

“(3) state the responsibility of management for establishing and maintaining adequate internal information security controls, which shall include penetration testing, as applicable.”;

(C) by redesignating subsection (c) as subsection (d);

(D) by inserting after subsection (b) the following:

“(c) INFORMATION SECURITY CONTROL EVALUATION AND REPORTING.—With respect to the internal information security control assessment required by subsection (a), any third-party information security firm that prepares or issues a cyber or information security risk assessment for the issuer, other than an issuer that is an emerging growth company (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)), shall attest to, and report on, the assessment made by the management of the issuer. An attestation made under this subsection shall be made in accordance with standards for attestation engagements issued or adopted by the Board. Any such attestation shall not be the subject of a separate engagement.”;

(E) in subsection (d), as so redesignated, by striking “Subsection (b)” and inserting “Subsections (b) and (c)”;

(F) by adding at the end the following:

“(e) GUIDANCE ON INFORMATION SECURITY REPORTING.—The Commission shall issue guidance regarding how to describe information security issues under this section in a manner that does not compromise the security controls of the applicable reporting entity.”.

(2) CLERICAL AMENDMENT.—The table of contents for the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 note) is amended by striking the item relating to section 404 and inserting the following:

“Sec. 404. Management assessment of internal controls and critical information systems.”.

(A) in the section heading, by inserting “AND CRITICAL INFORMATION SYSTEMS” after “CONTROLS”;

(B) in subsection (a)—

(i) in paragraph (1), by striking “and” at the end;

(ii) in paragraph (2), by striking “of the issuer for financial reporting.” and inserting the following: “of the issuer for financial reporting and for maintaining internal information security controls; and”;

(iii) by adding at the end the following:

“(3) state the responsibility of management for establishing and maintaining adequate internal information security controls, which shall include penetration testing, as applicable.”;

(C) by redesignating subsection (c) as subsection (d);

(D) by inserting after subsection (b) the following:

“(c) INFORMATION SECURITY CONTROL EVALUATION AND REPORTING.—With respect to the internal information security control assessment required by subsection (a), any third-party information security firm that prepares or issues a cyber or information security risk assessment for the issuer, other than an issuer that is an emerging growth company (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)), shall attest to, and report on, the assessment made by the management of the issuer. An attestation made under this subsection shall be made in accordance with standards for attestation engagements issued or adopted by the Board. Any such attestation shall not be the subject of a separate engagement.”;

(E) in subsection (d), as so redesignated, by striking “Subsection (b)” and inserting “Subsections (b) and (c)”;

(F) by adding at the end the following:

“(e) GUIDANCE ON INFORMATION SECURITY REPORTING.—The Commission shall issue guidance regarding how to describe information security issues under this section in a manner that does not compromise the security controls of the applicable reporting entity.”.

(2) CLERICAL AMENDMENT.—The table of contents for the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 note) is amended by striking the item relating to section 404 and inserting the following:

“Sec. 404. Management assessment of internal controls and critical information systems.”.

SA 1712. Mr. KING (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ JOINT COLLABORATIVE ENVIRONMENT.

(a) IN GENERAL.—In coordination with the Cyber Threat Data Standards and Interoperability Council established pursuant to subsection (e), the Director of the Cybersecurity and Infrastructure Security Agency and the Director of the National Security Agency shall establish a joint, cloud-based, information sharing environment to—

(1) integrate the unclassified and classified cyber threat intelligence, malware forensics, and data from network sensor programs of the Federal Government;

(2) enable cross-correlation of threat data at the speed and scale necessary for rapid detection and identification of cyber threats;

(3) enable query and analysis by appropriate operators across the Federal Government; and

(4) facilitate a whole-of-government, comprehensive understanding of the cyber threats facing the Federal Government and critical infrastructure networks in the United States.

(b) DEVELOPMENT.—

(1) INITIAL EVALUATION.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency and the Director of the National Security Agency shall—

(A) identify all existing Federal sources of classified and unclassified cyber threat information; and

(B) evaluate all programs, applications, or platforms of the Federal Government that are intended to detect, identify, analyze, and monitor cyber threats against the United States or critical infrastructure.

(2) DESIGN.—Not later than 1 year after the evaluation required under paragraph (1), the Director of the Cybersecurity and Infrastructure Security Agency and the Director of the National Security Agency shall design the structure of a common platform for sharing and fusing existing government information, insights, and data related to cyber threats and threat actors, which shall, at a minimum—

(A) account for appropriate data standards and interoperability requirements;

(B) enable integration of current applications, platforms, data, and information, to include classified information;

(C) ensure accessibility by such Federal agencies as the Director of the Cybersecurity and Infrastructure Security Agency and the Director for the National Security Agency determine necessary;

(D) account for potential private sector participation and partnerships;

(E) enable unclassified data to be integrated with classified data;

(F) anticipate the deployment of analytic tools across classification levels to leverage all relevant data sets, as appropriate;

(G) identify tools and analytical software that can be applied and shared to manipulate, transform, and display data and other identified needs; and

(H) anticipate the integration of new technologies and data streams, including data from Federal Government-sponsored voluntary network sensors or network-monitoring programs for the private sector or for State, local, Tribal, and territorial governments.

(c) OPERATION.—The information sharing environment established pursuant to subsection (a) shall be jointly managed by—

(1) the Director of the Cybersecurity and Infrastructure Security Agency, who shall have responsibility for unclassified information and data streams; and

(2) the Director of the National Security Agency, who shall have responsibility for all classified information and data streams.

(d) POST-DEPLOYMENT ASSESSMENT.—Not later than 2 years after the deployment of the information sharing environment requirement under subsection (a), the Director of the Cybersecurity and Infrastructure Security Agency and the Director of the National Security Agency shall jointly assess the means by which the sharing environment can be expanded to include critical infrastructure information sharing organizations and, to the maximum extent practicable, begin the process of such expansion.

(e) CYBER THREAT DATA STANDARDS AND INTEROPERABILITY COUNCIL.—

(1) ESTABLISHMENT.—The President shall establish an interagency council (in this subsection referred to as the “Council”), chaired by the Director of the Cybersecurity and Infrastructure Security Agency and the Director of the National Security Agency, to set data standards and requirements for participation under this section.

(2) OTHER MEMBERSHIP.—The President shall identify and appoint additional Council members from Federal agencies that oversee programs that generate, collect, or disseminate data or information related to the detection, identification, analysis, and monitoring of cyber threats.

(3) DATA STREAMS.—The Council shall identify, designate, and periodically update Federal programs required to participate in or be interoperable with the information sharing environment described in subsection (a), including—

(A) Federal Government network-monitoring and intrusion detection programs;

(B) cyber threat indicator-sharing programs;

(C) Federal Government-sponsored network sensors or network-monitoring programs for the private sector or for State, local, Tribal, and territorial governments;

(D) incident response and cybersecurity technical assistance programs; and

(E) malware forensics and reverse-engineering programs.

(4) DATA GOVERNANCE.—The Council shall establish procedures and data governance structures, as necessary to protect sensitive data, comply with Federal regulations and statutes, and respect existing consent agreements with the private sector and other non-Federal entities.

(5) RECOMMENDATIONS.—As appropriate, the Council, or the chairpersons thereof, shall recommend to the President budget and authorization changes necessary to ensure sufficient funding and authorities for the operation, expansion, adaptation, and security of the information sharing environment established pursuant to subsection (a).

(f) PRIVACY AND CIVIL LIBERTIES.—

(1) GUIDELINES OF ATTORNEY GENERAL.—Not later than 60 days after the date of enactment of this Act, the Attorney General shall, in coordination with heads of the appropriate Federal agencies and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee-1), develop, submit to Congress, and make available to the public interim guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal agency obtained in connection with activities authorized under this section.

(2) FINAL GUIDELINES.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall, in coordination with heads of the appropriate Federal agencies and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee-1) and such private entities with industry expertise as the Attorney General considers relevant, promulgate final guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal entity obtained in connection with activities authorized under this section.

(B) PERIODIC REVIEW.—The Attorney General shall, in coordination with heads of the appropriate Federal agencies and in consultation with the officers and private entities described in subparagraph (A), periodically, but not less frequently than once

every 2 years, review the guidelines promulgated under subparagraph (A).

(3) CONTENT.—The guidelines required under paragraphs (1) and (2) shall, consistent with the need to protect information systems from cybersecurity threats and mitigate cybersecurity threats—

(A) limit the effect on privacy and civil liberties of activities by the Federal Government under this section;

(B) limit the receipt, retention, use, and dissemination of cyber threat indicators containing personal information or information that identifies specific persons, including by establishing—

(i) a process for the timely destruction of such information that is known not to be directly related to uses authorized under this title; and

(ii) specific limitations on the length of any period in which a cyber threat indicator may be retained;

(C) include requirements to safeguard cyber threat indicators containing personal information or information that identifies specific persons from unauthorized access or acquisition, including appropriate sanctions for activities by officers, employees, or agents of the Federal Government in contravention of such guidelines;

(D) include procedures for notifying entities and Federal agencies if information received pursuant to this section is known or determined by a Federal agency receiving such information not to constitute a cyber threat indicator;

(E) protect the confidentiality of cyber threat indicators containing personal information or information that identifies specific persons to the greatest extent practicable and require recipients to be informed that such indicators may only be used for purposes authorized under this section; and

(F) include steps that may be needed so that dissemination of cyber threat indicators is consistent with the protection of classified and other sensitive national security information.

(g) OVERSIGHT OF GOVERNMENT ACTIVITIES.—

(1) BIENNIAL REPORT ON PRIVACY AND CIVIL LIBERTIES.—Not later than 2 years after the date of enactment of this Act and not less frequently than once every year thereafter, the Privacy and Civil Liberties Oversight Board shall submit to Congress and the President a report providing—

(A) an assessment of the effect on privacy and civil liberties by the type of activities carried out under this section; and

(B) an assessment of the sufficiency of the policies, procedures, and guidelines established pursuant to subsection (f) in addressing concerns relating to privacy and civil liberties.

(2) BIENNIAL REPORT BY INSPECTORS GENERAL.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and not less frequently than once every 2 years thereafter, the Inspector General of the Department of Homeland Security, the Inspector General of the Intelligence Community, the Inspector General of the Department of Justice, the Inspector General of the Department of Defense, and the Inspector General of the Department of Energy shall, in consultation with the Council of Inspectors General on Financial Oversight, jointly submit to Congress a report on the receipt, use, and dissemination of cyber threat indicators and defensive measures that have been shared with Federal agencies under this section.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include the following:

(i) A review of the types of cyber threat indicators shared with Federal agencies.

(ii) A review of the actions taken by Federal agencies as a result of the receipt of such cyber threat indicators.

(iii) A list of Federal entities receiving such cyber threat indicators.

(iv) A review of the sharing of such cyber threat indicators among Federal agencies to identify inappropriate barriers to sharing information.

(3) **RECOMMENDATIONS.**—Each report submitted under this subsection may include such recommendations as the Privacy and Civil Liberties Oversight Board, with respect to a report submitted under paragraph (1), or the Inspectors General referred to in paragraph (2)(A), with respect to a report submitted under paragraph (2), may have for improvements or modifications to the authorities under this section.

(4) **FORM.**—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex.

(h) **CRITICAL INFRASTRUCTURE.**—In this section, the term “critical infrastructure” has the meaning given that term in section 1016(e) of the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c(e)).

SA 1713. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ CYBER STATE OF DISTRESS.

(a) **IN GENERAL.**—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

“Subtitle C—Cyber State of Distress

“SEC. 2231. CYBER STATE OF DISTRESS.

“(a) **DEFINITIONS.**—In this section:

“(1) **ASSET RESPONSE.**—The term ‘asset response’ means activities including—

“(A) furnishing technical and advisory assistance to entities affected by a cyber incident to protect their assets, mitigate vulnerabilities, and reduce the related impacts;

“(B) identifying other entities that may be at risk and assessing their risk to the same or similar vulnerabilities;

“(C) assessing potential risks to the sector or region, including potential cascading effects, and developing courses of action to mitigate these risks;

“(D) facilitating information sharing and operational coordination with threat response; and

“(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to accelerate recovery.

“(2) **FUND.**—The term ‘Fund’ means the Cyber Response and Recovery Fund established under subsection (c).

“(3) **INCIDENT.**—The term ‘incident’ has the meaning given the term in section 2209.

“(4) **SIGNIFICANT CYBER INCIDENT.**—The term ‘significant cyber incident’ means an incident that is, or group of related cyber incidents that together are, reasonably likely to result in significant harm to the national security, foreign policy, or economic health or financial stability of the United States.

“(b) **DECLARATION.**—

“(1) **IN GENERAL.**—The Secretary may declare a cyber state of distress in accordance with this section if the Secretary determines that—

“(A) a significant cyber incident has occurred; or

“(B) there is a near-term risk of a significant cyber incident.

“(2) **COORDINATION OF ACTIVITIES.**—Upon declaration of a cyber state of distress under paragraph (1), the Secretary shall—

“(A) coordinate all asset response activities by Federal agencies in response to a cyber state of distress;

“(B) harmonize the activities described in subparagraph (A) with asset response activities of private entities and State and local governments to the maximum extent practicable; and

“(C) harmonize the activities described in subparagraph (A) with Federal, State, local, Tribal, and territorial law enforcement investigations and threat response activities.

“(3) **DURATION.**—A declaration made pursuant to paragraph (1) shall be for a period designated by the Secretary or 60 days, whichever is shorter.

“(4) **RENEWAL.**—The Secretary may renew a declaration made pursuant to paragraph (1) as necessary to respond to or prepare for a significant cyber incident.

“(5) **PUBLICATION.**—Not later than 72 hours after the Secretary makes a declaration pursuant to paragraph (1), the Secretary shall publish the declaration in the Federal Register.

“(6) **LIMITATION ON DELEGATION.**—The Secretary may not delegate the authority to declare a cyber state of distress under paragraph (1).

“(7) **SUPERSEDING DECLARATIONS.**—A declaration made pursuant to paragraph (1) shall have no effect if the President declares a major disaster pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in the same area covered by the declaration made pursuant to paragraph (1).

“(c) **ADVANCE ACTIVITIES.**—The Secretary shall—

“(1) assess the Federal resources available to respond to a cyber state of distress declared pursuant to paragraph (1); and

“(2) take actions to arrange or procure such additional resources as the Secretary determines necessary, including entering into standby contracts for private sector cybersecurity services or incident responders.

“(d) **CYBER RESPONSE AND RECOVERY FUND.**—

“(1) **ESTABLISHMENT.**—There is established in the Treasury a fund to be known as the Cyber Response and Recovery Fund.

“(2) **USE OF FUNDS.**—Amounts in the Fund shall be available to carry out—

“(A) activities related to a cyber state of distress declared by the Secretary pursuant to subsection (b)(1); and

“(B) advance activities undertaken by the Secretary pursuant to subsection (c).

“(3) **EXPENDITURES FROM THE FUND.**—The cost of any assistance provided pursuant to this section shall be reimbursed out of funds appropriated to the Fund and made available to carry out this section.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended by adding at the end the following:

“Subtitle C—Cyber State of Distress

“Sec. 2231. Cyber state of distress.”.

SA 1714. Mr. KING (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense

activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ NATIONAL RISK MANAGEMENT ACT.

(a) **SHORT TITLE.**—This section may be cited as the “National Risk Management Act”.

(b) **DEFINITIONS.**—In this section:

(1) **CRITICAL INFRASTRUCTURE.**—The term “critical infrastructure” has the meaning given that term in section 1016 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 5195c).

(2) **DEPARTMENT.**—The term “Department” means the Department of Homeland Security.

(3) **DIRECTOR.**—The term “Director” means the Director of the Cybersecurity and Infrastructure Security Agency of the Department.

(4) **NATIONAL CRITICAL FUNCTION.**—The term “national critical function” means a function of the government or the private sector that is so vital to the United States that the disruption, corruption, or dysfunction of the function would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

(6) **SECTOR RISK MANAGEMENT AGENCY.**—The term “Sector Risk Management Agency” means an agency designated under subsection (e).

(c) **NATIONAL RISK MANAGEMENT CYCLE.**—

(1) **RISK IDENTIFICATION AND ASSESSMENT.**—

(A) **IN GENERAL.**—The Secretary, acting through the Director, shall establish a process by which to identify, assess, and prioritize risks to critical infrastructure, considering both cyber and physical threats, vulnerabilities, and consequences.

(B) **CONSULTATION.**—In developing the process required under subparagraph (A), the Secretary shall consult with Sector Risk Management Agencies and critical infrastructure owners and operators.

(C) **PUBLICATION.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish procedures for process developed pursuant to subparagraph (A) in the Federal Register.

(D) **REPORT.**—Not later than 1 year after the date of enactment of this Act, and once every 4 years thereafter, the Secretary shall submit to the President a report on the risks identified by the process established pursuant to subparagraph (A).

(2) **NATIONAL CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY.**—

(A) **IN GENERAL.**—Not later than 1 year after the Secretary submits each report required under paragraph (1), the President shall submit to majority and minority leaders of the Senate and the Speaker and the minority leader of the House of Representatives a National Critical Infrastructure Resilience Strategy designed to address the risks identified by the Secretary.

(B) **ELEMENTS.**—In each strategy submitted under this paragraph, the President shall:

(i) Identify, assess, and prioritize areas of risk to critical infrastructure that would compromise, disrupt, or impede their ability to support the national critical functions of national security, economic security, or public health and safety.

(ii) Assess the implementation of the previous National Critical Infrastructure Resilience Strategy, as applicable.

(iii) Identify and outline current and proposed national-level actions, programs, and efforts to be taken to address the risks identified.

(iv) Identify the Federal departments or agencies responsible for leading each national-level action, program, or effort and the relevant critical infrastructure sectors for each.

(v) Outline the budget plan required to provide sufficient resources to successfully execute the full range of activities proposed or described by the National Critical Infrastructure Resilience Strategy.

(vi) Request any additional authorities or resources necessary to successfully execute the National Critical Infrastructure Resilience Strategy.

(C) FORM.—The strategy required under subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

(3) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date on which the President submits a National Critical Infrastructure Resilience Strategy under this subsection, and once every year thereafter, the Secretary, in coordination with Sector Risk Management Agencies, shall brief the appropriate committees of Congress on the national risk management cycle activities undertaken pursuant to this section.

(d) CRITICAL INFRASTRUCTURE SECTOR DESIGNATION.—

(1) INITIAL REVIEW.—Not later than 180 days after the date of enactment of this section, the Secretary shall—

(A) review the critical infrastructure sector model and corresponding designations for Sector Risk Management Agencies in effect on the date of enactment of this Act; and

(B) submit a report to the President containing recommendations for—

(i) any additions or deletions to the list of critical infrastructure sectors set forth in Presidential Policy Directive-21; and

(ii) any new assignment or alternative assignment of a Federal department or agency to serve as the Sector Risk Management Agency for a sector.

(2) PERIODIC REVIEW.—Not later than 1 year before the submission of each strategy required under subsection (c)(2), the Secretary, in consultation with the Director, shall—

(A) review the current list of critical infrastructure sectors and the assignment of Sector Risk Management Agencies, as set forth in Presidential Policy Directive-21, or any successor document; and

(B) recommend to the President—

(i) any additions or deletions to the list of critical infrastructure sectors; and

(ii) any new assignment or alternative assignment of a Federal agency to serve as the Sector Risk Management Agency for each sector.

(3) UPDATE.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary makes a recommendation under paragraph (2), the President shall—

(i) review the recommendation and update, as appropriate, the designation of critical infrastructure sectors and each sector's corresponding Sector Risk Management Agency; or

(ii) submit a report to the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives explaining the basis for rejecting the recommendations of the Secretary.

(B) LIMITATION.—The President—

(i) may not designate more than 1 department or agency as the Sector Risk Management Agency for each critical infrastructure sector; and

(ii) may only designate an agency under this subsection if the agency is referenced in section 205 of the Chief Financial Officers Act of 1990 (42 U.S.C. 901).

(4) PUBLICATION.—Any designation of critical infrastructure sectors shall be published in the Federal Register.

(e) SECTOR RISK MANAGEMENT AGENCIES.—

(1) IN GENERAL.—Any reference to a Sector-Specific Agency in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Sector Risk Management Agency of the relevant critical infrastructure sector.

(2) COORDINATION.—In carrying out this section, the head of each Sector Risk Management Agency shall—

(A) coordinate with the Secretary and the head of other relevant Federal departments and agencies;

(B) collaborate with critical infrastructure owners and operators; and

(C) as appropriate, coordinate with independent regulatory agencies, and State, local, Tribal, and territorial entities.

(3) RESPONSIBILITIES.—The head of each Sector Risk Management Agency shall utilize the specialized expertise of the agency about the assigned critical infrastructure sector and authorities of the agency under applicable law to support and carry out activities for its assigned sector related to—

(A) sector risk management, including—

(i) establishing and carrying out programs to assist critical infrastructure owners and operators within their assigned sector in identifying, understanding, and mitigating threats, vulnerabilities, and risks to their region, sector, systems or assets; and

(ii) recommending resilience measures to mitigate the consequences of destruction, compromise, and disruption of their systems and assets;

(B) sector risk identification and assessment, including—

(i) identifying, assessing, and prioritizing risks to critical infrastructure within their sector, considering physical and cyber threats, vulnerabilities, and consequences; and

(ii) supporting national risk assessment efforts led by the Department, including identifying, assessing, and prioritizing cross-sector and national-level risks;

(C) sector coordination, including—

(i) serving as a day-to-day Federal interface for the dynamic prioritization and coordination of sector-specific activities and their responsibilities under this section;

(ii) serving as the government coordinating council chair for their assigned sector; and

(iii) participating in cross-sector coordinating councils, as appropriate;

(D) threat and vulnerability information sharing, including—

(i) facilitating access to, and exchange of, information and intelligence necessary to strengthen the resilience of critical infrastructure, including through the sector's information sharing and analysis center;

(ii) facilitating the identification of intelligence needs and priorities of critical infrastructure in coordination with the Director of National Intelligence and the heads of other Federal departments and agencies, as appropriate;

(iii) providing the Director ongoing, and where practicable, real-time awareness of identified threats, vulnerabilities, mitigations, and other actions related to the security of critical infrastructure; and

(iv) supporting the reporting requirements of the Department under applicable law by providing, on an annual basis, sector-specific critical infrastructure information;

(E) incident management, including—

(i) supporting incident management and restoration efforts during or following a security incident;

(ii) supporting the Cybersecurity and Infrastructure Security Agency, as requested, in conducting vulnerability assessments and asset response activities for critical infrastructure; and

(iii) supporting the Attorney General and law enforcement agencies with efforts to detect and prosecute threats to and attacks against critical infrastructure;

(F) emergency preparedness, including—

(i) coordinating with critical infrastructure owners and operators in the development of planning documents for coordinated action in response to an incident or emergency;

(ii) conducting exercises and simulations of potential incidents or emergencies; and

(iii) supporting the Department and other Federal departments or agencies in developing planning documents or conducting exercises or simulations relevant to their assigned sector;

(G) participation in national risk management efforts, including—

(i) supporting the Secretary in the risk identification and assessment activities carried out pursuant to subsection (c);

(ii) supporting the President in the development of the National Critical Infrastructure Resilience Strategy pursuant to subsection (c); and

(iii) implementing the National Critical Infrastructure Resilience Strategy pursuant to subsection (c).

(4) STATUS OF INFORMATION.—Information shared with a Sector Risk Management Agency in furtherance of the responsibilities outlined in paragraph (3)(B)(i) shall be treated as protected critical infrastructure information under section 214 of the Homeland Security Act of 2002 (6 U.S.C. 673).

(f) REPORTING AND AUDITING.—Not later than 2 years after the date of enactment of this Act, and once every 4 years thereafter, the Comptroller General of the United States shall submit a report to appropriate Committees of Congress on the effectiveness of Sector Risk Management Agencies in carrying out their responsibilities under subsection (e).

SA 1715. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . BUREAU OF CYBER STATISTICS.

(a) DEFINITIONS.—In this section—

(1) the term “Bureau” means the Bureau of Cyber Statistics of the Department of Commerce established under subsection (b);

(2) the term “Director” means the Director of the Bureau; and

(3) the term “statistical purpose”—

(A) means the description, estimation, or analysis of the characteristics of groups without identifying the individuals or organizations that comprise those groups; and

(B) includes the development, implementation, or maintenance of methods, technical or administrative procedures, or information resources that support the duties and functions of the Director under subsection (d).

(b) ESTABLISHMENT.—There is established within the Department of Commerce the Bureau of Cyber Statistics.

(c) DIRECTOR.—

(1) IN GENERAL.—The Bureau shall be headed by a Director, who shall—

(A) report to the Secretary of Commerce; and

(B) be appointed by the President.

(2) AUTHORITY.—The Director shall—

(A) have final authority for all cooperative agreements and contracts entered into by the Bureau;

(B) be responsible for the integrity of data and statistics collected and retained by the Bureau; and

(C) protect against improper or illegal use or disclosure of data and statistics collected and retained the Bureau, consistent with the procedures developed under subsection (g).

(3) QUALIFICATIONS.—The Director—

(A) shall have experience in statistical programs; and

(B) may not—

(i) engage in any other employment while serving as the Director; or

(ii) hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau enters into any contract or other arrangement under this section.

(d) DUTIES AND FUNCTIONS.—The Director shall—

(1) collect and analyze—

(A) information concerning cybersecurity, including data relating to cyber incidents, cyber crime, and any other area the Director determines appropriate; and

(B) data that shall serve as a national indication with respect to the prevalence, rates, extent, distribution, attributes, and number of all relevant cyber incidents, as determined by the Director, in support of national policy and decision making;

(2) compile, collate, analyze, publish, and disseminate uniform national cyber statistics concerning any area that the Director determines appropriate;

(3) in coordination with the Director of the National Institute of Standards and Technology, recommend national standards, metrics, and measurement criteria for cyber statistics and for ensuring the reliability and validity of statistics collected under this section;

(4) conduct or support research relating to methods of gathering or analyzing cyber statistics;

(5) enter into cooperative agreements or contracts with public agencies, institutions of higher education, and private organizations for purposes relating to this section;

(6) provide appropriate information to the President, Congress, Federal agencies, the private sector, and the general public on cyber statistics;

(7) communicate with State and local governments concerning cyber statistics;

(8) as needed, confer and cooperate with Federal statistical agencies to carry out the purposes of this section, including by entering into cooperative data sharing agreements that comply with all laws and regulations applicable to the disclosure and use of data; and

(9) request from any person or entity information, data, and reports as may be required to carry out the purposes of this section.

(e) FURNISHING OF INFORMATION, DATA, OR REPORTS BY FEDERAL DEPARTMENTS AND AGENCIES.—A Federal department or agency that the Director requests to provide information, data, or reports under subsection (c)(9) shall provide to the Bureau such information as the Director determines necessary to carry out the purposes of this section.

(f) PROTECTION OF INFORMATION.—

(1) IN GENERAL.—No officer, employee, or agent of the Federal Government may, without the consent of the individual or the applicable agency, or the individual who is the

subject of the submission or who provides the submission—

(A) use any submission that is furnished for exclusively statistical purposes under this section for any purpose other than the statistical purposes for which the submission is furnished;

(B) make any publication or media transmittal of the data contained in the submission described in subparagraph (A) if that publication or transmittal would permit information concerning individual entities or incidents to be reasonably inferred by either direct or indirect means; or

(C) permit anyone other than a sworn officer, employee, agent, or contractor of the Bureau to examine a submission described in subsection (e) or (g).

(2) IMMUNITY FROM LEGAL PROCESS.—Any submission (including any data derived from a submission) that is collected and retained by the Bureau, or an officer, employee, agent, or contractor of the Bureau, for exclusively statistical purposes under this section shall be immune from legal process and shall not, without the consent of the individual, entity, agency, or other person that is the subject of the submission (or that provides the submission), be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to provide immunity from legal process for a submission (including any data derived from a submission) if the submission is in the possession of any person, agency, or entity other than the Bureau or an officer, employee, agent, or contractor of the Bureau, or if the submission is independently collected, retained, or produced for purposes other than the purposes of this section.

(g) PRIVATE SECTOR SUBMISSION OF DATA.—

(1) STANDARDS FOR SUBMISSION OF INFORMATION.—Not later than 2 years after the date of enactment of this Act, and after consultation with relevant stakeholders, the Director shall develop criteria and standardized procedures with respect to private entities submitting to the Bureau data relating to cyber incidents.

(2) PRIVATE SECTOR SUBMISSION.—After the development of the criteria and standards required under paragraph (1), the Director shall publish the processes for the submissions described in that paragraph and shall begin accepting those submissions.

(3) REPORT.—Not later than 1 year after the date on which the Director begins accepting submissions under paragraph (2), the Director shall submit to Congress a report detailing—

(A) the rate of submissions by private entities;

(B) an assessment of the procedures for the submissions described in subparagraph (A); and

(C) an overview of mechanisms for ensuring the collection of data relating to cyber incidents from private entities that collect and retain that type of data as part of their core business activity.

(h) STATUS OF DIRECTOR POSITION.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Director of the Bureau of the Census the following:

“Director, Bureau of Cyber Statistics, Department of Commerce.”.

SA 1716. Mr. KING (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense

activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ____ . BUREAU OF CYBERSPACE SECURITY AND EMERGING TECHNOLOGIES.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) in subsection (c)(1) by striking “24” and inserting “25”;

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

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

“(g) BUREAU OF CYBERSPACE SECURITY AND EMERGING TECHNOLOGIES.—

“(1) IN GENERAL.—There is established, within the Department of State, the Bureau of Cyberspace Security and Emerging Technologies (referred to in this subsection as the ‘Bureau’). The President shall appoint, by and with the advice and consent of the Senate, an Assistant Secretary (referred to in this subsection as the ‘Assistant Secretary’), who shall head the Bureau.

“(2) DUTIES.—

“(A) IN GENERAL.—The Assistant Secretary shall—

“(i) carry out the responsibilities described in subparagraph (B); and

“(ii) perform such other duties and exercise such powers as the Secretary shall prescribe.

“(B) PRINCIPAL RESPONSIBILITIES.—The Assistant Secretary shall—

“(i) serve as the principal cyberspace policy official within the Department of State and as the adviser to the Secretary for cyberspace issues;

“(ii) lead the Department of State’s diplomatic cyberspace efforts, which may include—

“(I) the promotion of human rights, democracy, and the rule of law (including freedom of expression, innovation, communication, and economic prosperity);

“(II) respecting privacy; and

“(III) guarding against deception, fraud, and theft;

“(iii) advocate for norms of responsible behavior in cyberspace and confidence building measures, deterrence, international responses to cyber threats, Internet freedom, digital economy, cybercrime, and capacity building;

“(iv) promote an open, interoperable, reliable, and secure information and communications technology infrastructure globally;

“(v) represent the Secretary in interagency efforts to develop and advance the policy priorities of the United States relating to cyberspace and emerging technologies; and

“(vi) consult, as appropriate, with other executive branch agencies with related functions.

“(3) QUALIFICATIONS.—The Assistant Secretary shall be an individual of demonstrated competency in the fields of—

“(A) cybersecurity and other relevant cyber issues; and

“(B) international diplomacy.

“(4) ORGANIZATIONAL PLACEMENT.—

“(A) INITIAL PLACEMENT.—During the 4-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, the Assistant Secretary shall report to—

“(i) the Under Secretary for Political Affairs; or

“(ii) an official of the Department of State holding a higher position than the Under Secretary for Political Affairs, if so directed by the Secretary.

“(B) PERMANENT PLACEMENT.—After the conclusion of the period described in subparagraph (A), the Assistant Secretary shall report to—

“(i) an appropriate Under Secretary of the Department of State; or

“(ii) an official of the Department of State holding a higher position than Under Secretary.”.

SA 1717. Mr. KING (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . STRATEGY TO SECURE FOUNDATIONAL INTERNET PROTOCOLS AND E-MAIL.

(a) DEFINITIONS.—In this section:

(1) BORDER GATEWAY PROTOCOL.—The term “border gateway protocol” means a protocol designed to optimize routing of information exchanged through the internet.

(2) DOMAIN NAME SYSTEM.—The term “domain name system” means a system that stores information associated with domain names in a distributed database on networks.

(3) DOMAIN-BASED MESSAGE AUTHENTICATION, REPORTING, AND CONFORMANCE (DMARC).—The terms “domain-based message authentication, reporting, and conformance” and “DMARC” mean an e-mail authentication, policy, and reporting protocol that verifies the authenticity of the sender of an e-mail and blocks and reports fraudulent accounts.

(4) INFORMATION AND COMMUNICATIONS TECHNOLOGY INFRASTRUCTURE PROVIDERS.—The term “information and communications technology infrastructure providers” means all systems that enable connectivity and operability of internet service, backbone, cloud, web hosting, content delivery, domain name system, and software-defined networks and other systems and services.

(b) CREATION OF A STRATEGY TO SECURE FOUNDATIONAL INTERNET PROTOCOLS AND E-MAIL.—

(1) PROTOCOL SECURITY STRATEGY.—

(A) IN GENERAL.—Not later than December 31, 2020, the National Telecommunications and Information Administration, in coordination with the Secretary of Homeland Security, shall submit to Congress a strategy to secure the border gateway protocol and the domain name system.

(B) STRATEGY REQUIREMENTS.—The strategy required under subparagraph (A) shall—

(i) articulate the security and privacy benefits of implementing border gateway protocol and domain name system security as well as the burdens of implementation and the entities on whom those burdens will most likely fall;

(ii) identify key United States and international interested entities;

(iii) outline identified security measures that could be used to secure or provide authentication for the border gateway protocol and domain name system;

(iv) identify any barriers to implementing border gateway protocol and domain name system security at scale;

(v) propose a strategy to implement identified security measures at scale, accounting for barriers to implementation and bal-

ancing benefits and burdens, where feasible; and

(vi) provide an initial estimate of the total cost to government and implementing entities in the private sector of implementing border gateway protocol and domain name system security and propose recommendations for defraying these costs, if applicable.

(C) CONSULTATION.—In developing the strategy under subparagraph (A), the National Telecommunications and Information Administration, in coordination with the Secretary of Homeland Security, shall consult with information and communications technology infrastructure providers, civil society organizations, relevant non-profits, and academic experts.

(2) DMARC STRATEGY.—

(A) IN GENERAL.—Not later than December 31, 2021, the Secretary of Homeland Security shall submit to Congress a strategy to implement a domain-based message authentication, reporting, and conformance standard across all United States-based e-mail providers.

(B) REPORT REQUIREMENTS.—The strategy required by subparagraph (A) shall—

(i) articulate the security and privacy benefits of implementing the domain-based message authentication, reporting, and conformance standard at scale, as well as the burdens of implementation and the entities on whom those burdens will most likely fall;

(ii) identify key United States and international interested entities;

(iii) identify any barriers to implementing the domain-based message authentication, reporting, and conformance standard at scale across all United States-based e-mail providers; and

(iv) propose a strategy to implement the domain-based message authentication, reporting, and conformance standard at scale across all United States-based e-mail providers, accounting for barriers to implementation and balancing benefits and burdens, where feasible.

(C) COST ESTIMATE.—The strategy required under subparagraph (A) shall include—

(i) an initial estimate of the total cost to the Federal Government and private sector implementing entities of implementing the domain-based message authentication, reporting, and conformance standard at scale across all United States-based e-mail providers; and

(ii) recommendations for defraying the cost described in clause (i), if applicable.

(D) CONSULTATION.—In developing the strategy pursuant to subparagraph (A), the Secretary of Homeland Security shall consult with the information technology sector.

SA 1718. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the title X, add the following:

Subtitle ____—National Cybersecurity Certification and Labeling

SEC. ____01. DEFINITIONS.

In this subtitle:

(1) ACCREDITED CERTIFYING AGENT.—The term “accredited certifying agent” means any person who is accredited by the National Cybersecurity Certification and Labeling Authority as a certifying agent for the purposes of certifying a specific class of critical

information and communications technology.

(2) CERTIFICATION.—The term “certification” means a seal or symbol provided by the National Cybersecurity Certification and Labeling Authority or an accredited certifying agent, that results from passage of a comprehensive evaluation of an information and communications technology that establishes the extent to which a particular design and implementation meets a set of specified security standards.

(3) CRITICAL INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The term “critical information and communications technology” means information and communications technology that is in use in critical infrastructure sectors and that underpins national critical functions as determined by the Secretary of Homeland Security.

(4) LABEL.—The term “label” means a clear, visual, and easy to understand symbol or list that conveys specific information about a product’s security attributes, characteristics, functionality, components, or other features

SEC. ____02. NATIONAL CYBERSECURITY CERTIFICATION AND LABELING AUTHORITY AND PROGRAM.

(a) ESTABLISHMENT.—There is established a National Cybersecurity Certification and Labeling Authority (hereinafter referred to as the “Authority”) for the purpose of administering a voluntary program, which the Authority shall establish, for the certification and labeling of critical information and communications technologies.

(b) ACCREDITATION OF CERTIFYING AGENTS.—As part of the program established and administered under subsection (a), the Authority shall define and publish a process whereby nongovernmental entities may apply to become accredited agents for the certification of specific critical information and communications technologies.

(c) IDENTIFICATION OF STANDARDS, FRAMEWORKS, AND BENCHMARKS.—As part of the program established and administered under subsection (a), the Authority shall work in close coordination with the Secretary of Commerce, the Secretary of Homeland Security, and subject matter experts from the Federal Government, academia, nongovernmental organizations, and the private sector to identify and harmonize common security standards, frameworks, and benchmarks against which the security of critical information and communications technologies may be measured.

(d) PRODUCT CERTIFICATION.—As part of the program established and administered under subsection (a), the Authority, in consultation with the Secretary of Commerce, the Secretary of Homeland Security, and other experts from the Federal Government, academia, nongovernmental organizations, and the private sector, shall—

(1) develop, and disseminate to accredited certifying agents, guidelines to standardize the presentation of certifications to communicate the level of security for critical information and communications technologies;

(2) develop, or permit agents accredited under subsection (b) to develop, certification criteria for critical information and communications technologies based on identified security standards, frameworks, and benchmarks, through the work conducted pursuant to subsection (c);

(3) issue, or permit agents accredited under subsection (b) to issue, certifications for products and services that meet and comply with security standards, frameworks, and benchmarks [endorsed by the Authority through the work conducted under title (e)(3)(b) of this statute] [the standards, frameworks, and benchmarks identified under subsection (c)];

(4) permit a manufacturer or distributor of a [covered product]/[critical information and communication technology] to display a certificate reflecting the extent to which the covered product meets [established and identified cybersecurity and data security benchmarks]/[the standards, frameworks, and benchmarks identified under subsection (c)];

(5) remove the certification of a [covered product]/[critical information and communication technology] as a [covered product]/[critical information and communication technology] certified under the program if the manufacturer of the certified [covered product]/[critical information and communication technology] falls out of conformity with the [benchmarks established under paragraph (e)(2) for the covered product]/[the standards, frameworks, and benchmarks identified under subsection (c)];

(6) work to enhance public awareness of the Authority's certificates and labeling, including through public outreach, education, research and development, and other means; and

(7) publicly display a list of certified [products]/[critical information and communication technology], along with their respective certification information.

(e) CERTIFICATIONS.—

(1) IN GENERAL.—Certifications issued under the program established and administered under subsection (a) shall remain valid for one year from the date of issuance.

(2) CLASSES OF CERTIFICATION.—In [developing —Note: Subsection (c) says “identified and harmonized” not “developed”] the [guidelines and criteria —Note: Subsection (c) uses “standards, frameworks, and benchmarks”] under subsection (c), the Authority shall designate at least three classes of certifications, including—

(A) for products and services that product manufacturers and service providers of critical information and communications attest meet the criteria for certification under the program established and administered under subsection (a), attestation-based certification;

(B) for products that have undergone a security evaluation and testing process by a qualifying third party, accreditation-based certification; and

(C) for products that have undergone a security evaluation and testing process by a qualifying third party, test-based certification.

(f) PRODUCT LABELING.—The Authority, in consultation with the Secretary of Commerce, the Secretary of Homeland Security, and other experts from the Federal Government, academia, nongovernmental organizations, and the private sector, shall—

(1) collaborate with the private sector to standardize language and define a labeling schema to provide transparent information on the security characteristics and constituent components of a software or hardware product [that includes critical information and communication technology]; and

(2) establish a mechanism by which product developers can provide this information for both product labeling and public posting.

(g) ENFORCEMENT.—

(1) PROHIBITION.—It shall be unlawful for a person—

(A) to falsely attested to, or falsify an audit or test for, a security standard, framework, or benchmark for certification;

(B) to intentionally mislabel a product; or

(C) to failed to maintain a security standard, framework, or benchmark to which the person has attested [for a security standard, framework, or benchmark for certification].

(2) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(A) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of paragraph (1) shall be

treated as an unfair and deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(B) POWERS OF COMMISSION.—

(i) IN GENERAL.—The Federal Trade Commission shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subsection.

(ii) PRIVILEGES AND IMMUNITIES.—Any person who violates this subsection shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

SEC. 03. SELECTION OF THE AUTHORITY.

(a) SELECTION.—The Secretary of Commerce, in coordination with the Secretary of Homeland Security, shall issue a notice of funding opportunity and select, on a competitive basis, a nonprofit, nongovernmental organization to serve as the National Cybersecurity Certification and Labeling Authority (in this section referred to as the “Authority”) for period of five years.

(b) ELIGIBILITY FOR SELECTION.—The Secretary of Commerce may only select an organization to serve as the Authority if such organization—

(1) is a nongovernmental, not-for-profit that is—

(A) exempt from taxation under section 501(a) of the Internal Revenue Code of 1986; and

(B) described in sections 501(c)(3) and 170(b)(1)(A)(vi) of that Code;

(2) has a demonstrable track record of work on cybersecurity and information security standards, frameworks, and benchmarks; and

(3) possesses requisite staffing and expertise, with demonstrable prior experience in technology security or safety standards, frameworks, and benchmarks, as well as certification.

(c) APPLICATION.—The Secretary shall establish a process by which a nonprofit, nongovernmental organization that seeks to be selected as the Authority may apply for consideration.

(d) PROGRAM EVALUATION.—Not later than the date that is four years after the initial selection pursuant subsection (a), and every four years thereafter, the Secretary of Commerce, in consultation with the Secretary of Homeland Security, shall—

(1) assess the effectiveness of the labels and certificates produced by the Authority, including—

(A) assessing the costs to businesses that manufacture [covered products]/[critical information and communication technologies] participating in the Authority's program;

(B) evaluating the level of participation in the Authority's program by businesses that manufacture [covered products]/[critical information and communication technologies]; and

(C) assessing the level of public awareness and consumer awareness of the labels under the Authority's program;

(2) audit the impartiality and fairness of the activities of the Authority;

(3) issue a public report on the assessment most recently carried out under paragraph (1) and the audit most recently carried out under paragraph (2); and

(4) brief Congress on the findings of the Secretary of Commerce with respect to the most recent assessment under paragraph (1) and the most recent audit under paragraph (2).

(e) RENEWAL.—After the initial selection pursuant to subsection (a), the Secretary of Commerce, in consultation with the Secretary of Homeland Security, shall, every five years—

(1) accept applications from nonprofit, nongovernmental organizations seeking selection as the Authority; and

(2) following competitive consideration of all applications—

(A) renew the selection of the existing Authority; or

(B) select another applicant organization to serve as the Authority.

SEC. 04. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this subtitle. Such funds shall remain available until expended.

SA 1719. Mr. KING (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____ . STRENGTHENING PROCESSES FOR IDENTIFYING CRITICAL INFRASTRUCTURE CYBERSECURITY INTELLIGENCE NEEDS AND PRIORITIES.

(a) CRITICAL INFRASTRUCTURE CYBERSECURITY INTELLIGENCE NEEDS AND PRIORITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the heads of appropriate Sector-Specific Agencies (as defined in section 2201 of the Homeland Security Act of 2002 (6 U.S.C. 651)), shall establish a formal process to solicit and compile critical infrastructure input to inform national intelligence collection and analysis priorities.

(2) RECURRENT INPUT.—Not later than 30 days following the establishment of the process required pursuant to paragraph (1), and biennially thereafter, the Director of National Intelligence, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall solicit information from critical infrastructure utilizing the process established pursuant to paragraph (1).

(b) INTELLIGENCE NEEDS EVALUATION AND PLANNING.—Utilizing the information received through the process established pursuant to subsection (a), as well as existing intelligence information and processes, the Director of National Intelligence, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall—

(1) identify common technologies or interdependencies that are likely to be targeted by nation-state adversaries;

(2) identify intelligence gaps across critical infrastructure cybersecurity efforts;

(3) identify and execute methods of empowering sector-specific agencies—

(A) to identify specific critical lines of businesses, technologies, and processes within their respective sectors; and

(B) to coordinate directly with the intelligence community to convey specific information relevant to the operation of each sector; and

(4) refocus information collection and analysis activities, as necessary to address identified gaps and mitigate threats to the cybersecurity of critical infrastructure of the United States.

(c) **REPORT TO CONGRESS.**—Not later than 90 days after the completion of the identification and refocusing required by subsection (b), and annually thereafter, the Director of National Intelligence and the Director of the Cybersecurity and Infrastructure Security Agency shall jointly submit to the appropriate committees of Congress a report that—

(1) assesses how the information obtained from critical infrastructure is shaping intelligence collection activities;

(2) evaluates the success of the intelligence community in sharing relevant, actionable intelligence with critical infrastructure; and

(3) addresses any legislative or policy changes necessary to enable the intelligence community to increase sharing of actionable intelligence with critical infrastructure.

(d) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) Select Committee on Intelligence and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) Permanent Select Committee on Intelligence and the Committee on Homeland Security of the House of Representatives.

(2) The term “critical infrastructure” has the meaning given that term in the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c).

(3) The term “intelligence community” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SA 1720. Mr. KING (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CISA DIRECTOR TERM APPOINTMENT.

(a) **IN GENERAL.**—Section 2202(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 652(b)(1)), is amended by adding at the end the following: “Each Director shall serve for a term of 5 years.”.

(b) **TRANSITION RULES.**—The amendment made by subsection (a) shall take effect on the earlier of—

(1) the confirmation of a Director of the Cybersecurity and Infrastructure Protection Agency after the date of enactment of this Act; or

(2) January 1, 2021.

(c) **EXECUTIVE SCHEDULE AMENDMENTS.**—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) in section 5313, by inserting after the item relating to “Administrator of the Transportation Security Administration” the following: “Director, Cybersecurity and Infrastructure Security Agency.”; and

(2) in section 5314, by striking the item relating to “Director, Cybersecurity and Infrastructure Security Agency.”.

SEC. ____ . AGENCY REVIEW.

(a) **REQUIREMENT OF COMPREHENSIVE REVIEW.**—In order to strengthen the Cybersecu-

rity and Infrastructure Security Agency, the Secretary of Homeland Security shall conduct a comprehensive review of the ability of the Cybersecurity and Infrastructure Security Agency to fulfill—

(1) the missions of the Cybersecurity and Infrastructure Security Agency; and

(2) the recommendations detailed in the report issued by the Cyberspace Solarium Commission under section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232).

(b) **ELEMENTS OF REVIEW.**—The review conducted under subsection (a) shall include the following elements:

(1) An assessment of how additional budget resources could be used by the Cybersecurity and Infrastructure Security Agency for projects and programs that—

(A) support the national risk management mission;

(B) support public and private-sector cybersecurity;

(C) promote public-private integration; and

(D) provide situational awareness of cybersecurity threats.

(2) A comprehensive force structure assessment of the Cybersecurity and Infrastructure Security Agency including—

(A) a determination of the appropriate size and composition of personnel to accomplish the mission of the Cybersecurity and Infrastructure Security Agency, as well as the recommendations detailed in the report issued by the Cyberspace Solarium Commission under section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232);

(B) an assessment of whether existing personnel are appropriately matched to the prioritization of threats in the cyber domain and risks in critical infrastructure;

(C) an assessment of whether the Cybersecurity and Infrastructure Security Agency has the appropriate personnel and resources to—

(i) perform risk assessments, threat hunting, incident response to support both private and public cybersecurity;

(ii) carry out the responsibilities of the Cybersecurity and Infrastructure Security Agency related to the security of Federal information and Federal information systems; and

(iii) carry out the critical infrastructure responsibilities of the Cybersecurity and Infrastructure Security Agency, including national risk management; and

(D) an assessment of whether current structure, personnel, and resources of regional field offices are sufficient in fulfilling agency responsibilities and mission requirements.

(c) **SUBMISSION OF REVIEW.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress detailing the results of the assessments required under subsection (b), including recommendations to address any identified gaps.

SEC. ____ . GENERAL SERVICES ADMINISTRATION REVIEW.

(a) **REVIEW.**—The Administrator of the General Services Administration shall—

(1) conduct a review of current Cybersecurity and Infrastructure Security Agency facilities and assess the suitability of such facilities to fully support current and projected mission requirements nationally and regionally; and

(2) make recommendations regarding resources needed to procure or build a new facility or augment existing facilities to ensure sufficient size and accommodations to fully support current and projected mission requirements, including the integration of

personnel from the private sector and other departments and agencies.

(b) **SUBMISSION OF REVIEW.**—Not later than 1 year after the date of the enactment of this Act, the Administrator of the General Services Administration shall submit the review required under subsection (a) to—

(1) the President;

(2) the Secretary of Homeland Security; and

(3) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

SA 1721. Mr. KING (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . BIENNIAL NATIONAL CYBER EXERCISE.

(a) **REQUIREMENT.**—Not later than December 31, 2023, and not less frequently than once every 2 years thereafter until a date that is not less than 10 years after the date of enactment of this Act, the Secretary, in consultation with the President and the Secretary of Defense, shall conduct an exercise to test the resilience, response, and recovery of the United States in the case of a significant cyber incident impacting critical infrastructure.

(b) **PLANNING AND PREPARATION.**—

(1) **IN GENERAL.**—Each exercise required under subsection (a) shall be prepared by expert operational planners from—

(A) the Department of Homeland Security;

(B) the Department of Defense;

(C) the Federal Bureau of Investigation; and

(D) appropriate elements of the intelligence community, as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)) identified by the Director of National Intelligence.

(2) **ASSISTANCE.**—The Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall provide assistance to the expert operational planners described in paragraph (1) in the preparation of each exercise required under subsection (a).

(c) **PARTICIPANTS.**—

(1) **FEDERAL GOVERNMENT PARTICIPANTS.**—

(A) Relevant interagency partners, as determined by the Secretary, shall participate in the exercise required under subsection (a), including relevant interagency partners from—

(i) law enforcement agencies;

(ii) elements of the intelligence community, as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)); and

(iii) the Department of Defense.

(B) Senior leader representatives from sector-specific agencies, as determined by the Secretary, shall participate in the exercise required under subsection (a).

(C) Under subparagraph (B), the Secretary shall determine that not less than 1 senior leader representative from each sector-specific agency participates in an exercise required under subsection (a) not less frequently than once every 4 years.

(2) **STATE AND LOCAL GOVERNMENTS.**—The Secretary shall invite representatives from

State, local, and Tribal governments to participate in the exercise required under subsection (a) if the Secretary determines the participation of those representatives to be appropriate.

(3) **PRIVATE SECTOR.**—Depending on the nature of an exercise being conducted under subsection (a), the Secretary, in consultation with the senior leader representative of the sector-specific agencies participating in the exercise under paragraph (1)(B), shall invite the following individuals to participate:

(A) Representatives from private entities.

(B) Other individuals that the Secretary determines will best assist the United States in preparing for, and defending against, a cyber attack.

(4) **INTERNATIONAL PARTNERS.**—Depending on the nature of an exercise being conducted under subsection (a), the Secretary shall invite allies and partners of the United States to participate in the exercise.

(d) **OBSERVERS.**—The Secretary may invite representatives from the executive and legislative branches of the Federal Government to observe the exercise required under subsection (a).

(e) **ELEMENTS.**—The exercise required under subsection (a) shall include the following elements:

(1) Exercising of the orchestration of cybersecurity response and the provision of cyber support to Federal, State, local, and Tribal governments and private entities, including exercising of the command, control, and deconfliction of operational responses of—

(A) the National Security Council;

(B) interagency coordinating and response groups; and

(C) each Federal Government participant described in subsection (c)(1).

(2) Testing of the information-sharing needs and capabilities of exercise participants.

(3) Testing of the relevant policy, guidance, and doctrine, including the National Cyber Incident Response Plan of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(4) A test of the interoperability of Federal, State, local, and Tribal governments and private entities.

(5) Exercising of the integration of operational capabilities of the Department of Homeland Security, the Cyber Mission Force, Federal law enforcement agencies, and elements of the intelligence community, as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(6) Exercising of integrated operations, mutual support, and shared situational awareness of the cybersecurity operations centers of the Federal Government, including—

(A) the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security;

(B) the Cyber Threat Operations Center of the National Security Agency;

(C) the Joint Operations Center of Cyber Command;

(D) the Cyber Threat Intelligence Integration Center of the Office of the Director of National Intelligence;

(E) the National Cyber Investigative Joint Task Force of the Federal Bureau of Investigation;

(F) the Defense Cyber Crime Center of the Department of Defense; and

(G) the Intelligence Community Security Coordination Center of the Office of the Director of National Intelligence.

(f) **BRIEFING.**—

(1) **IN GENERAL.**—Not later than 180 days after the date on which each exercise required under subsection (a) is conducted, the

President shall submit to the appropriate congressional committees a briefing on the participation of the Federal Government participants described in subsection (c)(1) in the exercise.

(2) **CONTENTS.**—The briefing required under paragraph (1) shall include—

(A) an assessment of the decision and response gaps observed in the national level response exercise described in paragraph (1);

(B) proposed recommendations to improve the resilience, response, and recovery of the United States in the case of a significant cyber attack against critical infrastructure;

(C) plans to implement the recommendations described in subparagraph (B); and

(D) specific timelines for the implementation of the plans described in subparagraph (C).

(g) **REPEAL.**—Subsection (b) of section 1648 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1119) is repealed.

(h) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Armed Services of the House of Representatives;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(D) the Committee on Homeland Security of the House of Representatives.

(2) **PRIVATE ENTITY.**—The term “private entity” has the meaning given the term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

(4) **SECTOR-SPECIFIC AGENCY.**—The term “sector-specific agency” has the meaning given the term “Sector-Specific Agency” in section 2201 of the Homeland Security Act of 2002 (6 U.S.C. 651).

(5) **STATE.**—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

SA 1722. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____ . SENSE OF SENATE ON ESTABLISHMENT OF A SELECT COMMITTEE OF THE SENATE ON CYBER MATTERS.

It is the sense of the Senate that—

(1) the Senate should establish a select committee on cyber matters to be known as the “Select Committee of the Senate on Cyber”;

(2) the select committee should consist of such number of members as the Senate determines appropriate, which members should include at least one Senator who is also a member of one or more of the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Commerce, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate;

(3) the select committee should have a chair and a vice chair, selected by the Majority Leader of the Senate and the Minority Leader of the Senate, respectively;

(4) the select committee should have as ex officio members the Majority Leader of the Senate and the Minority Leader of the Senate; and

(5) the select committee should have legislative, authorization, and oversight jurisdiction over the agencies and activities of the Federal Government on cyber matters, and should exercise such jurisdiction concurrently with any other Committee the Senate having jurisdiction over such agencies and activities under the Standing Rules of the Senate in such manner as the Senate determines appropriate.

SA 1723. Mr. KING (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title XVI, insert the following:

SEC. ____ . ASSESSING PRIVATE-PUBLIC COLLABORATION IN CYBERSECURITY.

(a) **REQUIREMENT.**—Not later than December 31, 2021, the Secretary of Defense, in coordination with the Secretary of Homeland Security and the Director of National Intelligence, shall—

(1) conduct a comprehensive review and assessment of any ongoing public-private collaborative initiatives involving the Department of Defense, the Department of Homeland Security, and the private sector relating to cybersecurity and defense of critical infrastructure, including reviews and assessments of—

(A) the Pathfinder initiative of the United States Cyber Command and any derivative initiative;

(B) the Department of Defense’s support to and integration with existing Federal cybersecurity centers and organizations; and

(C) comparable initiatives led by other Federal departments or agencies that support long-term public-private cybersecurity collaboration; and

(2) develop recommendations for improvements and the requirements and resources necessary to institutionalize and strengthen the programs assessed under paragraph (1).

(b) **CERTAIN MATTERS EXCLUDED.**—The review and assessment under subsection (a) shall not include a review or assessment of any intelligence, intelligence organization, or information derived from intelligence collection, except for declassification and downgrade procedures for the purposes of sharing cyber threat information.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than December 31, 2021, the Secretary shall submit to the appropriate committees of Congress a report on the findings of the Secretary with respect to the reviews and assessments conducted under paragraph (1) of subsection (a) and the recommendations developed under paragraph (2) of such subsection.

(2) **FORM OF REPORT.**—The report submitted under paragraph (1) may be submitted in unclassified form or classified form as necessary.

(3) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1724. Mr. KING (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPORT ON THE INTEGRATION OF UNITED STATES CYBER CENTERS.

(a) **REVIEW REQUIRED.**—The Comptroller General of the United States shall conduct a comprehensive review of the Federal cyber and cybersecurity centers in operation on the date of enactment of this Act.

(b) **ELEMENTS OF REVIEW.**—The review required under subsection (a) shall—

(1) with respect to each Federal cyber center—

(A) assess where the missions and operations, or portions of the mission, of the Federal cyber center are unique, overlap, are inefficient, or are in conflict in some way with the mission of the authorizing agency of the Federal cyber center;

(B) assess aspects of the operations of the Federal cyber center that would benefit from greater integration, collaboration, or collocation to support a unified cybersecurity strategy within the Federal government;

(C) assess shortcomings in the capacity, structure, and funding of the Federal cyber center and in the integration of the work of the Federal cyber center with sector-specific agencies; and

(D) assess whether the Federal cyber center has distinct statutory authorities best kept within the authorizing agency of the Federal cyber center;

(2) assess any shortcomings in the Federal cyber centers that inhibit the ability of the Federal cyber centers to maximize public-private cybersecurity efforts;

(3) assess whether an integrated national cybersecurity model, such as the National Cybersecurity Center of the United Kingdom, is an effective model for the United States;

(4) recommend procedures and criteria for expanding the integration of public- and private-sector personnel into Federal Government cyber defense and security efforts, including any limitations posed by the security clearance program for private sector expertise; and

(5) recommend a cyber center structure that integrates, to the maximum extent, Federal cyber centers in a way that optimizes efficiency, minimizes redundancy, and increases information and expertise sharing between the public and private sectors.

(c) **FEDERAL CYBER CENTERS DESCRIBED.**—The review required to be conducted under subsection (a) shall include in the review, at a minimum, the following Federal cyber centers:

(1) The Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(2) The Cyber Threat Operations Center of the National Security Agency.

(3) The Joint Operations Center of Cyber Command.

(4) The Cyber Threat Intelligence Integration Center of the Office of the Director of National Intelligence.

(5) The National Cyber Investigative Joint Task Force of the Federal Bureau of Investigation.

(6) The Defense Cyber Crime Center of the Department of Defense.

(7) The Intelligence Community Security Coordination Center of the Office of the Director of National Intelligence.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report on the review required under subsection (a) to—

(A) the Committee on Armed Services, the Committee on Homeland Security, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **FORM OF REPORT.**—The report required under paragraph (1) may be submitted in unclassified form, and may contain a classified annex, if necessary.

(e) **SENSE OF THE SENATE.**—It is the sense of the Senate that, after submission of the report under subsection (d), the Secretary of Homeland Security, in coordination with the intelligence community, should conduct a regular review regarding—

(1) the status of Federal cyber center integration efforts;

(2) whether any findings of the review conducted under subsection (a) should be updated;

(3) whether additional resources or authorities required to support Federal cyber centers; and

(4) the progress of Federal agencies in addressing the areas identified through the review conducted under subsection (a).

SA 1725. Mr. KING (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII, insert the following:

SEC. ____ . NATIONAL INFORMATION AND COMMUNICATIONS TECHNOLOGY INDUSTRIAL BASE STRATEGY.

(a) **STRATEGY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and once every 4 years thereafter, the President shall coordinate with the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Commerce, the Secretary of State, and the Director of National Intelligence, and consult with private sector entities, to develop a comprehensive national strategy for the information and communications technology (ICT) industrial base for the following 4-year period, or a longer period, if appropriate.

(2) **ELEMENTS.**—The strategy required under paragraph (1) shall—

(A) delineate a national ICT industrial base strategy consistent with—

(i) the most recent national security strategy report submitted pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

(ii) the strategic plans of other relevant departments and agencies of the United States; and

(iii) other relevant national-level strategic plans;

(B) assess the ICT industrial base, to include identifying—

(i) critical technologies, trusted components, products, and materials that comprise or support the ICT industrial base;

(ii) industrial capacity of the United States, as well as its allied and partner nations necessary for the manufacture and development of ICT deemed critical to the United States national and economic security; and

(iii) areas of supply risk to ICT critical technologies, trusted components, products, and materials that comprise or support the ICT industrial base;

(C) identify national ICT strategic priorities and estimate Federal monetary and human resources necessary to fulfill such priorities and areas where strategic financial investment in ICT research and development is necessary for national and economic security; and

(D) assess the Federal government's structure, resourcing, and authorities for evaluating ICT components, products, and materials and promoting availability and integrity of trusted technologies.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after developing the strategy under subsection (a), the President shall submit a report to the appropriate congressional committees with the strategy.

(2) **FORM.**—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **INFORMATION AND COMMUNICATIONS TECHNOLOGY.**—The term “information and communications technology” means information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, protection, or transmission of electronic data and information, as well as any associated content.

SA 1726. Mr. KING (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____ . REVIEW OF INTELLIGENCE AUTHORITIES TO INCREASE INTELLIGENCE SUPPORT TO THE BROADER PRIVATE SECTOR.

(a) **REVIEW REQUIRED.**—Not later than December 31, 2021, the Director of National Intelligence, in coordination with Director of the Cybersecurity and Infrastructure Security Agency and the Director of the National Security Agency, shall submit to the Select Committee on Intelligence and the Committee on Homeland Security and Government Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Homeland Security of the House of Representatives a comprehensive review of intelligence policies, procedures, and resources that identifies and addresses any legal or policy requirements that impede the ability of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) to support—

(1) the private sector; and
(2) the Federal departments and agencies whose mission includes assisting the private sector in its cybersecurity and defense.

(b) **ELEMENTS OF THE REVIEW.**—The review submitted under subsection (a) shall—

(1) identify and address limitations in collection on foreign adversary malicious cyber activity targeting domestic critical infrastructure;

(2) identify limitations in the ability of the intelligence community to share threat intelligence information with the private sector;

(3) review downgrade and declassification procedures for cybersecurity threat intelligence and assess options to improve the speed and timeliness of release;

(4) define criteria and procedures that would identify certain types of intelligence for expedited declassification and release;

(5) examine current and projected mission requirements of the Cybersecurity Directorate of the National Security Agency to support other Federal departments and agencies and the private sector, including funding gaps;

(6) recommend budgetary changes needed to ensure that the National Security Agency meets expectations for increased support to other Federal department and agency cybersecurity efforts, including support to private sector critical infrastructure owners or operators;

(7) review cyber-related information-sharing consent processes, including consent to monitor agreements, and assess gaps and opportunities for greater standardization and simplification while ensuring privacy and civil liberty protections; and

(8) review existing statutes governing national security systems, including National Security Directive 42, and assess the sufficiency of existing National Security Agency authorities to protect systems and assets that are critical to national security.

(c) **SUBMISSION OF RECOMMENDATIONS.**—The review required pursuant to subsection (a) shall include recommendations to address the gaps identified in the review.

(d) **FORM OF REVIEW.**—The review required pursuant to subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 1727. Mr. KING (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ESTABLISHMENT OF JOINT CYBER PLANNING OFFICE.

(a) **AMENDMENT.**—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

“SEC. 2215. JOINT CYBER PLANNING OFFICE.

“(a) **ESTABLISHMENT OF OFFICE.**—There is established in the Agency an office for joint cyber planning (referred to in this section as the ‘Office’) to carry out certain responsibilities of the Secretary. The Office shall be headed by a Director of Joint Cyber Planning.”

“(b) **MISSION.**—The Office shall lead Government-wide and public-private planning for cyber defense campaigns, including the development of a set of coordinated actions to respond to and recover from significant cyber incidents or limit, mitigate, or defend against coordinated, malicious cyber campaigns that pose a potential risk to critical infrastructure of the United States and broader national interests.

“(c) **PLANNING AND EXECUTION.**—In leading the development of Government-wide and public-private plans for cyber defense campaigns pursuant to subsection (b), the Director of Joint Cyber Planning shall—

“(1) establish coordinated and deliberate processes and procedures across relevant Federal departments and agencies, accounting for all participating Federal agency cyber capabilities and authorities;

“(2) ensure that plans are, to the greatest extent practicable, developed in collaboration with relevant public- and private-sector entities, particularly in areas where such entities have comparative advantages in limiting, mitigating, or defending against a significant cyber incident or coordinated, malicious cyber campaign;

“(3) ensure that plans are responsive to potential adversary activity conducted in response to U.S. offensive cyber operations.

“(4) in order to inform and facilitate exercises of such plans, develop and model scenarios based on an understanding of adversary threats, critical infrastructure vulnerability, and potential consequences of disruption or compromise;

“(5) coordinate with and, as necessary, support relevant Federal agencies in the establishment of procedures, development of additional plans, including for offensive and intelligence activities in support of cyber defense campaign plans, and procurement of authorizations necessary for the rapid execution of plans once a significant cyber incident or malicious cyber campaign has been identified; and

“(6) support the Department and other Federal agencies, as appropriate, in coordination and execution of plans developed pursuant to this section.

“(d) **COMPOSITION.**—The Office shall be composed of—

“(1) a central planning staff;

“(2) appropriate representatives of Federal agencies, including—

“(A) the United States Cyber Command;

“(B) the National Security Agency;

“(C) the Federal Bureau of Investigation;

“(D) the Federal Emergency Management Agency; and

“(E) the Office of the Director of National Intelligence;

“(3) appropriate representatives of non-Federal entities, such as—

“(A) State, local, and tribal governments;

“(B) information sharing and analysis organizations, including information sharing and analysis centers;

“(C) owners and operators of critical information systems; and

“(D) private entities; and

“(4) other appropriate representatives or entities, as determined by the Secretary.

“(e) **INTERAGENCY AGREEMENTS.**—The Secretary and the head of a Federal agency described in subsection (d) may enter into agreements for the purpose of detailing personnel on a reimbursable or non-reimbursable basis.

“(f) **INFORMATION PROTECTION.**—Information provided to the Office by a private entity shall be considered to have been shared pursuant to section 103(c) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1503(c)) and shall receive the protections and exemptions provided in such Act.

“(g) **FUNDS.**—There are authorized to be appropriated \$15,000,000 to the Director of Joint Cyber Planning to carry out this section.

“(h) **DEFINITIONS.**—In this section:

“(1) **CRITICAL INFRASTRUCTURE.**—The term ‘critical infrastructure’ means a physical or cyber system or asset that are so vital to the United States that the incapacity or destruction of such system or asset would have a debilitating impact on the physical or economic security of the United States or on public health or safety.

“(2) **CYBER DEFENSE CAMPAIGN.**—The term ‘cyber defense campaign’ means a set of coordinated actions to respond to and recover from a significant cyber incident or limit, mitigate, or defend against a coordinated, malicious cyber campaign targeting critical infrastructure in the United States.

“(3) **SIGNIFICANT CYBER INCIDENT.**—The term ‘significant cyber incident’ means an incident that is, or group of related cyber incidents that together are, reasonably likely to result in significant harm to the national security, foreign policy, or economic health or financial stability of the United States.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat.2135) is amended by inserting after the item relating to section 2214 the following:

“Sec. 2215. Joint Cyber Planning Office.”.

SA 1728. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 12 ____ . EXTENSION AND MODIFICATION OF THE AFGHAN SPECIAL IMMIGRANT VISA PROGRAM.

Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(1) in the heading, by striking “2020” and inserting “2021”;

(2) in the matter preceding clause (i), by striking “22,500” and inserting “26,500”;

(3) in clause (i), by striking “December 31, 2021” and inserting “December 31, 2022.”; and

(4) in clause (ii), by striking “December 31, 2021” and inserting “December 31, 2022.”.

SA 1729. Mrs. SHAHEEN (for herself, Mr. DURBIN, Mr. BLUMENTHAL, and Mr. BOOKER) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for

fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 3. INCREASE IN FUNDING FOR STUDY BY CENTERS FOR DISEASE CONTROL AND PREVENTION RELATING TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCE CONTAMINATION IN DRINKING WATER.

(a) IN GENERAL.—

(1) INCREASE.—The amount authorized to be appropriated by this Act for fiscal year 2021 for Operation and Maintenance, Defense Wide for SAG 4GTN for the study by the Centers for Disease Control and Prevention under section 316(a)(2)(B)(ii) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1350) is hereby increased by \$5,000,000.

(2) OFFSET.—The amount authorized to be appropriated by this Act for fiscal year 2021 for Operation and Maintenance, Army for SAG 421, Servicewide Transportation is hereby reduced by \$5,000,000.

(b) INCREASE IN TRANSFER AUTHORITY.—Section 316(a)(2)(B)(ii) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1350), as amended by section 315(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1713), is amended by striking “\$10,000,000” and inserting “\$15,000,000”.

SA 1730. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____ . SPECIAL RULES FOR CERTAIN MONTHLY WORKERS' COMPENSATION PAYMENTS AND OTHER PAYMENTS FOR FEDERAL GOVERNMENT PERSONNEL UNDER CHIEF OF MISSION AUTHORITY.

Section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) is amended—

(1) in subsection (a), by inserting “or other designated heads of Federal agencies” after “The Secretary of State”; and

(2) in subsection (e)(2), by striking “Department of State” and inserting “Federal Government”.

SA 1731. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

SEC. ____ . COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON VULNERABILITIES OF THE DEPARTMENT OF DEFENSE RESULTING FROM OFFSHORE TECHNICAL SUPPORT CALL CENTERS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on vulnerabilities in connection with the provision of services by offshore technical support call centers to the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and assessment of the location of all offshore technical support call centers.

(2) A description and assessment of the types of information shared by the Department with foreign nationals at offshore technical support call centers.

(3) An assessment of the extent to which access to such information by foreign nationals creates vulnerabilities to the information technology network of the Department.

(c) OFFSHORE TECHNICAL SUPPORT CALL CENTER DEFINED.—In this section, the term “offshore technical support call center” means a call center that—

(1) is physically located outside the United States;

(2) employs individuals who are foreign nationals; and

(3) may be contacted by personnel of the Department to provide technical support relating to technology used by the Department.

SA 1732. Mrs. SHAHEEN (for herself and Mr. BOOKER) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 7. ____ . REGISTRY OF INDIVIDUALS EXPOSED TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES ON MILITARY INSTALLATIONS.

(a) ESTABLISHMENT OF REGISTRY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) establish and maintain a registry for eligible individuals who may have been exposed to perfluoroalkyl and polyfluoroalkyl substances (in this section referred to as “PFAS”) due to the environmental release of aqueous film-forming foam (in this section referred to as “AFFF”) on military installations to meet the requirements of military specification MIL-F-24385F;

(B) include any information in such registry that the Secretary of Veterans Affairs determines necessary to ascertain and monitor the health effects of the exposure of members of the Armed Forces to PFAS associated with AFFF;

(C) develop a public information campaign to inform eligible individuals about the registry, including how to register and the benefits of registering; and

(D) periodically notify eligible individuals of significant developments in the study and treatment of conditions associated with exposure to PFAS.

(2) COORDINATION.—The Secretary of Veterans Affairs shall coordinate with the Secretary of Defense in carrying out paragraph (1).

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than two years after the date on which the registry under subsection (a) is established, the Secretary of Veterans Affairs shall submit to Congress an initial report containing the following:

(A) An assessment of the effectiveness of actions taken by the Secretary of Veterans Affairs and the Secretary of Defense to collect and maintain information on the health effects of exposure to PFAS.

(B) Recommendations to improve the collection and maintenance of such information.

(C) Using established and previously published epidemiological studies, recommendations regarding the most effective and prudent means of addressing the medical needs of eligible individuals with respect to exposure to PFAS.

(2) FOLLOW-UP REPORT.—Not later than five years after submitting the initial report under paragraph (1), the Secretary of Veterans Affairs shall submit to Congress a follow-up report containing the following:

(A) An update to the initial report submitted under paragraph (1).

(B) An assessment of whether and to what degree the content of the registry established under subsection (a) is current and scientifically up-to-date.

(3) INDEPENDENT SCIENTIFIC ORGANIZATION.—The Secretary of Veterans Affairs shall enter into an agreement with an independent scientific organization to prepare the reports under paragraphs (1) and (2).

(c) RECOMMENDATIONS FOR ADDITIONAL EXPOSURES TO BE INCLUDED.—Not later than five years after the date of the enactment of this Act, and every five years thereafter, the Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Administrator of the Environmental Protection Agency, shall submit to Congress recommendations for additional chemicals with respect to which individuals exposed to such chemicals should be included in the registry established under subsection (a).

(d) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term “eligible individual” means any individual who, on or after a date specified by the Secretary of Veterans Affairs through regulations, served or is serving in the Armed Forces at a military installation where AFFF was used or at another location of the Department of Defense where AFFF was used.

SA 1733. Mrs. SHAHEEN (for herself, Mr. DURBIN, Ms. HASSAN, Mr. BLUMENTHAL, and Mr. BOOKER) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 3. ____ . RESPONSE TO RELEASE OF PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES BY THE DEPARTMENT OF DEFENSE.

(a) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES TASK FORCE.—

(1) IN GENERAL.—The Secretary of Defense shall establish a task force to address the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances from activities of the Department of Defense (in this subsection referred to as the “PFAS Task Force”).

(2) MEMBERSHIP.—The members of the PFAS Task Force are the following:

(A) The Assistant Secretary of Defense for Sustainment.

(B) The Assistant Secretary of the Army for Installations, Energy, and Environment.

(C) The Assistant Secretary of the Navy for Energy, Installations, and Environment.

(D) The Assistant Secretary of the Air Force for Installations, Environment, and Energy.

(E) A liaison from the Department of Veterans Affairs to be determined by the Secretary of Veterans Affairs.

(3) CHAIRMAN.—The Assistant Secretary of Defense for Sustainment shall be the chairman of the PFAS Task Force.

(4) SUPPORT.—The Under Secretary of Defense for Personnel and Readiness and such other individuals as the Secretary of Defense considers appropriate shall support the activities of the PFAS Task Force.

(5) DUTIES.—The duties of the PFAS Task Force are the following:

(A) Analysis of the health aspects of exposure to perfluoroalkyl substances and polyfluoroalkyl substances.

(B) Establishment of clean-up standards and performance requirements relating to mitigating the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances.

(C) Finding and funding the procurement of an effective substitute firefighting foam without perfluoroalkyl substances or polyfluoroalkyl substances.

(D) Establishment of standards that are supported by science for determining exposure to and ensuring clean up of perfluoroalkyl substances and polyfluoroalkyl substances.

(E) Establishment of interagency coordination with respect to mitigating the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances.

(6) REPORT.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter, the Chairman of the PFAS Task Force shall submit to Congress a report on the activities of the task force.

(b) BLOOD TESTING FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS TO DETERMINE EXPOSURE TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

(1) IN GENERAL.—Beginning on October 1, 2020, the Secretary of Defense shall make available, on an annual basis, to each member of the Armed Forces and their dependents blood testing to determine and document potential exposure to perfluoroalkyl substances and polyfluoroalkyl substances (commonly known as “PFAS”).

(2) DEPENDENT DEFINED.—In this subsection, the term “dependent” has the meaning given that term in section 1072(2) of title 10, United States Code.

SA 1734. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII, add the following:

SEC. ____ . ANNUAL REPORTS REGARDING THE SBIR PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) DEFINITIONS.—In this section—

(1) the term “SBIR” has the meaning given the term in section 9(e)(4) of the Small Business Act (15 U.S.C. 638(e)(4)); and

(2) the term “Secretary” means the Secretary of Defense.

(b) REPORTS REQUIRED.—Not later than 90 days after the date of enactment of this Act, and not later than 120 days after the end of each fiscal year that begins after that date of enactment, the Secretary, after consultation with the Secretary of each branch of the Armed Forces, shall submit, through the Under Secretary of Defense for Research and Engineering, to Congress a report that addresses—

(1) the ways in which the Secretary, as of the date on which the report is submitted, is using incentives to Department of Defense program managers under section 9(y)(6)(B) of the Small Business Act (15 U.S.C. 638(y)(6)(B)) to increase the number of Phase II SBIR contracts awarded by the Secretary that lead to technology transition into programs of record or fielded systems, which shall include the judgment of the Secretary regarding the potential effect of providing monetary incentives to those officers for that purpose;

(2) the extent to which the Department of Defense has developed simplified and standardized procedures and model contracts throughout the agency for Phase I, Phase II, and Phase III SBIR awards, as required under section 9(hh)(2)(A)(i) of the Small Business Act (15 U.S.C. 638(hh)(2)(A)(i));

(3) with respect to each report submitted under this section after the submission of the first such report, the extent to which any incentives described in this section and implemented by the Secretary have resulted in an increased number of Phase II contracts under the SBIR program of the Department of Defense leading to technology transition into programs of record or fielded systems;

(4) the extent to which Phase I, Phase II, and Phase III projects under the SBIR program of the Department of Defense align with the modernization priorities of the Department, including with respect to artificial intelligence, biotechnology, autonomy, cybersecurity, directed energy, fully networked command, control, and communication systems, microelectronics, quantum science, hypersonics, and space; and

(5) any other action taken, and proposed to be taken, to increase the number of Department of Defense Phase II SBIR contracts leading to technology transition into programs of record or fielded systems.

SA 1735. Mr. BENNET (for himself, Mr. CASEY, Mr. BROWN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. ____ . ANNUAL REPORTS ON MILITARY PERSONNEL AND EXTREMIST IDEOLOGIES.

(a) IN GENERAL.—Not later than February 28 each year, the Secretary of Defense shall

submit to the congressional defense committees a report that sets forth a description and assessment of the interaction between members of the Armed Forces and extremist ideologies during the preceding year.

(b) ELEMENTS.—Each report under subsection (a) shall include, for the year covered by such report, the following:

(1) A description of the current policies of the Department of Defense, and each Armed Force, on affiliations between members of the Armed Forces and recruits to the Armed Forces and white supremacist, neo-Nazi, terrorist, gang, and other extremist ideologies.

(2) A description and assessment of the current procedures used by the Department, and each Armed Force, to identify and mitigate the affiliations described in paragraph (1).

(3) An assessment of the recruitment tactics and practices used by organizations that propound ideologies referred to in paragraph (1) toward members and potential members of the Armed Forces, including a description of the evolution of such tactics and practices.

(4) A listing of the installations currently subject to orders banning hate speech, and affiliated symbols, among installation personnel.

(5) The number of violations of policies against the affiliations described in paragraph (1), including hate crimes, and the number of reports of such violations, identified by the Department, and by each Armed Force, and a description of each such violation, (including the nature of such affiliation and the disciplinary or other measures taken in response to such violation).

(6) If the disciplinary action authorized for violations described in paragraph (5) included administrative separation from the Armed Forces—

(A) the number of individuals administratively separated from the Armed Forces in connection with such violations; and

(B) the number of individuals retained in the Armed Forces notwithstanding a substantiated finding of such a violation.

(7) An identification and assessment of the extent to which the number of such violations is on the increase, and a description and assessment of any trends in the number of such violations.

(8) A description and assessment of the training provided to members of the Armed Forces in order combat the ideologies referred to in paragraph (1), and an identification of each Armed Force that provides implicit bias training, including a description of such training, the frequency of such training, and the recipients of such training.

(9) A description and assessment of the frequency of assessments of the culture of diversity, equity, and inclusion in the Armed Forces.

(10) A description of any programs of the Department, and of the Armed Forces, that showed results in increasing diversity in the Armed Forces and among the grades of the Armed Forces.

(c) ADDITIONAL REPORT IN CONNECTION WITH INCREASE IN VIOLATIONS.—If the report under subsection (a) in 2022 identifies an increase in violations described in subsection (b)(5) between 2020 and 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an additional report setting forth the results of a study, conducted for purposes of this subsection by an entity outside the Department of Defense selected by the Secretary for purposes of this subsection, on the following:

(1) The causes of the increase.

(2) Recommendations for measures to address the increase.

(d) ADDITIONAL ELEMENTS ON TRENDS IN VIOLATIONS.—Each report under subsection (a) shall also include the following:

(1) A description and assessment of the trend in violations described in subsection (b)(5) between the year covered by such report and the year preceding the year covered by such report.

(2) A description and assessment of the work undertaken by the Department of Defense with other departments and agencies of the Federal Government, including the Federal Bureau of Investigation, to identify the extent and nature of such trend.

(e) FORM.—Each report under this section shall be submitted in unclassified form, but may include information in a classified annex only to the extent that submittal of such information in classified form is the sole basis on which such information is submittable to Congress.

SA 1736. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPORT ON THE EFFECTS OF COVID-19 MOBILIZATION ON THE BEHAVIORAL AND PHYSICAL HEALTH OF THE NATIONAL GUARD.

(a) IN GENERAL.—The Chief of the National Guard Bureau shall submit a report to Congress on the effects of COVID-19 mobilization on the behavioral and physical health of the National Guard.

(b) CONTENT OF REPORT.—The report described in subsection (a) shall—

(1) include results of a thorough analysis of COVID-19 surveillance efforts, psychological health, and prevention programming data to describe the impact of COVID-19 on National Guard members' mental health, including any changes in reported anxiety, depression, mood disorders, or risky behaviors;

(2) include an analysis of National Guard members who contracted COVID-19 and what accommodations or access to care they received;

(3) take into account the degree to which employment and economic stressors, reductions in pay, and workplace-induced precarity increased stress on National Guard members during COVID-19;

(4) describe an evidence-based leadership response model for the National Guard that includes a summary of resources available to National Guard members during deployment to the COVID-19 pandemic;

(5) examine potential increases in substance misuse and risky behaviors that may increase under COVID-19 mobilization;

(6) identify barriers to access to healthcare, including physical and behavioral health care, during a member's COVID-19 deployment such as—

(A) lack of TRICARE providers near a service member's or eligible dependent's location;

(B) lack of appointments available with TRICARE providers in the service member's or eligible dependent's location;

(C) barriers to receiving healthcare, including appointments for behavioral health, for service members and their eligible dependents, in an area served by a military medical treatment facility; and

(D) lack of availability of telehealth and other technology enabled options; and

(7) identify increases to access to healthcare and use of healthcare, including physical and behavioral health, for service members and their eligible family members, such as—

(A) the number of service members and eligible dependents who, as a result of orders in response to the COVID-19 pandemic, became TRICARE eligible;

(B) the rate of utilization of TRICARE benefits to obtain healthcare during their time of eligibility;

(C) receiving healthcare, to include physical and behavioral health, at a military medical treatment facility during their time as eligible beneficiaries; and

(D) the rate of utilization of telehealth and other technologies to receive healthcare, to include physical and behavioral health, during their time of eligibility.

SA 1737. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

SEC. 952. BRIEFING ON ASSIGNMENT OF MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY TO THE JOINT ARTIFICIAL INTELLIGENCE CENTER OF THE DEPARTMENT OF DEFENSE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, with appropriate representatives of the Armed Forces, shall brief the Committees on Armed Services of the Senate and the House of Representatives on the feasibility and the current status of assigning members of the Armed Forces on active duty to the Joint Artificial Intelligence Center (JAIC) of the Department of Defense. The briefing shall include an assessment of such assignment on each of the following:

(1) The strengthening of ties between the Joint Artificial Intelligence Center and operational forces for purposes of—

(A) identifying tactical and operational use cases for artificial intelligence (AI);

(B) improving data collection; and

(C) establishing effective liaison between the Center and operational forces for identification and clarification of concerns in the widespread adoption and dissemination of artificial intelligence.

(2) The creation of opportunities for additional non-traditional broadening assignments for members on active duty.

(3) The career trajectory of active duty members so assigned, including potential negative effects on career trajectory.

(4) The improvement and enhancement of the capacity of the Center to influence Department-wide policies that affect the adoption of artificial intelligence.

SA 1738. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____ . RESEARCH AND STUDIES RELATING TO SMART BASE TECHNOLOGY.

(a) AUTHORITY TO ESTABLISH HUB.—The Secretary of Defense may establish a hub to serve as a repository and point of consolidation for research and studies on smart base technology, including matters relating to progress and best practices.

(b) ASSESS AND CONSOLIDATE PROJECTS.—In consultation with each of the secretary of a military department, the Secretary of Defense shall assess and consolidate ongoing and planned projects relating to smart base technology.

(c) ADVANCEMENT OF OTHER PRIORITIES.—The Secretary of Defense shall work with such heads of appropriate offices in the Department to assess if any smart base technology would advance other Department priorities.

(d) ESTABLISHING LINES OF COMMUNICATION.—The Secretary, acting through the hub established under subsection (a) if so established, shall establish contact with the commander of each installation of each of the military departments to establish lines of communication to both disseminate and collect best practices and lessons learned from other projects relating to smart base technology.

SA 1739. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 520. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE COMPTROLLER GENERAL OF THE UNITED STATES ON RECRUITMENT AND RETENTION OF FEMALE MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan to implement and accomplish the recommendations for the Department of Defense in keeping with the May 2020 report of the Government Accountability Office titled "Female Active-Duty Personnel: Guidance and Plans Needed for Recruitment and Retention Efforts", namely the recommendations as follows:

(1) The Secretary of Defense must ensure that the Under Secretary of Defense for Personnel and Readiness provides guidance to each of the Armed Forces to develop plans, with clearly defined goals, performance measures, and timeframes, to guide and monitor the efforts in connection with the recruitment and retention of female members.

(2) Each Secretary of a military department must develop a plan, with clearly defined goals, performance measures, and timeframes, to guide and monitor the efforts of each Armed Force under the jurisdiction of such Secretary in connection with the recruitment and retention of female members in such Armed Force.

SA 1740. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. _____. BRIEFING ON EFFECTS OF CLIMATE CHANGE ON HEALTH OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Sustainment and the Assistant Secretary of Defense for Health Affairs shall brief the appropriate committees of Congress on the effect of climate change on the health of members of the Armed Forces in the contiguous United States and outside the contiguous United States.

(b) ELEMENTS OF BRIEFING.—The briefing under subsection (a) shall specifically address possible increased incidents of—

- (1) heat-related illness;
- (2) water scarcity;
- (3) vector borne disease; and
- (4) extreme weather.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

- (1) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate; and
- (2) the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives.

SA 1741. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE XXX—COLORADO OUTDOOR RECREATION AND ECONOMY

SEC. 30001. SHORT TITLE.

This title may be cited as the “Colorado Outdoor Recreation and Economy Act”.

SEC. 30002. DEFINITION OF STATE.

In this title, the term “State” means the State of Colorado.

SEC. 30003. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this title, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this title, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Subtitle A—Continental Divide

SEC. 30101. DEFINITIONS.

In this subtitle:

(1) COVERED AREA.—The term “covered area” means any area designated as wilderness by the amendments to section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103-77) made by section 30102(a).

(2) HISTORIC LANDSCAPE.—The term “Historic Landscape” means the Camp Hale National Historic Landscape designated by section 30107(a).

(3) RECREATION MANAGEMENT AREA.—The term “Recreation Management Area” means the Tenmile Recreation Management Area designated by section 30104(a).

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(5) WILDLIFE CONSERVATION AREA.—The term “Wildlife Conservation Area” means, as applicable—

- (A) the Porcupine Gulch Wildlife Conservation Area designated by section 30105(a); and
- (B) the Williams Fork Mountains Wildlife Conservation Area designated by section 30106(a).

SEC. 30102. COLORADO WILDERNESS ADDITIONS.

(a) DESIGNATION.—Section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103-77) is amended—

- (1) in paragraph (18), by striking “1993,” and inserting “1993, and certain Federal land within the White River National Forest that comprises approximately 6,896 acres, as generally depicted as ‘Proposed Ptarmigan Peak Wilderness Additions’ on the map entitled ‘Proposed Ptarmigan Peak Wilderness Additions’ and dated June 24, 2019;”; and
- (2) by adding at the end the following:

“(23) HOLY CROSS WILDERNESS ADDITION.—Certain Federal land within the White River National Forest that comprises approximately 3,866 acres, as generally depicted as ‘Proposed Megan Dickie Wilderness Addition’ on the map entitled ‘Holy Cross Wilderness Addition Proposal’ and dated June 24, 2019, which shall be incorporated into, and managed as part of, the Holy Cross Wilderness designated by section 102(a)(5) of Public Law 96-560 (94 Stat. 3266).

“(24) HOOSIER RIDGE WILDERNESS.—Certain Federal land within the White River National Forest that comprises approximately 5,235 acres, as generally depicted as ‘Proposed Hoosier Ridge Wilderness’ on the map entitled ‘Tennmile Proposal’ and dated June 24, 2019, which shall be known as the ‘Hoosier Ridge Wilderness’.

“(25) TENMILE WILDERNESS.—Certain Federal land within the White River National Forest that comprises approximately 7,624 acres, as generally depicted as ‘Proposed Tennmile Wilderness’ on the map entitled ‘Tennmile Proposal’ and dated June 24, 2019, which shall be known as the ‘Tennmile Wilderness’.

“(26) EAGLES NEST WILDERNESS ADDITIONS.—Certain Federal land within the White River National Forest that comprises approximately 9,670 acres, as generally depicted as ‘Proposed Freeman Creek Wilderness Addition’ and ‘Proposed Spraddle Creek Wilderness Addition’ on the map entitled ‘Eagles Nest Wilderness Additions Proposal’ and dated June 24, 2019, which shall be incorporated into, and managed as part of, the Eagles Nest Wilderness designated by Public Law 94-352 (90 Stat. 870).”

(b) APPLICABLE LAW.—Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering a covered area.

(c) FIRE, INSECTS, AND DISEASES.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may carry out any activity in a covered area that the Secretary determines to be necessary for the control of fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be appropriate.

(d) GRAZING.—The grazing of livestock on a covered area, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered to be necessary by the Secretary, in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(e) COORDINATION.—For purposes of administering the Federal land designated as wilderness by paragraph (26) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103-77) (as added by subsection (a)(2)), the Secretary shall, as determined to be appropriate for the protection of watersheds, coordinate the activities of the Secretary in response to fires and flooding events with interested State and local agencies, including operations using aircraft or mechanized equipment.

SEC. 30103. WILLIAMS FORK MOUNTAINS WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land in the White River National Forest in the State, comprising approximately 8,036 acres, as generally depicted as “Proposed Williams Fork Mountains Wilderness” on the map entitled “Williams Fork Mountains Proposal” and dated June 24, 2019, is designated as a potential wilderness area.

(b) MANAGEMENT.—Subject to valid existing rights and except as provided in subsection (d), the potential wilderness area designated by subsection (a) shall be managed in accordance with—

(1) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) this section.

(c) LIVESTOCK USE OF VACANT ALLOTMENTS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with applicable laws (including regulations), the Secretary shall publish a determination regarding whether to authorize livestock grazing or other use by livestock on the vacant allotments known as—

- (A) the “Big Hole Allotment”; and
- (B) the “Blue Ridge Allotment”.

(2) MODIFICATION OF ALLOTMENTS.—In publishing a determination pursuant to paragraph (1), the Secretary may modify or combine the vacant allotments referred to in that paragraph.

(3) PERMIT OR OTHER AUTHORIZATION.—Not later than 1 year after the date on which a determination of the Secretary to authorize livestock grazing or other use by livestock is published under paragraph (1), if applicable, the Secretary shall grant a permit or other authorization for that livestock grazing or other use in accordance with applicable laws (including regulations).

(d) RANGE IMPROVEMENTS.—

(1) IN GENERAL.—If the Secretary permits livestock grazing or other use by livestock on the potential wilderness area under subsection (c), the Secretary, or a third party authorized by the Secretary, may use any motorized or mechanized transport or equipment for purposes of constructing or rehabilitating such range improvements as are necessary to obtain appropriate livestock management objectives (including habitat and watershed restoration).

(2) TERMINATION OF AUTHORITY.—The authority provided by this subsection terminates on the date that is 2 years after the date on which the Secretary publishes a positive determination under subsection (c)(3).

(e) DESIGNATION AS WILDERNESS.—

(1) DESIGNATION.—The potential wilderness area designated by subsection (a) shall be designated as wilderness, to be known as the “Williams Fork Mountains Wilderness”—

(A) effective not earlier than the date that is 180 days after the date of enactment this Act; and

(B) on the earliest of—

(i) the date on which the Secretary publishes in the Federal Register a notice that the construction or rehabilitation of range improvements under subsection (d) is complete;

(ii) the date described in subsection (d)(2); and

(iii) the effective date of a determination of the Secretary not to authorize livestock grazing or other use by livestock under subsection (c)(1).

(2) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall manage the Williams Fork Mountains Wilderness in accordance with—

(A) the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103-77); and

(B) this subsection.

SEC. 30104. TENMILE RECREATION MANAGEMENT AREA.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 17,122 acres of Federal land in the White River National Forest in the State, as generally depicted as “Proposed Tenmile Recreation Management Area” on the map entitled “Tenmile Proposal” and dated June 24, 2019, are designated as the “Tenmile Recreation Management Area”.

(b) PURPOSES.—The purposes of the Recreation Management Area are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the recreational, scenic, watershed, habitat, and ecological resources of the Recreation Management Area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Recreation Management Area—

(A) in a manner that conserves, protects, and enhances—

(i) the purposes of the Recreation Management Area described in subsection (b); and

(ii) recreation opportunities, including mountain biking, hiking, fishing, horseback riding, snowshoeing, climbing, skiing, camping, and hunting; and

(B) in accordance with—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) any other applicable laws (including regulations); and

(iii) this section.

(2) USES.—

(A) IN GENERAL.—The Secretary shall only allow such uses of the Recreation Management Area as the Secretary determines would further the purposes described in subsection (b).

(B) VEHICLES.—

(i) IN GENERAL.—Except as provided in clause (iii), the use of motorized vehicles in the Recreation Management Area shall be limited to the roads, vehicle classes, and periods authorized for motorized vehicle use on the date of enactment of this Act.

(ii) NEW OR TEMPORARY ROADS.—Except as provided in clause (iii), no new or temporary road shall be constructed in the Recreation Management Area.

(iii) EXCEPTIONS.—Nothing in clause (i) or (ii) prevents the Secretary from—

(I) rerouting or closing an existing road or trail to protect natural resources from degradation, as the Secretary determines to be appropriate;

(II) authorizing the use of motorized vehicles for administrative purposes or roadside camping;

(III) constructing temporary roads or permitting the use of motorized vehicles to carry out pre- or post-fire watershed protection projects;

(IV) authorizing the use of motorized vehicles to carry out any activity described in subsection (d), (e)(1), or (f); or

(V) responding to an emergency.

(C) COMMERCIAL TIMBER.—

(i) IN GENERAL.—Subject to clause (ii), no project shall be carried out in the Recreation Management Area for the purpose of harvesting commercial timber.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from harvesting or selling a merchantable product that is a byproduct of an activity authorized under this section.

(d) FIRE, INSECTS, AND DISEASES.—The Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines to be necessary to prevent, control, or mitigate fire, insects, or disease in the Recreation Management Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(e) WATER.—

(1) EFFECT ON WATER MANAGEMENT INFRASTRUCTURE.—Nothing in this section affects the construction, repair, reconstruction, replacement, operation, maintenance, or renovation within the Recreation Management Area of—

(A) water management infrastructure in existence on the date of enactment of this Act; or

(B) any future infrastructure necessary for the development or exercise of water rights decreed before the date of enactment of this Act.

(2) APPLICABLE LAW.—Section 3(e) of the James Peak Wilderness and Protection Area Act (Public Law 107-216; 116 Stat. 1058) shall apply to the Recreation Management Area.

(f) REGIONAL TRANSPORTATION PROJECTS.—Nothing in this section precludes the Secretary from authorizing, in accordance with applicable laws (including regulations), the use or leasing of Federal land within the Recreation Management Area for—

(1) a regional transportation project, including—

(A) highway widening or realignment; and

(B) construction of multimodal transportation systems; or

(2) any infrastructure, activity, or safety measure associated with the implementation or use of a facility constructed under paragraph (1).

(g) APPLICABLE LAW.—Nothing in this section affects the designation of the Federal land within the Recreation Management Area for purposes of—

(1) section 138 of title 23, United States Code; or

(2) section 303 of title 49, United States Code.

(h) PERMITS.—Nothing in this section alters or limits—

(1) any permit held by a ski area or other entity; or

(2) the acceptance, review, or implementation of associated activities or facilities proposed or authorized by law or permit outside the boundaries of the Recreation Management Area.

SEC. 30105. PORCUPINE GULCH WILDLIFE CONSERVATION AREA.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 8,287 acres of Federal land located in the White River National Forest, as generally depicted as “Proposed Porcupine Gulch Wildlife Conservation Area” on the map entitled “Porcupine Gulch Wildlife Conservation Area Proposal” and dated June 24, 2019, are designated as the “Porcupine Gulch Wildlife Conservation Area” (referred to in this section as the “Wildlife Conservation Area”).

(b) PURPOSES.—The purposes of the Wildlife Conservation Area are—

(1) to conserve and protect a wildlife migration corridor over Interstate 70; and

(2) to conserve, protect, and enhance for the benefit and enjoyment of present and fu-

ture generations the wildlife, scenic, roadless, watershed, and ecological resources of the Wildlife Conservation Area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Wildlife Conservation Area—

(A) in a manner that conserves, protects, and enhances the purposes described in subsection (b); and

(B) in accordance with—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) any other applicable laws (including regulations); and

(iii) this section.

(2) USES.—

(A) IN GENERAL.—The Secretary shall only allow such uses of the Wildlife Conservation Area as the Secretary determines would further the purposes described in subsection (b).

(B) RECREATION.—The Secretary may permit such recreational activities in the Wildlife Conservation Area that the Secretary determines are consistent with the purposes described in subsection (b).

(C) MOTORIZED VEHICLES AND MECHANIZED TRANSPORT; NEW OR TEMPORARY ROADS.—

(i) MOTORIZED VEHICLES AND MECHANIZED TRANSPORT.—Except as provided in clause (iii), the use of motorized vehicles and mechanized transport in the Wildlife Conservation Area shall be prohibited.

(ii) NEW OR TEMPORARY ROADS.—Except as provided in clause (iii) and subsection (e), no new or temporary road shall be constructed within the Wildlife Conservation Area.

(iii) EXCEPTIONS.—Nothing in clause (i) or (ii) prevents the Secretary from—

(I) authorizing the use of motorized vehicles or mechanized transport for administrative purposes;

(II) constructing temporary roads or permitting the use of motorized vehicles or mechanized transport to carry out pre- or post-fire watershed protection projects;

(III) authorizing the use of motorized vehicles or mechanized transport to carry out activities described in subsection (d) or (e); or

(IV) responding to an emergency.

(D) COMMERCIAL TIMBER.—

(i) IN GENERAL.—Subject to clause (ii), no project shall be carried out in the Wildlife Conservation Area for the purpose of harvesting commercial timber.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from harvesting or selling a merchantable product that is a byproduct of an activity authorized under this section.

(d) FIRE, INSECTS, AND DISEASES.—The Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines to be necessary to prevent, control, or mitigate fire, insects, or disease in the Wildlife Conservation Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(e) REGIONAL TRANSPORTATION PROJECTS.—Nothing in this section or section 30110(e) precludes the Secretary from authorizing, in accordance with applicable laws (including regulations), the use or leasing of Federal land within the Wildlife Conservation Area for—

(1) a regional transportation project, including—

(A) highway widening or realignment; and

(B) construction of multimodal transportation systems; or

(2) any infrastructure, activity, or safety measure associated with the implementation or use of a facility constructed under paragraph (1).

(f) APPLICABLE LAW.—Nothing in this section affects the designation of the Federal

land within the Wildlife Conservation Area for purposes of—

(1) section 138 of title 23, United States Code; or

(2) section 303 of title 49, United States Code.

(g) **WATER.**—Section 3(e) of the James Peak Wilderness and Protection Area Act (Public Law 107–216; 116 Stat. 1058) shall apply to the Wildlife Conservation Area.

SEC. 30106. WILLIAMS FORK MOUNTAINS WILDLIFE CONSERVATION AREA.

(a) **DESIGNATION.**—Subject to valid existing rights, the approximately 3,528 acres of Federal land in the White River National Forest in the State, as generally depicted as “Proposed Williams Fork Mountains Wildlife Conservation Area” on the map entitled “Williams Fork Mountains Proposal” and dated June 24, 2019, are designated as the “Williams Fork Mountains Wildlife Conservation Area” (referred to in this section as the “Wildlife Conservation Area”).

(b) **PURPOSES.**—The purposes of the Wildlife Conservation Area are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the wildlife, scenic, roadless, watershed, recreational, and ecological resources of the Wildlife Conservation Area.

(c) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Wildlife Conservation Area—

(A) in a manner that conserves, protects, and enhances the purposes described in subsection (b); and

(B) in accordance with—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) any other applicable laws (including regulations); and

(iii) this section.

(2) **USES.**—

(A) **IN GENERAL.**—The Secretary shall only allow such uses of the Wildlife Conservation Area as the Secretary determines would further the purposes described in subsection (b).

(B) **MOTORIZED VEHICLES.**—

(i) **IN GENERAL.**—Except as provided in clause (iii), the use of motorized vehicles in the Wildlife Conservation Area shall be limited to designated roads and trails.

(ii) **NEW OR TEMPORARY ROADS.**—Except as provided in clause (iii), no new or temporary road shall be constructed in the Wildlife Conservation Area.

(iii) **EXCEPTIONS.**—Nothing in clause (i) or (ii) prevents the Secretary from—

(I) authorizing the use of motorized vehicles for administrative purposes;

(II) authorizing the use of motorized vehicles to carry out activities described in subsection (d); or

(III) responding to an emergency.

(C) **BICYCLES.**—The use of bicycles in the Wildlife Conservation Area shall be limited to designated roads and trails.

(D) **COMMERCIAL TIMBER.**—

(i) **IN GENERAL.**—Subject to clause (ii), no project shall be carried out in the Wildlife Conservation Area for the purpose of harvesting commercial timber.

(ii) **LIMITATION.**—Nothing in clause (i) prevents the Secretary from harvesting or selling a merchantable product that is a byproduct of an activity authorized under this section.

(E) **GRAZING.**—The laws (including regulations) and policies followed by the Secretary in issuing and administering grazing permits or leases on land under the jurisdiction of the Secretary shall continue to apply with regard to the land in the Wildlife Conservation Area, consistent with the purposes described in subsection (b).

(d) **FIRE, INSECTS, AND DISEASES.**—The Secretary may carry out any activity, in ac-

cordance with applicable laws (including regulations), that the Secretary determines to be necessary to prevent, control, or mitigate fire, insects, or disease in the Wildlife Conservation Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(e) **REGIONAL TRANSPORTATION PROJECTS.**—Nothing in this section or section 30110(e) precludes the Secretary from authorizing, in accordance with applicable laws (including regulations), the use or leasing of Federal land within the Wildlife Conservation Area for—

(1) a regional transportation project, including—

(A) highway widening or realignment; and

(B) construction of multimodal transportation systems; or

(2) any infrastructure, activity, or safety measure associated with the implementation or use of a facility constructed under paragraph (1).

(f) **WATER.**—Section 3(e) of the James Peak Wilderness and Protection Area Act (Public Law 107–216; 116 Stat. 1058) shall apply to the Wildlife Conservation Area.

SEC. 30107. CAMP HALE NATIONAL HISTORIC LANDSCAPE.

(a) **DESIGNATION.**—Subject to valid existing rights, the approximately 28,676 acres of Federal land in the White River National Forest in the State, as generally depicted as “Proposed Camp Hale National Historic Landscape” on the map entitled “Camp Hale National Historic Landscape Proposal” and dated June 24, 2019, are designated the “Camp Hale National Historic Landscape”.

(b) **PURPOSES.**—The purposes of the Historic Landscape are—

(1) to provide for—

(A) the interpretation of historic events, activities, structures, and artifacts of the Historic Landscape, including with respect to the role of the Historic Landscape in local, national, and world history;

(B) the historic preservation of the Historic Landscape, consistent with—

(i) the designation of the Historic Landscape as a national historic site; and

(ii) the other purposes of the Historic Landscape;

(C) recreational opportunities, with an emphasis on the activities related to the historic use of the Historic Landscape, including skiing, snowshoeing, snowmobiling, hiking, horseback riding, climbing, other road- and trail-based activities, and other outdoor activities; and

(D) the continued environmental remediation and removal of unexploded ordnance at the Camp Hale Formerly Used Defense Site and the Camp Hale historic cantonment area; and

(2) to conserve, protect, restore, and enhance for the benefit and enjoyment of present and future generations the scenic, watershed, and ecological resources of the Historic Landscape.

(c) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Historic Landscape in accordance with—

(A) the purposes of the Historic Landscape described in subsection (b); and

(B) any other applicable laws (including regulations).

(2) **MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Not later than 5 years after the date of enactment of this Act, the Secretary shall prepare a management plan for the Historic Landscape.

(B) **CONTENTS.**—The management plan prepared under subparagraph (A) shall include plans for—

(i) improving the interpretation of historic events, activities, structures, and artifacts of the Historic Landscape, including with re-

spect to the role of the Historic Landscape in local, national, and world history;

(ii) conducting historic preservation and veteran outreach and engagement activities;

(iii) managing recreational opportunities, including the use and stewardship of—

(I) the road and trail systems; and

(II) dispersed recreation resources;

(iv) the conservation, protection, restoration, or enhancement of the scenic, watershed, and ecological resources of the Historic Landscape, including conducting the restoration and enhancement project under subsection (d); and

(v) environmental remediation and, consistent with subsection (e)(2), the removal of unexploded ordnance.

(3) **EXPLOSIVE HAZARDS.**—The Secretary shall provide to the Secretary of the Army a notification of any unexploded ordnance (as defined in section 101(e) of title 10, United States Code) that is discovered in the Historic Landscape.

(d) **CAMP HALE RESTORATION AND ENHANCEMENT PROJECT.**—

(1) **IN GENERAL.**—The Secretary shall conduct a restoration and enhancement project in the Historic Landscape—

(A) to improve aquatic, riparian, and wetland conditions in and along the Eagle River and tributaries of the Eagle River;

(B) to maintain or improve recreation and interpretive opportunities and facilities; and

(C) to conserve historic values in the Camp Hale area.

(2) **COORDINATION.**—In carrying out the project described in paragraph (1), the Secretary shall coordinate with—

(A) the Corps of Engineers;

(B) the Camp Hale-Eagle River Headwaters Collaborative Group;

(C) the National Forest Foundation;

(D) the Colorado Department of Public Health and Environment;

(E) the Colorado State Historic Preservation Office;

(F) units of local government; and

(G) other interested organizations and members of the public.

(e) **ENVIRONMENTAL REMEDIATION.**—

(1) **IN GENERAL.**—The Secretary of the Army shall continue to carry out the projects and activities of the Department of the Army in existence on the date of enactment of this Act relating to cleanup of—

(A) the Camp Hale Formerly Used Defense Site; or

(B) the Camp Hale historic cantonment area.

(2) **REMOVAL OF UNEXPLODED ORDNANCE.**—

(A) **IN GENERAL.**—The Secretary of the Army may remove unexploded ordnance (as defined in section 101(e) of title 10, United States Code) from the Historic Landscape, as the Secretary of the Army determines to be appropriate in accordance with applicable law (including regulations).

(B) **ACTION ON RECEIPT OF NOTICE.**—On receipt from the Secretary of a notification of unexploded ordnance under subsection (c)(3), the Secretary of the Army may remove the unexploded ordnance in accordance with—

(i) the program for environmental restoration of formerly used defense sites under section 2701 of title 10, United States Code;

(ii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(iii) any other applicable provision of law (including regulations).

(3) **EFFECT OF SUBSECTION.**—Nothing in this subsection modifies any obligation in existence on the date of enactment of this Act relating to environmental remediation or removal of any unexploded ordnance located in or around the Camp Hale historic cantonment area, the Camp Hale Formerly Used

Defense Site, or the Historic Landscape, including such an obligation under—

(A) the program for environmental restoration of formerly used defense sites under section 2701 of title 10, United States Code;

(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(C) any other applicable provision of law (including regulations).

(f) INTERAGENCY AGREEMENT.—The Secretary and the Secretary of the Army shall enter into an agreement—

(1) to specify—

(A) the activities of the Secretary relating to the management of the Historic Landscape; and

(B) the activities of the Secretary of the Army relating to environmental remediation and the removal of unexploded ordnance in accordance with subsection (e) and other applicable laws (including regulations); and

(2) to require the Secretary to provide to the Secretary of the Army, by not later than 1 year after the date of enactment of this Act and periodically thereafter, as appropriate, a management plan for the Historic Landscape for purposes of the removal activities described in subsection (e).

(g) EFFECT.—Nothing in this section—

(1) affects the jurisdiction of the State over any water law, water right, or adjudication or administration relating to any water resource;

(2) affects any water right in existence on or after the date of enactment of this Act, or the exercise of such a water right, including—

(A) a water right under an interstate water compact (including full development of any apportionment made in accordance with such a compact);

(B) a water right decreed within, above, below, or through the Historic Landscape;

(C) a water right held by the United States;

(D) the management or operation of any reservoir, including the storage, management, release, or transportation of water; and

(E) the construction or operation of such infrastructure as is determined to be necessary by an individual or entity holding water rights to develop and place to beneficial use those rights, subject to applicable Federal, State, and local law (including regulations);

(3) constitutes an express or implied reservation by the United States of any reserved or appropriative water right;

(4) alters or limits—

(A) a permit held by a ski area;

(B) the implementation of activities governed by a ski area permit; or

(C) the authority of the Secretary to modify or expand an existing ski area permit;

(5) prevents the Secretary from closing portions of the Historic Landscape for public safety, environmental remediation, or other use in accordance with applicable laws; or

(6) affects—

(A) any special use permit in effect on the date of enactment of this Act; or

(B) the renewal of a permit described in subparagraph (A).

(h) FUNDING.—

(1) IN GENERAL.—There is established in the general fund of the Treasury a special account, to be known as the “Camp Hale Historic Preservation and Restoration Fund”.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Camp Hale Historic Preservation and Restoration Fund \$10,000,000, to be available to the Secretary until expended, for activities relating to historic interpretation, preservation, and restoration carried out in and around the Historic Landscape.

(i) DESIGNATION OF OVERLOOK.—The interpretive site located beside United States Route 24 in the State, at 39.431N 106.323W, is designated as the “Sandy Treat Overlook”.

SEC. 30108. WHITE RIVER NATIONAL FOREST BOUNDARY MODIFICATION.

(a) IN GENERAL.—The boundary of the White River National Forest is modified to include the approximately 120 acres comprised of the SW¼, the SE¼, and the NE¼ of the SE¼ of sec. 1, T. 2 S., R. 80 W., 6th Principal Meridian, in Summit County in the State.

(b) LAND AND WATER CONSERVATION FUND.—For purposes of section 200306 of title 54, United States Code, the boundaries of the White River National Forest, as modified by subsection (a), shall be considered to be the boundaries of the White River National Forest as in existence on January 1, 1965.

SEC. 30109. ROCKY MOUNTAIN NATIONAL PARK POTENTIAL WILDERNESS BOUNDARY ADJUSTMENT.

(a) PURPOSE.—The purpose of this section is to provide for the ongoing maintenance and use of portions of the Trail River Ranch and the associated property located within Rocky Mountain National Park in Grand County in the State.

(b) BOUNDARY ADJUSTMENT.—Section 1952(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1070) is amended by adding at the end the following:

“(3) BOUNDARY ADJUSTMENT.—The boundary of the Potential Wilderness is modified to exclude the area comprising approximately 15.5 acres of land identified as ‘Potential Wilderness to Non-wilderness’ on the map entitled ‘Rocky Mountain National Park Proposed Wilderness Area Amendment’ and dated January 16, 2018.”.

SEC. 30110. ADMINISTRATIVE PROVISIONS.

(a) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction or responsibility of the State with respect to fish and wildlife in the State.

(b) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this subtitle or an amendment made by this subtitle establishes a protective perimeter or buffer zone around—

(A) a covered area;

(B) a wilderness area or potential wilderness area designated by section 30103;

(C) the Recreation Management Area;

(D) a Wildlife Conservation Area; or

(E) the Historic Landscape.

(2) OUTSIDE ACTIVITIES.—The fact that a nonwilderness activity or use on land outside of a covered area can be seen or heard from within the covered area shall not preclude the activity or use outside the boundary of the covered area.

(c) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of each area described in subsection (b)(1) with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire any land or interest in land within the

boundaries of an area described in subsection (b)(1) only through exchange, donation, or purchase from a willing seller.

(2) MANAGEMENT.—Any land or interest in land acquired under paragraph (1) shall be incorporated into, and administered as a part of, the wilderness area, Recreation Management Area, Wildlife Conservation Area, or Historic Landscape, as applicable, in which the land or interest in land is located.

(e) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the areas described in subsection (b)(1) are withdrawn from—

(1) entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(f) MILITARY OVERFLIGHTS.—Nothing in this subtitle or an amendment made by this subtitle restricts or precludes—

(1) any low-level overflight of military aircraft over any area subject to this subtitle or an amendment made by this subtitle, including military overflights that can be seen, heard, or detected within such an area;

(2) flight testing or evaluation over an area described in paragraph (1); or

(3) the use or establishment of—

(A) any new unit of special use airspace over an area described in paragraph (1); or

(B) any military flight training or transportation over such an area.

(g) SENSE OF CONGRESS.—It is the sense of Congress that military aviation training on Federal public land in the State, including the training conducted at the High-Altitude Army National Guard Aviation Training Site, is critical to the national security of the United States and the readiness of the Armed Forces.

Subtitle B—San Juan Mountains

SEC. 30201. DEFINITIONS.

In this subtitle:

(1) COVERED LAND.—The term “covered land” means—

(A) land designated as wilderness under paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 30202); and

(B) a Special Management Area.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(3) SPECIAL MANAGEMENT AREA.—The term “Special Management Area” means each of—

(A) the Sheep Mountain Special Management Area designated by section 30203(a)(1); and

(B) the Liberty Bell East Special Management Area designated by section 30203(a)(2).

SEC. 30202. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

Section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as amended by section 30102(a)(2)) is amended by adding at the end the following:

“(27) LIZARD HEAD WILDERNESS ADDITION.—Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 3,141 acres, as generally depicted on the map entitled ‘Proposed Wilson, Sunshine, Black Face and San Bernardo Additions to the Lizard Head Wilderness’ and dated September 6, 2018, which is incorporated in, and shall be administered as part of, the Lizard Head Wilderness.

“(28) MOUNT SNEFFELS WILDERNESS ADDITIONS.—

“(A) LIBERTY BELL AND LAST DOLLAR ADDITIONS.—Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 7,235 acres, as generally depicted on the map entitled ‘Proposed Liberty Bell and Last Dollar

Additions to the Mt. Sneffels Wilderness, Liberty Bell East Special Management Area' and dated September 6, 2018, which is incorporated in, and shall be administered as part of, the Mount Sneffels Wilderness.

“(B) WHITEHOUSE ADDITIONS.—Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 12,465 acres, as generally depicted on the map entitled ‘Proposed Whitehouse Additions to the Mt. Sneffels Wilderness’ and dated September 6, 2018, which is incorporated in, and shall be administered as part of, the Mount Sneffels Wilderness.

“(29) MCKENNA PEAK WILDERNESS.—Certain Federal land in the State of Colorado comprising approximately 8,884 acres of Bureau of Land Management land, as generally depicted on the map entitled ‘Proposed McKenna Peak Wilderness Area’ and dated September 18, 2018, to be known as the ‘McKenna Peak Wilderness’.”.

SEC. 30203. SPECIAL MANAGEMENT AREAS.

(a) DESIGNATION.—

(1) SHEEP MOUNTAIN SPECIAL MANAGEMENT AREA.—The Federal land in the Grand Mesa, Uncompahgre, and Gunnison and San Juan National Forests in the State comprising approximately 21,663 acres, as generally depicted on the map entitled “Proposed Sheep Mountain Special Management Area” and dated September 19, 2018, is designated as the “Sheep Mountain Special Management Area”.

(2) LIBERTY BELL EAST SPECIAL MANAGEMENT AREA.—The Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests in the State comprising approximately 792 acres, as generally depicted on the map entitled “Proposed Liberty Bell and Last Dollar Additions to the Mt. Sneffels Wilderness, Liberty Bell East Special Management Area” and dated September 6, 2018, is designated as the “Liberty Bell East Special Management Area”.

(b) PURPOSE.—The purpose of the Special Management Areas is to conserve and protect for the benefit and enjoyment of present and future generations the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the Special Management Areas.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Special Management Areas in a manner that—

(A) conserves, protects, and enhances the resources and values of the Special Management Areas described in subsection (b);

(B) subject to paragraph (3), maintains or improves the wilderness character of the Special Management Areas and the suitability of the Special Management Areas for potential inclusion in the National Wilderness Preservation System; and

(C) is in accordance with—

(i) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.);

(ii) this subtitle; and

(iii) any other applicable laws.

(2) PROHIBITIONS.—The following shall be prohibited in the Special Management Areas:

(A) Permanent roads.

(B) Except as necessary to meet the minimum requirements for the administration of the Federal land, to provide access for abandoned mine cleanup, and to protect public health and safety—

(i) the use of motor vehicles, motorized equipment, or mechanical transport (other than as provided in paragraph (3)); and

(ii) the establishment of temporary roads.

(3) AUTHORIZED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may allow any activities (including helicopter access

for recreation and maintenance and the competitive running event permitted since 1992) that have been authorized by permit or license as of the date of enactment of this Act to continue within the Special Management Areas, subject to such terms and conditions as the Secretary may require.

(B) PERMITTING.—The designation of the Special Management Areas by subsection (a) shall not affect the issuance of permits relating to the activities covered under subparagraph (A) after the date of enactment of this Act.

(C) BICYCLES.—The Secretary may permit the use of bicycles in—

(i) the portion of the Sheep Mountain Special Management Area identified as “Ophir Valley Area” on the map entitled “Proposed Sheep Mountain Special Management Area” and dated September 19, 2018; and

(ii) the portion of the Liberty Bell East Special Management Area identified as “Liberty Bell Corridor” on the map entitled “Proposed Liberty Bell and Last Dollar Additions to the Mt. Sneffels Wilderness, Liberty Bell East Special Management Area” and dated September 6, 2018.

(d) APPLICABLE LAW.—Water and water rights in the Special Management Areas shall be administered in accordance with section 8 of the Colorado Wilderness Act of 1993 (Public Law 103-77; 107 Stat. 762), except that, for purposes of this subtitle—

(1) any reference contained in that section to “the lands designated as wilderness by this Act”, “the Piedra, Roubideau, and Tabeguache areas identified in section 9 of this Act, or the Bowen Gulch Protection Area or the Fossil Ridge Recreation Management Area identified in sections 5 and 6 of this Act”, or “the areas described in sections 2, 5, 6, and 9 of this Act” shall be considered to be a reference to “the Special Management Areas”; and

(2) any reference contained in that section to “this Act” shall be considered to be a reference to “the Colorado Outdoor Recreation and Economy Act”.

SEC. 30204. RELEASE OF WILDERNESS STUDY AREAS.

(a) DOMINGUEZ CANYON WILDERNESS STUDY AREA.—Subtitle E of title II of Public Law 111-11 is amended—

(1) by redesignating section 2408 (16 U.S.C. 460zzz-7) as section 2409; and

(2) by inserting after section 2407 (16 U.S.C. 460zzz-6) the following:

“SEC. 2408. RELEASE.

“(a) IN GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Dominguez Canyon Wilderness Study Area not designated as wilderness by this subtitle have been adequately studied for wilderness designation.

“(b) RELEASE.—Any public land referred to in subsection (a) that is not designated as wilderness by this subtitle—

“(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

“(2) shall be managed in accordance with this subtitle and any other applicable laws.”.

(b) MCKENNA PEAK WILDERNESS STUDY AREA.—

(1) IN GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the McKenna Peak Wilderness Study Area in San Miguel County in the State not designated as wilderness by paragraph (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103-77) (as added by section 30202) have been adequately studied for wilderness designation.

(2) RELEASE.—Any public land referred to in paragraph (1) that is not designated as wilderness by paragraph (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103-77) (as added by section 30202)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable laws.

SEC. 30205. ADMINISTRATIVE PROVISIONS.

(a) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction or responsibility of the State with respect to fish and wildlife in the State.

(b) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this subtitle establishes a protective perimeter or buffer zone around covered land.

(2) ACTIVITIES OUTSIDE WILDERNESS.—The fact that a nonwilderness activity or use on land outside of the covered land can be seen or heard from within covered land shall not preclude the activity or use outside the boundary of the covered land.

(c) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary or the Secretary of the Interior, as appropriate, shall file a map and a legal description of each wilderness area designated by paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103-77) (as added by section 30202) and the Special Management Areas with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary or the Secretary of the Interior, as appropriate, may correct any typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the Forest Service.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary or the Secretary of the Interior, as appropriate, may acquire any land or interest in land within the boundaries of a Special Management Area or the wilderness designated under paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103-77) (as added by section 30202) only through exchange, donation, or purchase from a willing seller.

(2) MANAGEMENT.—Any land or interest in land acquired under paragraph (1) shall be incorporated into, and administered as a part of, the wilderness or Special Management Area in which the land or interest in land is located.

(e) GRAZING.—The grazing of livestock on covered land, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered to be necessary by the Secretary with jurisdiction over the covered land, in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the applicable guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405) or H.R. 5487 of the 96th Congress (H. Rept. 96-617).

(f) FIRE, INSECTS, AND DISEASES.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary with jurisdiction over a wilderness area designated by paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103-77) (as added by section 30202) may carry out any activity in the wilderness area that the Secretary determines to be necessary for the control of fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be appropriate.

(g) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the covered land and the approximately 6,590 acres generally depicted on the map entitled “Proposed Naturita Canyon Mineral Withdrawal Area” and dated September 6, 2018, is withdrawn from—

(1) entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

Subtitle C—Thompson Divide

SEC. 30301. PURPOSES.

The purposes of this subtitle are—

(1) subject to valid existing rights, to withdraw certain Federal land in the Thompson Divide area from mineral and other disposal laws; and

(2) to promote the capture of fugitive methane emissions that would otherwise be emitted into the atmosphere—

(A) to reduce methane gas emissions; and

(B) to provide—

(i) new renewable electricity supplies and other beneficial uses of fugitive methane emissions; and

(ii) increased royalties for taxpayers.

SEC. 30302. DEFINITIONS.

In this subtitle:

(1) FUGITIVE METHANE EMISSIONS.—The term “fugitive methane emissions” means methane gas from the Federal land in Garfield, Gunnison, Delta, or Pitkin County in the State, as generally depicted on the pilot program map as “Fugitive Coal Mine Methane Use Pilot Program Area”, that would leak or be vented into the atmosphere from an active, inactive, or abandoned underground coal mine.

(2) PILOT PROGRAM.—The term “pilot program” means the Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program established by section 30305(a)(1).

(3) PILOT PROGRAM MAP.—The term “pilot program map” means the map entitled “Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program Area” and dated June 17, 2019.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) THOMPSON DIVIDE LEASE.—

(A) IN GENERAL.—The term “Thompson Divide lease” means any oil or gas lease in effect on the date of enactment of this Act within the Thompson Divide Withdrawal and Protection Area.

(B) EXCLUSIONS.—The term “Thompson Divide lease” does not include any oil or gas lease that—

(i) is associated with a Wolf Creek Storage Field development right; or

(ii) before the date of enactment of this Act, has expired, been cancelled, or otherwise terminated.

(6) THOMPSON DIVIDE MAP.—The term “Thompson Divide map” means the map entitled “Greater Thompson Divide Area Map” and dated June 13, 2019.

(7) THOMPSON DIVIDE WITHDRAWAL AND PROTECTION AREA.—The term “Thompson Divide Withdrawal and Protection Area” means the Federal land and minerals generally depicted

on the Thompson Divide map as the “Thompson Divide Withdrawal and Protection Area”.

(8) WOLF CREEK STORAGE FIELD DEVELOPMENT RIGHT.—

(A) IN GENERAL.—The term “Wolf Creek Storage Field development right” means a development right for any of the Federal mineral leases numbered COC 007496, COC 007497, COC 007498, COC 007499, COC 007500, COC 007538, COC 008128, COC 015373, COC 0128018, COC 051645, and COC 051646, as generally depicted on the Thompson Divide map as “Wolf Creek Storage Agreement”.

(B) EXCLUSIONS.—The term “Wolf Creek Storage Field development right” does not include any storage right or related activity within the area described in subparagraph (A).

SEC. 30303. THOMPSON DIVIDE WITHDRAWAL AND PROTECTION AREA.

(a) WITHDRAWAL.—Subject to valid existing rights, the Thompson Divide Withdrawal and Protection Area is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) SURVEYS.—The exact acreage and legal description of the Thompson Divide Withdrawal and Protection Area shall be determined by surveys approved by the Secretary, in consultation with the Secretary of Agriculture.

(c) GRAZING.—The grazing of livestock on covered land, if established before the date of enactment of this Act, shall be allowed to continue subject to such reasonable regulations as are considered to be necessary by the Secretary with jurisdiction over the covered land.

SEC. 30304. THOMPSON DIVIDE LEASE EXCHANGE.

(a) IN GENERAL.—In exchange for the relinquishment by a leaseholder of all Thompson Divide leases of the leaseholder, the Secretary may issue to the leaseholder credits for any bid, royalty, or rental payment due under any Federal oil or gas lease on Federal land in the State, in accordance with subsection (b).

(b) AMOUNT OF CREDITS.—

(1) IN GENERAL.—Subject to paragraph (2), the amount of the credits issued to a leaseholder of a Thompson Divide lease relinquished under subsection (a) shall—

(A) be equal to the sum of—

(i) the amount of the bonus bids paid for the applicable Thompson Divide leases;

(ii) the amount of any rental paid for the applicable Thompson Divide leases as of the date on which the leaseholder submits to the Secretary a notice of the decision to relinquish the applicable Thompson Divide leases; and

(iii) the amount of any expenses incurred by the leaseholder of the applicable Thompson Divide leases in the preparation of any drilling permit, sundry notice, or other related submission in support of the development of the applicable Thompson Divide leases as of January 28, 2019, including any expenses relating to the preparation of any analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) require the approval of the Secretary.

(2) EXCLUSION.—The amount of a credit issued under subsection (a) shall not include any expenses paid by the leaseholder of a Thompson Divide lease for legal fees or related expenses for legal work with respect to a Thompson Divide lease.

(c) CANCELLATION.—Effective on relinquishment under this section, and without any additional action by the Secretary, a Thompson Divide lease—

(1) shall be permanently cancelled; and

(2) shall not be reissued.

(d) CONDITIONS.—

(1) APPLICABLE LAW.—Except as otherwise provided in this section, each exchange under this section shall be conducted in accordance with—

(A) this title; and

(B) other applicable laws (including regulations).

(2) ACCEPTANCE OF CREDITS.—The Secretary shall accept credits issued under subsection (a) in the same manner as cash for the payments described in that subsection.

(3) APPLICABILITY.—The use of a credit issued under subsection (a) shall be subject to the laws (including regulations) applicable to the payments described in that subsection, to the extent that the laws are consistent with this section.

(4) TREATMENT OF CREDITS.—All amounts in the form of credits issued under subsection (a) accepted by the Secretary shall be considered to be amounts received for the purposes of—

(A) section 35 of the Mineral Leasing Act (30 U.S.C. 191); and

(B) section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019).

(e) WOLF CREEK STORAGE FIELD DEVELOPMENT RIGHTS.—

(1) CONVEYANCE TO SECRETARY.—As a condition precedent to the relinquishment of a Thompson Divide lease, any leaseholder with a Wolf Creek Storage Field development right shall permanently relinquish, transfer, and otherwise convey to the Secretary, in a form acceptable to the Secretary, all Wolf Creek Storage Field development rights of the leaseholder.

(2) LIMITATION OF TRANSFER.—An interest acquired by the Secretary under paragraph (1)—

(A) shall be held in perpetuity; and

(B) shall not be—

(i) transferred;

(ii) reissued; or

(iii) otherwise used for mineral extraction.

SEC. 30305. GREATER THOMPSON DIVIDE FUGITIVE COAL MINE METHANE USE PILOT PROGRAM.

(a) FUGITIVE COAL MINE METHANE USE PILOT PROGRAM.—

(1) ESTABLISHMENT.—There is established in the Bureau of Land Management a pilot program, to be known as the “Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program”.

(2) PURPOSE.—The purpose of the pilot program is to promote the capture, beneficial use, mitigation, and sequestration of fugitive methane emissions—

(A) to reduce methane emissions;

(B) to promote economic development;

(C) to produce bid and royalty revenues;

(D) to improve air quality; and

(E) to improve public safety.

(3) PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan—

(i) to complete an inventory of fugitive methane emissions in accordance with subsection (b);

(ii) to provide for the leasing of fugitive methane emissions in accordance with subsection (c); and

(iii) to provide for the capping or destruction of fugitive methane emissions in accordance with subsection (d).

(B) COORDINATION.—In developing the plan under this paragraph, the Secretary shall coordinate with—

(i) the State;

(ii) Garfield, Gunnison, Delta, and Pitkin Counties in the State;

(iii) lessees of Federal coal within the counties referred to in clause (ii);

(iv) interested institutions of higher education in the State; and

(v) interested members of the public.

(b) FUGITIVE METHANE EMISSION INVENTORY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete an inventory of fugitive methane emissions.

(2) CONDUCT.—The Secretary may conduct the inventory under paragraph (1) through, or in collaboration with—

(A) the Bureau of Land Management;

(B) the United States Geological Survey;

(C) the Environmental Protection Agency;

(D) the United States Forest Service;

(E) State departments or agencies;

(F) Garfield, Gunnison, Delta, or Pitkin County in the State;

(G) the Garfield County Federal Mineral Lease District;

(H) institutions of higher education in the State;

(I) lessees of Federal coal within a county referred to in subparagraph (F);

(J) the National Oceanic and Atmospheric Administration;

(K) the National Center for Atmospheric Research; or

(L) other interested entities, including members of the public.

(3) CONTENTS.—The inventory under paragraph (1) shall include—

(A) the general location and geographic coordinates of each vent, seep, or other source producing significant fugitive methane emissions;

(B) an estimate of the volume and concentration of fugitive methane emissions from each source of significant fugitive methane emissions, including details of measurements taken and the basis for that emissions estimate;

(C) an estimate of the total volume of fugitive methane emissions each year;

(D) relevant data and other information available from—

(i) the Environmental Protection Agency;

(ii) the Mine Safety and Health Administration;

(iii) the department of natural resources of the State;

(iv) the Colorado Public Utility Commission;

(v) the department of health and environment of the State; and

(vi) the Office of Surface Mining Reclamation and Enforcement; and

(E) such other information as may be useful in advancing the purposes of the pilot program.

(4) PUBLIC PARTICIPATION; DISCLOSURE.—

(A) PUBLIC PARTICIPATION.—The Secretary shall provide opportunities for public participation in the inventory under this subsection.

(B) AVAILABILITY.—The Secretary shall make the inventory under this subsection publicly available.

(C) DISCLOSURE.—Nothing in this subsection requires the Secretary to publicly release information that—

(i) poses a threat to public safety;

(ii) is confidential business information; or

(iii) is otherwise protected from public disclosure.

(5) USE.—The Secretary shall use the inventory in carrying out—

(A) the leasing program under subsection (c); and

(B) the capping or destruction of fugitive methane emissions under subsection (d).

(c) FUGITIVE METHANE EMISSION LEASING PROGRAM.—

(1) IN GENERAL.—Subject to valid existing rights and in accordance with this section, not later than 1 year after the date of completion of the inventory required under sub-

section (b), the Secretary shall carry out a program to encourage the use and destruction of fugitive methane emissions.

(2) FUGITIVE METHANE EMISSIONS FROM COAL MINES SUBJECT TO LEASE.—

(A) IN GENERAL.—The Secretary shall authorize the holder of a valid existing Federal coal lease for a mine that is producing fugitive methane emissions to capture for use, or destroy by flaring, the fugitive methane emissions.

(B) CONDITIONS.—The authority under subparagraph (A) shall be subject to—

(i) valid existing rights; and

(ii) such terms and conditions as the Secretary may require.

(C) LIMITATIONS.—The program carried out under subparagraph (A) shall only include fugitive methane emissions that can be captured for use, or destroyed by flaring, in a manner that does not—

(i) endanger the safety of any coal mine worker; or

(ii) unreasonably interfere with any ongoing operation at a coal mine.

(D) COOPERATION.—

(i) IN GENERAL.—The Secretary shall work cooperatively with the holders of valid existing Federal coal leases for mines that produce fugitive methane emissions to encourage—

(I) the capture of fugitive methane emissions for beneficial use, such as generating electrical power, producing usable heat, transporting the methane to market, or transforming the fugitive methane emissions into a different marketable material; or

(II) if the beneficial use of the fugitive methane emissions is not feasible, the destruction of the fugitive methane emissions by flaring.

(ii) GUIDANCE.—In furtherance of the purposes of this paragraph, not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance for the implementation of Federal authorities and programs to encourage the capture for use, or destruction by flaring, of fugitive methane emissions, while minimizing impacts on natural resources or other public interest values.

(E) ROYALTIES.—The Secretary shall determine whether any fugitive methane emissions used or destroyed pursuant to this paragraph are subject to the payment of a royalty under applicable law.

(3) FUGITIVE METHANE EMISSIONS FROM ABANDONED COAL MINES.—

(A) IN GENERAL.—Except as otherwise provided in this section, notwithstanding section 30303, subject to valid existing rights, and in accordance with section 21 of the Mineral Leasing Act (30 U.S.C. 241) and any other applicable law, the Secretary shall—

(i) authorize the capture for use, or destruction by flaring, of fugitive methane emissions from abandoned coal mines on Federal land; and

(ii) make available for leasing such fugitive methane emissions from abandoned coal mines on Federal land as the Secretary considers to be in the public interest.

(B) SOURCE.—To the maximum extent practicable, the Secretary shall offer for lease each significant vent, seep, or other source of fugitive methane emissions from abandoned coal mines.

(C) BID QUALIFICATIONS.—A bid to lease fugitive methane emissions under this paragraph shall specify whether the prospective lessee intends—

(i) to capture the fugitive methane emissions for beneficial use, such as generating electrical power, producing usable heat, transporting the methane to market, or transforming the fugitive methane emissions into a different marketable material;

(ii) to destroy the fugitive methane emissions by flaring; or

(iii) to employ a specific combination of—

(I) capturing the fugitive methane emissions for beneficial use; and

(II) destroying the fugitive methane emission by flaring.

(D) PRIORITY.—

(i) IN GENERAL.—In any case in which 2 or more qualified bids are submitted for a lease under this paragraph, the Secretary shall select the bid that the Secretary determines is likely to most significantly advance the public interest.

(ii) CONSIDERATIONS.—In determining the public interest under clause (i), the Secretary shall take into consideration—

(I) the size of the overall decrease in the time-integrated radiative forcing of the fugitive methane emissions;

(II) the impacts to other natural resource values, including wildlife, water, and air; and

(III) other public interest values, including scenic, economic, recreation, and cultural values.

(E) LEASE FORM.—

(i) IN GENERAL.—The Secretary shall develop and provide to prospective bidders a lease form for leases issued under this paragraph.

(ii) DUE DILIGENCE.—The lease form developed under clause (i) shall include terms and conditions requiring the leased fugitive methane emissions to be put to beneficial use or flared by not later than 1 year after the date of issuance of the lease.

(F) ROYALTY RATE.—The Secretary shall develop a minimum bid and royalty rate for leases under this paragraph to advance the purposes of this section, to the maximum extent practicable.

(d) SEQUESTRATION.—If, by not later than 4 years after the date of enactment of this Act, any significant fugitive methane emissions from abandoned coal mines on Federal land are not leased under subsection (c)(3), the Secretary shall, in accordance with applicable law, take all reasonable measures—

(1) to cap those fugitive methane emissions at the source in any case in which the cap will result in the long-term sequestration of all or a significant portion of the fugitive methane emissions; or

(2) if sequestration under paragraph (1) is not feasible, destroy the fugitive methane emissions by flaring.

(e) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this Act the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing—

(1) the economic and environmental impacts of the pilot program, including information on increased royalties and estimates of avoided greenhouse gas emissions; and

(2) any recommendations of the Secretary regarding whether the pilot program could be expanded geographically to include other significant sources of fugitive methane emissions from coal mines.

SEC. 30306. EFFECT.

Except as expressly provided in this subtitle, nothing in this subtitle—

(1) expands, diminishes, or impairs any valid existing mineral leases, mineral interest, or other property rights wholly or partially within the Thompson Divide Withdrawal and Protection Area, including access to the leases, interests, rights, or land in accordance with applicable Federal, State, and local laws (including regulations);

(2) prevents the capture of methane from any active, inactive, or abandoned coal mine covered by this subtitle, in accordance with applicable laws; or

(3) prevents access to, or the development of, any new or existing coal mine or lease in Delta or Gunnison County in the State.

Subtitle D—Curecanti National Recreation Area

SEC. 30401. DEFINITIONS.

In this subtitle:

(1) **MAP.**—The term “map” means the map entitled “Curecanti National Recreation Area, Proposed Boundary”, numbered 616/100,485C, and dated August 11, 2016.

(2) **NATIONAL RECREATION AREA.**—The term “National Recreation Area” means the Curecanti National Recreation Area established by section 30402(a).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 30402. CURECANTI NATIONAL RECREATION AREA.

(a) **ESTABLISHMENT.**—Effective beginning on the earlier of the date on which the Secretary approves a request under subsection (c)(2)(B)(i)(I) and the date that is 1 year after the date of enactment of this Act, there shall be established as a unit of the National Park System the Curecanti National Recreation Area, in accordance with this title, consisting of approximately 50,667 acres of land in the State, as generally depicted on the map as “Curecanti National Recreation Area Proposed Boundary”.

(b) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall administer the National Recreation Area in accordance with—

(A) this subtitle; and

(B) the laws (including regulations) generally applicable to units of the National Park System, including section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code.

(2) **DAM, POWER PLANT, AND RESERVOIR MANAGEMENT AND OPERATIONS.**—

(A) **IN GENERAL.**—Nothing in this subtitle affects or interferes with the authority of the Secretary—

(i) to operate the Uncompahgre Valley Reclamation Project under the reclamation laws;

(ii) to operate the Wayne N. Aspinall Unit of the Colorado River Storage Project under the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.); or

(iii) under the Federal Water Project Recreation Act (16 U.S.C. 4601–12 et seq.).

(B) **RECLAMATION LAND.**—

(i) **SUBMISSION OF REQUEST TO RETAIN ADMINISTRATIVE JURISDICTION.**—If, before the date that is 1 year after the date of enactment of this Act, the Commissioner of Reclamation submits to the Secretary a request for the Commissioner of Reclamation to retain administrative jurisdiction over the minimum quantity of land within the land identified on the map as “Lands withdrawn or acquired for Bureau of Reclamation projects” that the Commissioner of Reclamation identifies as necessary for the effective operation of Bureau of Reclamation water facilities, the Secretary may—

(I) approve, approve with modifications, or disapprove the request; and

(II) if the request is approved under subsection (I), make any modifications to the map that are necessary to reflect that the Commissioner of Reclamation retains management authority over the minimum quantity of land required to fulfill the reclamation mission.

(ii) **TRANSFER OF LAND.**—

(I) **IN GENERAL.**—Administrative jurisdiction over the land identified on the map as

“Lands withdrawn or acquired for Bureau of Reclamation projects”, as modified pursuant to clause (i)(II), if applicable, shall be transferred from the Commissioner of Reclamation to the Director of the National Park Service by not later than the date that is 1 year after the date of enactment of this Act.

(II) **ACCESS TO TRANSFERRED LAND.**—

(aa) **IN GENERAL.**—Subject to item (bb), the Commissioner of Reclamation shall retain access to the land transferred to the Director of the National Park Service under subclause (I) for reclamation purposes, including for the operation, maintenance, and expansion or replacement of facilities.

(bb) **MEMORANDUM OF UNDERSTANDING.**—The terms of the access authorized under item (aa) shall be determined by a memorandum of understanding entered into between the Commissioner of Reclamation and the Director of the National Park Service not later than 1 year after the date of enactment of this Act.

(3) **MANAGEMENT AGREEMENTS.**—

(A) **IN GENERAL.**—The Secretary may enter into management agreements, or modify management agreements in existence on the date of enactment of this Act, relating to the authority of the Director of the National Park Service, the Commissioner of Reclamation, the Director of the Bureau of Land Management, or the Chief of the Forest Service to manage Federal land within or adjacent to the boundary of the National Recreation Area.

(B) **STATE LAND.**—The Secretary may enter into cooperative management agreements for any land administered by the State that is within or adjacent to the National Recreation Area, in accordance with the cooperative management authority under section 101703 of title 54, United States Code.

(4) **RECREATIONAL ACTIVITIES.**—

(A) **AUTHORIZATION.**—Except as provided in subparagraph (B), the Secretary shall allow boating, boating-related activities, hunting, and fishing in the National Recreation Area in accordance with applicable Federal and State laws.

(B) **CLOSURES; DESIGNATED ZONES.**—

(i) **IN GENERAL.**—The Secretary, acting through the Superintendent of the National Recreation Area, may designate zones in which, and establish periods during which, no boating, hunting, or fishing shall be permitted in the National Recreation Area under subparagraph (A) for reasons of public safety, administration, or compliance with applicable laws.

(ii) **CONSULTATION REQUIRED.**—Except in the case of an emergency, any closure proposed by the Secretary under clause (i) shall not take effect until after the date on which the Superintendent of the National Recreation Area consults with—

(I) the appropriate State agency responsible for hunting and fishing activities; and

(II) the Board of County Commissioners in each county in which the zone is proposed to be designated.

(5) **LANDOWNER ASSISTANCE.**—On the written request of an individual that owns private land located not more than 3 miles from the boundary of the National Recreation Area, the Secretary may work in partnership with the individual to enhance the long-term conservation of natural, cultural, recreational, and scenic resources in and around the National Recreation Area—

(A) by acquiring all or a portion of the private land or interests in private land located not more than 3 miles from the boundary of the National Recreation Area by purchase, exchange, or donation, in accordance with section 30403;

(B) by providing technical assistance to the individual, including cooperative assistance;

(C) through available grant programs; and

(D) by supporting conservation easement opportunities.

(6) **WITHDRAWAL.**—Subject to valid existing rights, all Federal land within the National Recreation Area is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(7) **GRAZING.**—

(A) **STATE LAND SUBJECT TO STATE GRAZING LEASE.**—

(i) **IN GENERAL.**—If State land acquired under this subtitle is subject to a State grazing lease in effect on the date of acquisition, the Secretary shall allow the grazing to continue for the remainder of the term of the lease, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(ii) **ACCESS.**—A lessee of State land may continue use of established routes within the National Recreation Area to access State land for purposes of administering the lease if the use was permitted before the date of enactment of this Act, subject to such terms and conditions as the Secretary may require.

(B) **STATE AND PRIVATE LAND.**—The Secretary may, in accordance with applicable laws, authorize grazing on land acquired from the State or private landowners under section 30403, if grazing was established before the date of acquisition.

(C) **PRIVATE LAND.**—On private land acquired under section 30403 for the National Recreation Area on which authorized grazing is occurring before the date of enactment of this Act, the Secretary, in consultation with the lessee, may allow the continuation and renewal of grazing on the land based on the terms of acquisition or by agreement between the Secretary and the lessee, subject to applicable law (including regulations).

(D) **FEDERAL LAND.**—The Secretary shall—

(i) allow, consistent with the grazing leases, uses, and practices in effect as of the date of enactment of this Act, the continuation and renewal of grazing on Federal land located within the boundary of the National Recreation Area on which grazing is allowed before the date of enactment of this Act, unless the Secretary determines that grazing on the Federal land would present unacceptable impacts (as defined in section 1.4.7.1 of the National Park Service document entitled “Management Policies 2006: The Guide to Managing the National Park System”) to the natural, cultural, recreational, and scenic resource values and the character of the land within the National Recreation Area; and

(ii) retain all authorities to manage grazing in the National Recreation Area.

(E) **TERMINATION OF LEASES.**—Within the National Recreation Area, the Secretary may—

(i) accept the voluntary termination of a lease or permit for grazing; or

(ii) in the case of a lease or permit vacated for a period of 3 or more years, terminate the lease or permit.

(8) **WATER RIGHTS.**—Nothing in this subtitle—

(A) affects any use or allocation in existence on the date of enactment of this Act of any water, water right, or interest in water;

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) affects any interstate water compact in existence on the date of enactment of this Act;

(D) authorizes or imposes any new reserved Federal water right;

(E) shall be considered to be a relinquishment or reduction of any water right reserved or appropriated by the United States in the State on or before the date of enactment of this Act; or

(F) constitutes an express or implied reservation by the United States of any water or water right with respect to the National Recreation Area.

(9) FISHING EASEMENTS.—

(A) IN GENERAL.—Nothing in this subtitle diminishes or alters the fish and wildlife program for the Aspinall Unit developed under section 8 of the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (70 Stat. 110, chapter 203; 43 U.S.C. 620g), by the United States Fish and Wildlife Service, the Bureau of Reclamation, and the Colorado Division of Wildlife (including any successor in interest to that division) that provides for the acquisition of public access fishing easements as mitigation for the Aspinall Unit (referred to in this paragraph as the “program”).

(B) ACQUISITION OF FISHING EASEMENTS.—The Secretary shall continue to fulfill the obligation of the Secretary under the program to acquire 26 miles of class 1 public fishing easements to provide to sportsmen access for fishing within the Upper Gunnison Basin upstream of the Aspinall Unit, subject to the condition that no existing fishing access downstream of the Aspinall Unit shall be counted toward the minimum mileage requirement under the program.

(C) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(i) develop a plan for fulfilling the obligation of the Secretary described in subparagraph (B); and

(ii) submit to Congress a report that—

(I) includes the plan developed under clause (i); and

(II) describes any progress made in the acquisition of public access fishing easements as mitigation for the Aspinall Unit under the program.

SEC. 30403. ACQUISITION OF LAND; BOUNDARY MANAGEMENT.

(a) ACQUISITION.—

(1) IN GENERAL.—The Secretary may acquire any land or interest in land within the boundary of the National Recreation Area.

(2) MANNER OF ACQUISITION.—

(A) IN GENERAL.—Subject to subparagraph (B), land described in paragraph (1) may be acquired under this subsection by—

(i) donation;

(ii) purchase from willing sellers with donated or appropriated funds;

(iii) transfer from another Federal agency; or

(iv) exchange.

(B) STATE LAND.—Land or interests in land owned by the State or a political subdivision of the State may only be acquired by purchase, donation, or exchange.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) FOREST SERVICE LAND.—

(A) IN GENERAL.—Administrative jurisdiction over the approximately 2,560 acres of land identified on the map as “U.S. Forest Service proposed transfer to the National Park Service” is transferred to the Secretary, to be administered by the Director of the National Park Service as part of the National Recreation Area.

(B) BOUNDARY ADJUSTMENT.—The boundary of the Gunnison National Forest shall be adjusted to exclude the land transferred to the Secretary under subparagraph (A).

(2) BUREAU OF LAND MANAGEMENT LAND.—Administrative jurisdiction over the approximately 5,040 acres of land identified on

the map as “Bureau of Land Management proposed transfer to National Park Service” is transferred from the Director of the Bureau of Land Management to the Director of the National Park Service, to be administered as part of the National Recreation Area.

(3) WITHDRAWAL.—Administrative jurisdiction over the land identified on the map as “Proposed for transfer to the Bureau of Land Management, subject to the revocation of Bureau of Reclamation withdrawal” shall be transferred to the Director of the Bureau of Land Management on relinquishment of the land by the Bureau of Reclamation and revocation by the Bureau of Land Management of any withdrawal as may be necessary.

(c) POTENTIAL LAND EXCHANGE.—

(1) IN GENERAL.—The withdrawal for reclamation purposes of the land identified on the map as “Potential exchange lands” shall be relinquished by the Commissioner of Reclamation and revoked by the Director of the Bureau of Land Management and the land shall be transferred to the National Park Service.

(2) EXCHANGE; INCLUSION IN NATIONAL RECREATION AREA.—On transfer of the land described in paragraph (1), the transferred land—

(A) may be exchanged by the Secretary for private land described in section 30402(c)(5)—

(i) subject to a conservation easement remaining on the transferred land, to protect the scenic resources of the transferred land; and

(ii) in accordance with the laws (including regulations) and policies governing National Park Service land exchanges; and

(B) if not exchanged under subparagraph (A), shall be added to, and managed as a part of, the National Recreation Area.

(d) ADDITION TO NATIONAL RECREATION AREA.—Any land within the boundary of the National Recreation Area that is acquired by the United States shall be added to, and managed as a part of, the National Recreation Area.

SEC. 30404. GENERAL MANAGEMENT PLAN.

Not later than 3 years after the date on which funds are made available to carry out this subtitle, the Director of the National Park Service, in consultation with the Commissioner of Reclamation, shall prepare a general management plan for the National Recreation Area in accordance with section 100502 of title 54, United States Code.

SEC. 30405. BOUNDARY SURVEY.

The Secretary (acting through the Director of the National Park Service) shall prepare a boundary survey and legal description of the National Recreation Area.

SA 1742. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title _____, insert the following:

SEC. 3. _____ . PAYMENTS TO STATES FOR THE TREATMENT OF PERFLUOROCTANE SULFONIC ACID AND PERFLUOROCTANOIC ACID IN DRINKING WATER.

(a) IN GENERAL.—The Secretary of the Air Force shall pay a local water authority located in the vicinity of an installation of the Air Force, or a State in which the local

water authority is located, for the treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid in drinking water from the wells owned and operated by the local water authority to attain the lifetime health advisory level for such acids established by the Environmental Protection Agency and in effect on October 1, 2017.

(b) ELIGIBILITY FOR PAYMENT.—To be eligible to receive payment under subsection (a)—

(1) a local water authority or State, as the case may be, must—

(A) request such a payment from the Secretary of the Air Force for reimbursable expenses not already covered under a cooperative agreement entered into by the Secretary relating to treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid contamination before the date on which funding is made available to the Secretary for payments relating to such treatment; and

(B) upon acceptance of such a payment, waive all legal causes of action arising under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), and any other Federal tort liability statute for expenses for treatment and mitigation of perfluorooctane sulfonic acid and perfluorooctanoic acid incurred before January 1, 2018, and otherwise covered under this section;

(2) the elevated levels of perfluorooctane sulfonic acid and perfluorooctanoic acid in the water must be the result of activities conducted by or paid for by the Department of the Air Force; and

(3) treatment or mitigation of such acids must have taken place during the period beginning on January 1, 2016, and ending on the day before the date of the enactment of this Act.

(c) AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Air Force may enter into such agreements with a local water authority or State as the Secretary considers necessary to implement this section.

(2) USE OF MEMORANDUM OF AGREEMENT.—The Secretary of the Air Force may use the applicable Defense State Memorandum of Agreement to pay amounts under subsection (a) that would otherwise be eligible for payment under that agreement were those costs paid using amounts appropriated to the Environmental Restoration Account, Air Force, established under section 2703(a)(4) of title 10, United States Code.

(3) PAYMENT WITHOUT REGARD TO EXISTING AGREEMENTS.—Payment may be made under subsection (a) to a State or a local water authority in that State without regard to existing agreements relating to environmental response actions or indemnification between the Department of the Air Force and that State.

(d) LIMITATION.—Any payment made under subsection (a) may not exceed the actual cost of treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid resulting from the activities conducted by or paid for by the Department of the Air Force.

(e) AVAILABILITY OF AMOUNTS.—Of the amounts appropriated to the Department of Defense for Operation and Maintenance, Air Force, \$10,000,000 shall be available to carry out this section.

SA 1743. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XVI, add the following:

SEC. _____. REPORT ON USE OF ENCRYPTION BY DEPARTMENT OF DEFENSE NATIONAL SECURITY SYSTEMS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report detailing the mission need and efficacy of full disk encryption across Non-classified Internet Protocol Router Network (NIPRNet) and Secretary Internet Protocol Router Network (SIPRNet) endpoint computer systems. Such report shall cover matters relating to cost, mission impact, and implementation timeline.

SA 1744. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 724. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2017. Use of human-based methods for certain medical training

“(a) COMBAT TRAUMA INJURIES.—(1) Not later than October 1, 2023, the Secretary of Defense shall develop, test, and validate human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

“(2) Not later than October 1, 2025, the Secretary—

“(A) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

“(B) may not use animals for such purpose.

“(b) EXCEPTION FOR PARTICULAR COMMANDS AND TRAINING METHODS.—(1) The Secretary may exempt a particular command, particular training method, or both, from the requirement for human-based training methods under subsection (a)(2) if the Secretary determines that human-based training methods will not provide an educationally equivalent or superior substitute for live animal-based training methods for such command or training method, as the case may be.

“(2) Any exemption under this subsection shall be for such period, not more than one year, as the Secretary shall specify in granting the exemption. Any exemption may be renewed (subject to the preceding sentence).

“(c) ANNUAL REPORTS.—(1) Not later than October 1, 2021, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries under this section.

“(2) Each report under this subsection on or after October 1, 2025, shall include a description of any exemption under subsection (b) that is in force at the time of such report, and a current justification for such exemption.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘combat trauma injuries’ means severe injuries likely to occur during combat, including—

“(A) hemorrhage;

“(B) tension pneumothorax;

“(C) amputation resulting from blast injury;

“(D) compromises to the airway; and

“(E) other injuries.

“(2) The term ‘human-based training methods’ means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

“(A) simulators;

“(B) partial task trainers;

“(C) moulage;

“(D) simulated combat environments;

“(E) human cadavers; and

“(F) rotations in civilian and military trauma centers.

“(3) The term ‘partial task trainers’ means training aids that allow individuals to learn or practice specific medical procedures.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

“2017. Use of human-based methods for certain medical training.”.

SA 1745. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 520. REPEAL OF MILITARY SELECTIVE SERVICE ACT.

(a) REPEAL.—The Military Selective Service Act (50 U.S.C. 3801 et seq.) is repealed.

(b) TRANSFERS IN CONNECTION WITH REPEAL.—Notwithstanding the proviso in section 10(a)(4) of the Military Selective Service Act (50 U.S.C. 3809(a)(4)), the Office of Selective Service Records shall not be reestablished upon the repeal of the Act. Not later than 180 days after the date of the enactment of this Act, the assets, contracts, property, and records held by the Selective Service System, and the unexpended balances of any appropriations available to the Selective Service System, shall be transferred to the Administrator of General Services upon the repeal of the Act. The Director of the Office of Personnel Management shall assist officers and employees of the Selective Service System to transfer to other positions in the executive branch.

(c) EFFECT ON EXISTING SANCTIONS.—

(1) Notwithstanding any other provision of law, a person may not be denied a right, privilege, benefit, or employment position under Federal law on the grounds that the person failed to present himself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a).

(2) A State, political subdivision of a State, or political authority of two or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law to penalize or deny any privilege or benefit to a person who failed to present himself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that

Act by subsection (a). In this section, “State” means a State, the District of Columbia, and a territory or possession of the United States.

(3) Failing to present oneself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a), shall not be reason for any entity of the U.S. Government to determine that a person lacks good moral character or is unsuited for any privilege or benefit.

(d) CONSCIENTIOUS OBJECTORS.—Nothing contained in this Act shall be construed to undermine or diminish the rights of conscientious objectors under laws and regulations of the United States.

SA 1746. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3167.

SA 1747. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle D of title V, add the following:

SEC. _____. REBUTTABLE PRESUMPTION AGAINST LAWFULNESS OF ORDERS TO DEPLOY OR USE REGULAR MEMBERS OF THE ARMED FORCES TO SUPPRESS INDIVIDUALS PEACEABLY ASSEMBLED TO PETITION FOR A REDRESS OF GRIEVANCES.

(a) IN GENERAL.—There shall be a rebuttable presumption that an order to deploy or use regular members of the Armed Forces to suppress individuals peaceably assembled to petition for a redress of grievances is not a lawful order for purposes section 892 of title 10, United States Code (article 92 of the Uniform Code of Military Justice), or any other purposes in law.

(b) STRICT SCRUTINY.—In evaluating arguments to rebut the presumption in subsection (a) with respect to a particular order described in that subsection, a court shall require the arguments to rebut to advance compelling governmental interests and be the least restrictive means of doing so.

SA 1748. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle D of title V, add the following:

SEC. _____. CODIFICATION OF DEFENSE OF KNOWING UNLAWFULNESS TO OFFENSE OF FAILURE TO OBEY AN ORDER OR REGULATION UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

Section 892 of title 10, United States Code (article 92 of the Uniform Code of Military Justice), is amended—

(1) by inserting “(a) IN GENERAL.—” before “Any person”; and

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

“(b) OBEDIENCE TO UNLAWFUL ORDERS.—It is a defense to an offense under this section (article) that the accused knew the order to be unlawful, or a person of ordinary sense and understanding would have known the order to be unlawful.”.

SA 1749. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2703. CONTINUATION OF CERTAIN REMEDIATION ACTIVITIES.

(a) IN GENERAL.—The Secretary of the Army may not suspend remediation activities conducted at a location under a settlement agreement pursuant to a base closure law notwithstanding that—

(1) the Secretary determines that the quantity and depth of contamination at the location has exceeded original estimates; and

(2) such agreement expires in 2020.

(b) BASE CLOSURE LAW DEFINED.—In this section the term “base closure law” has the meaning given that term in section 101(a)(17) of title 10, United States Code.

SA 1750. Mr. PETERS (for himself, Mr. JOHNSON, Mr. KING, and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONTINUITY OF THE ECONOMY PLAN.

(a) REQUIREMENT.—

(1) IN GENERAL.—The President shall develop and maintain a plan to maintain and restore the economy of the United States in response to a significant event.

(2) PRINCIPLES.—The plan required under paragraph (1) shall—

(A) be consistent with—

(i) a free market economy; and

(ii) the rule of law; and

(B) respect private property rights.

(3) CONTENTS.—The plan required under paragraph (1) shall—

(A) examine the distribution of goods and services across the United States necessary for the reliable functioning of the United States during a significant event;

(B) identify the economic functions of relevant actors, the disruption, corruption, or

dysfunction of which would have a debilitating effect in the United States on—

(i) security;

(ii) economic security;

(iii) defense readiness; or

(iv) public health or safety;

(C) identify the critical distribution mechanisms for each economic sector that should be prioritized for operation during a significant event, including—

(i) bulk power and electric transmission systems;

(ii) national and international financial systems, including wholesale payments, stocks, and currency exchanges;

(iii) national and international communications networks, data-hosting services, and cloud services;

(iv) interstate oil and natural gas pipelines; and

(v) mechanisms for the interstate and international trade and distribution of materials, food, and medical supplies, including road, rail, air, and maritime shipping;

(D) identify economic functions of relevant actors, the disruption, corruption, or dysfunction of which would cause—

(i) catastrophic economic loss;

(ii) the loss of public confidence; or

(iii) the widespread imperilment of human life;

(E) identify the economic functions of relevant actors that are so vital to the economy of the United States that the disruption, corruption, or dysfunction of those economic functions would undermine response, recovery, or mobilization efforts during a significant event;

(F) incorporate, to the greatest extent practicable, the principles and practices contained within Federal plans for the continuity of Government and continuity of operations;

(G) identify—

(i) industrial control networks on which the interests of national security outweigh the benefits of dependence on internet connectivity, including networks that are required to maintain defense readiness; and

(ii) for each industrial control network described in clause (i), the most feasible and optimal locations for the installation of—

(I) parallel services;

(II) stand-alone analog services; and

(III) services that are otherwise hardened against failure;

(H) identify critical economic sectors for which the preservation of data in a protected, verified, and uncorrupted status would be required for the quick recovery of the economy of the United States in the face of a significant disruption following a significant event;

(I) include a list of raw materials, industrial goods, and other items, the absence of which would significantly undermine the ability of the United States to sustain the functions described in subparagraphs (B), (D), and (E);

(J) provide an analysis of supply chain diversification for the items described in subparagraph (I) in the event of a disruption caused by a significant event;

(K) include—

(i) a recommendation as to whether the United States should maintain a strategic reserve of 1 or more of the items described in subparagraph (I); and

(ii) for each item described in subparagraph (I) for which the President recommends maintaining a strategic reserve under clause (i), an identification of mechanisms for tracking inventory and availability of the item in the strategic reserve;

(L) identify mechanisms in existence on the date of enactment of this Act and mechanisms that can be developed to ensure that the swift transport and delivery of the items

described in subparagraph (I) is feasible in the event of a distribution network disturbance or degradation, including a distribution network disturbance or degradation caused by a significant event;

(M) include guidance for determining the prioritization for the distribution of the items described in subparagraph (I), including distribution to States and Indian Tribes;

(N) consider the advisability and feasibility of mechanisms for extending the credit of the United States or providing other financial support authorized by law to key participants in the economy of the United States if the extension or provision of other financial support—

(i) is necessary to avoid severe economic degradation; or

(ii) allows for the recovery from a significant event;

(O) include guidance for determining categories of employees that should be prioritized to continue to work in order to sustain the functions described in subparagraphs (B), (D), and (E) in the event that there are limitations on the ability of individuals to travel to workplaces or to work remotely, including considerations for defense readiness;

(P) identify critical economic sectors necessary to provide material and operational support to the defense of the United States;

(Q) determine whether the Secretary of Homeland Security, the National Guard, and the Secretary of Defense have adequate authority to assist the United States in a recovery from a severe economic degradation caused by a significant event;

(R) review and assess the authority and capability of heads of other agencies that the President determines necessary to assist the United States in a recovery from a severe economic degradation caused by a significant event; and

(S) consider any other matter that would aid in protecting and increasing the resilience of the economy of the United States from a significant event.

(b) COORDINATION.—In developing the plan required under subsection (a)(1), the President shall—

(1) receive advice from—

(A) the Secretary of Homeland Security;

(B) the Secretary of Defense; and

(C) the head of any other agency that the President determines necessary to complete the plan;

(2) consult with economic sectors relating to critical infrastructure through sector-coordinated councils, as appropriate;

(3) consult with relevant State, Tribal, and local governments and organizations that represent those governments; and

(4) consult with any other non-Federal entity that the President determines necessary to complete the plan.

(c) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 3 years thereafter, the President shall submit the plan required under subsection (a)(1) and the information described in paragraph (2) to—

(A) the majority and minority leaders of the Senate;

(B) the Speaker and the minority leader of the House of Representatives;

(C) the Committee on Armed Services of the Senate;

(D) the Committee on Armed Services of the House of Representatives;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate;

(F) Committee on Homeland Security of the House of Representatives; and

(G) any other committee of the Senate or the House of Representatives that has jurisdiction over the subject of the plan.

(2) ADDITIONAL INFORMATION.—The information described in this paragraph is—

(A) any change to Federal law that would be necessary to carry out the plan required under subsection (a)(1); and

(B) any proposed changes to the funding levels provided in appropriation Acts for the most recent fiscal year that can be implemented in future appropriation Acts or additional resources necessary to—

(i) implement the plan required under subsection (a)(1); or

(ii) maintain any program offices and personnel necessary to—

(I) maintain the plan required under subsection (a)(1) and the plans described in subsection (a)(3)(F); and

(II) conduct exercises, assessments, and updates to the plans described in subclause (I) over time.

(3) BUDGET OF THE PRESIDENT.—The President may include the information described in paragraph (2)(B) in the budget required to be submitted by the President under section 1105(a) of title 31, United States Code.

(4) DEFINITIONS.—In this section:

(1) The term “agency” has the meaning given the term in section 551 of title 5, United States Code.

(2) The term “economic sector” means a sector of the economy of the United States.

(3) The term “relevant actor” means—

(A) the Federal government;

(B) a State, local, or Tribal government; or

(C) the private sector.

(4) The term “significant event” means an event that causes severe degradation to economic activity in the United States due to—

(A) a cyber attack; or

(B) another significant event that is natural or human-caused.

(5) The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

SA 1751. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XVI, add the following:

SEC. 1643. PILOT PROGRAMS ON REMOTE PROVISION BY NATIONAL GUARD TO STATE GOVERNMENTS AND NATIONAL GUARDS OF OTHER STATES OF CYBERSECURITY TECHNICAL ASSISTANCE IN TRAINING, PREPARATION, AND RESPONSE TO CYBER INCIDENTS.

(a) PILOT PROGRAMS AUTHORIZED.—The Secretary of the Army and the Secretary of the Air Force may each, in coordination with the Secretary of Homeland Security and in consultation with the Chief of the National Guard Bureau, conduct a pilot program to assess the feasibility and advisability of the development of a capability within the National Guard through which a National Guard of a State remotely provides State governments and National Guards of other States (whether or not in the same Armed Force as the providing National Guard) with cybersecurity technical assistance in training, preparation, and response to cyber incidents. If such Secretary elects to conduct such a pilot program, such Sec-

retary shall be known as an “administering Secretary” for purposes of this section, and any reference in this section to “the pilot program” shall be treated as a reference to the pilot program conducted by such Secretary.

(b) ASSESSMENT PRIOR TO COMMENCEMENT.—For purposes of evaluating existing platforms, technologies, and capabilities under subsection (c), and for establishing eligibility and participation requirements under subsection (d), for purposes of the pilot program, an administering Secretary, in consultation with the Chief of the National Guard Bureau, shall, prior to commencing the pilot program—

(1) conduct an assessment of—

(A) existing cyber response capacities of the Army National Guard or Air National Guard, as applicable, in each State; and

(B) any existing platform, technology, or capability of a National Guard that provides the capability described in subsection (a); and

(2) determine whether a platform, technology, or capability described in paragraph (1)(B) is suitable for expansion for purposes of the pilot program.

(c) ELEMENTS.—A pilot program under subsection (a) shall include the following:

(1) A technical capability that enables the National Guard of a State to remotely provide cybersecurity technical assistance to State governments and National Guards of other States, without the need to deploy outside its home State.

(2) Policies, processes, procedures, and authorities for use of such a capability, including with respect to the following:

(A) The roles and responsibilities of both requesting and deploying State governments and National Guards with respect to such technical assistance, taking into account the matters specified in subsection (f).

(B) Necessary updates to the Defense Cyber Incident Coordinating Procedure, or any other applicable Department of Defense instruction, for purposes of implementing the capability.

(C) Program management and governance structures for deployment and maintenance of the capability.

(D) Security when performing remote support, including such in matters such as authentication and remote sensing.

(3) The conduct, in coordination with the Chief of the National Guard Bureau and the Secretary of Homeland Security and in consultation with the Director of the Federal Bureau of Investigation, other Federal agencies, and appropriate non-Federal entities, of at least one exercise to demonstrate the capability, which exercise shall include the following:

(A) Participation of not fewer than two State governments and their National Guards.

(B) Circumstances designed to test and validate the policies, processes, procedures, and authorities developed pursuant to paragraph (2).

(C) An after action review of the exercise.

(d) USE OF EXISTING TECHNOLOGY.—An administering Secretary may use an existing platform, technology, or capability to provide the capability described in subsection (a) under the pilot program.

(e) ELIGIBILITY AND PARTICIPATION REQUIREMENTS.—An administering Secretary shall, in consultation with the Chief of the National Guard Bureau, establish requirements with respect to eligibility and participation of State governments and their National Guards in the pilot program.

(f) CONSTRUCTION WITH CERTAIN CURRENT AUTHORITIES.—

(1) COMMAND AUTHORITIES.—Nothing in a pilot program under subsection (a) may be

construed as affecting or altering the command authorities otherwise applicable to any unit of the National Guard unit participating in the pilot program.

(2) EMERGENCY MANAGEMENT ASSISTANCE COMPACT.—Nothing in a pilot program may be construed as affecting or altering any current agreement under the Emergency Management Assistance Compact, or any other State agreements, or as determinative of the future content of any such agreement.

(g) EVALUATION METRICS.—An administering Secretary shall, in consultation with the Chief of the National Guard Bureau and the Secretary of Homeland Security, establish metrics to evaluate the effectiveness of the pilot program.

(h) TERM.—A pilot program under subsection (a) shall terminate on the date that is three years after the date of the commencement of the pilot program.

(i) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the commencement of the pilot program, the administering Secretary, in coordination with the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a report setting forth a description of the pilot program and such other matters in connection with the pilot program as the Secretary considers appropriate.

(2) FINAL REPORT.—Not later than 180 days after the termination of the pilot program, the administering Secretary, in coordination with the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a report on the pilot program. The report shall include the following:

(A) A description of the pilot program, including any partnerships entered into by the Chief of the National Guard Bureau under the pilot program.

(B) A summary of the assessment performed prior to the commencement of the pilot program in accordance with subsection (b).

(C) A summary of the evaluation metrics established in accordance with subsection (g).

(D) An assessment of the effectiveness of the pilot program, and of the capability described in subsection (a) under the pilot program.

(E) A description of costs associated with the implementation and conduct of the pilot program.

(F) A recommendation as to the termination or extension of the pilot program, or the making of the pilot program permanent with an expansion nationwide.

(G) An estimate of the costs of making the pilot program permanent and expanding it nationwide in accordance with the recommendation in subparagraph (F).

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

(j) STATE DEFINED.—In this section, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SA 1752. Mr. PETERS submitted an amendment intended to be proposed by

him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle F of title X, insert the following:

SEC. 10. REVIEW AND REPORT ON NON-CONTAINERIZED CARGO STANDARDS.

(a) **REVIEW.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a review of U.S. Customs and Border Protection standards for screening incoming noncontainerized cargo that identifies any differences that exist among field offices in the implementation of such standards.

(b) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 90 days after the completion of the review under subsection (a), the Secretary shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives containing the findings of the review.

(2) **FORM.**—The report required under paragraph (1) shall be submitted in unclassified form, to the maximum extent possible, but may include a classified annex, if necessary.

SA 1753. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle F of title X, insert the following:

SEC. 10. REPORT ON GREAT LAKES AND INLAND WATERWAYS SEAPORTS.

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives containing the results of the review and an explanation of the methodology used for the review conducted pursuant to subsection (b) regarding the screening practices for foreign cargo arriving at seaports on the Great Lakes and inland waterways.

(2) **FORM.**—The report required under paragraph (1) shall be submitted in unclassified form, to the maximum extent possible, but may include a classified annex, if necessary.

(b) **SCOPE OF REVIEW.**—

(1) **SEAPORT SELECTION.**—In selecting seaports on inland waterways to include in the review under this subsection, the Secretary of Homeland Security shall ensure that the inland waterways seaports are—

(A) equal in number to the Great Lakes seaports included in the review;

(B) comparable to Great Lakes seaports included in the review, as measured by number of imported shipments arriving at the seaport each year; and

(C) covered by at least the same number of Field Operations offices as the Great Lakes seaports included in the review, but are not covered by the same Field Operations offices as such Great Lakes seaports.

(2) **ELEMENTS.**—The Secretary of Homeland Security shall conduct a review of all Great Lakes and selected inland waterways seaports that receive international cargo—

(A) to determine, for each such seaport—

(i) the current screening capability, including the types and numbers of screening equipment and whether such equipment is physically located at a seaport or assigned and available in the area and made available to use;

(ii) the number of U.S. Customs and Border Protection personnel assigned from a Field Operations office, broken out by role;

(iii) the expenditures for procurement and overtime incurred by U.S. Customs and Border Protection during the most recent fiscal year;

(iv) the types of cargo received, such as containerized, break-bulk, and bulk;

(v) the legal entity that owns the seaport;

(vi) a description of U.S. Customs and Border Protection's use of space at the seaport, including—

(I) whether U.S. Customs and Border Protection or the General Services Administration owns or leases any facilities; and

(II) if U.S. Customs and Border Protection is provided space at the seaport, a description of such space, including the number of workstations; and

(vii) the current cost-sharing arrangement for screening technology or reimbursable services;

(B) to identify, for each Field Operations office—

(i) any ports of entry that are staffed remotely from service ports;

(ii) the distance of each such service port from the corresponding ports of entry; and

(iii) the number of officers and the types of equipment U.S. Customs and Border Protection utilizes to screen cargo entering or exiting through such ports; and

(C) that includes a threat assessment of incoming containerized and noncontainerized cargo at Great Lakes seaports and selected inland waterways seaports.

SA 1754. Mrs. GILLIBRAND (for herself, Mr. SCHUMER, and Ms. DUCKWORTH) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 3. MORATORIUM ON INCINERATION BY DEPARTMENT OF DEFENSE OF PERFLUOROALKYL SUBSTANCES, POLYFLUOROALKYL SUBSTANCES, AND AQUEOUS FILM FORMING FOAM.

(a) **IN GENERAL.**—On and after the date of the enactment of this Act, the Secretary of Defense shall prohibit the incineration of materials containing perfluoroalkyl substances, polyfluoroalkyl substances, or aqueous film forming foam until final guidance has been published by the Secretary—

(1) implementing, for the Department of Defense, the interim guidance published by the Administrator of the Environmental Protection Agency under section 7361 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92); or

(2) that is consistent with such interim guidance.

(b) **WRITTEN ASSURANCE OF COMPLIANCE.**—After the publication of final guidance by

the Secretary as described in subsection (a), the Secretary shall require any owner or operator of an incinerator accepting from the Department materials containing perfluoroalkyl substances, polyfluoroalkyl substances, or aqueous film forming foam for incineration to provide to the Secretary a written assurance that it can fully comply with the requirements of section 330 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) before accepting any such materials.

(c) **REPORT.**—Not later than one year after the publication of final guidance by the Secretary as described in subsection (a), and annually thereafter, the Secretary shall submit to the Administrator of the Environmental Protection Agency a report on all incineration by the Department of materials containing perfluoroalkyl substances, polyfluoroalkyl substances, or aqueous film forming foam during the year covered by the report, including—

(1) the total amount of such materials incinerated; and

(2) the temperature range at which such materials were incinerated.

SA 1755. Mrs. GILLIBRAND (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 520. NONDISCRIMINATION WITH RESPECT TO SERVICE IN THE ARMED FORCES.

(a) **IN GENERAL.**—Chapter 37 of title 10, United States Code, is amended by inserting after section 651 the following new section:

“§ 651a. Members: nondiscrimination

“(a) **STANDARDS FOR ELIGIBILITY FOR SERVICE.**—Any qualifications established or applied for eligibility for service in an armed force shall take into account only the ability of an individual to meet occupational standards for military service generally and the military occupational specialty concerned in particular, and may not include any criteria relating to the race, color, national origin, religion, or sex (including gender identity or sexual orientation) of an individual.

“(b) **EQUALITY OF TREATMENT IN SERVICE.**—Any personnel policy developed or implemented by the Department of Defense with respect to members of the armed forces shall ensure equality of treatment and opportunity for all persons in the armed forces, without regard to race, color, national origin, religion, and sex (including gender identity and sexual orientation).

“(c) **GENDER IDENTITY DEFINED.**—In this section, the term ‘gender identity’ means the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individual’s designated sex at birth.

“(d) **RULE OF CONSTRUCTION.**—Nothing in the section 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.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 37 of such title is amended by inserting after the item relating to section 651 the following new item:

“651a. Members: nondiscrimination.”.

SA 1756. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following

SEC. ____ . EXPANSION OF OPEN BURN PIT REGISTRY OF DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE OPEN BURN PITS USED IN SYRIA AND EGYPT.

Section 201(c)(2) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note) is amended, in the matter preceding subparagraph (A), by striking "or Iraq" and inserting " , Iraq, Syria, or Egypt".

SA 1757. Mrs. BLACKBURN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. ____ . CONCURRENT RECEIPT OF VOLUNTARY SEPARATION PAY AND VETERANS DISABILITY COMPENSATION.

(a) VOLUNTARY INCENTIVE PAY FOR TRANSFER TO THE RESERVES.—Section 1175(e)(4) of title 10, United States Code, is amended by striking " , but there shall be deducted" and all that follows through the end of the paragraph and inserting a period.

(b) VOLUNTARY SEPARATION PAY.—Section 1175a(h) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking "AND DISABILITY COMPENSATION"; and

(2) in paragraph (2)—

(A) by striking "(A) Except as provided in subparagraphs (B) and (C), a member" and inserting "A member";

(B) by striking " , but there shall be" and all that follows through "Internal Revenue Code of 1986"; and

(C) by striking subparagraphs (B) and (C).

(c) COORDINATION WITH CONCURRENT RECEIPT LIMITATION.—Section 5304(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(3) Paragraph (1) of this subsection does not apply to an award of voluntary separation incentive pay under section 1175 of title 10 or voluntary separation pay under section 1175a of that title."

SA 1758. Mrs. BLACKBURN (for herself, Mr. MENENDEZ, Mr. SCOTT of Florida, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ____ . OPEN TECHNOLOGY FUND.

(a) SHORT TITLE.—This section may be cited as the "Open Technology Fund Authorization Act".

(b) FINDINGS.—Congress finds the following:

(1) The political, economic, and social benefits of the internet are important to advancing democracy and freedom throughout the world.

(2) Authoritarian governments are investing billions of dollars each year to create, maintain, and expand repressive internet censorship and surveillance systems to limit free association, control access to information, and prevent citizens from exercising their rights to free speech.

(3) Over ⅔ of the world's population live in countries in which the internet is restricted. Governments shut down the internet more than 200 times every year.

(4) Internet censorship and surveillance technology is rapidly being exported around the world, particularly by the Government of the People's Republic of China, enabling widespread abuses by authoritarian governments.

(c) SENSE OF CONGRESS.—It is the sense of Congress that it is in the interest of the United States—

(1) to promote global internet freedom by countering internet censorship and repressive surveillance;

(2) to protect the internet as a platform for—

(A) the free exchange of ideas;

(B) the promotion of human rights and democracy; and

(C) the advancement of a free press; and

(3) to support efforts that prevent the deliberate misuse of the internet to repress individuals from exercising their rights to free speech and association, including countering the use of such technologies by authoritarian regimes.

(d) ESTABLISHMENT OF THE OPEN TECHNOLOGY FUND.—

(1) IN GENERAL.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 309 the following:

"SEC. 309A. OPEN TECHNOLOGY FUND.

"(a) AUTHORITY.—

"(1) ESTABLISHMENT.—There is established a grantee entity, to be known as the 'Open Technology Fund', which shall carry out this section.

"(2) IN GENERAL.—Grants authorized under section 305 shall be available to award annual grants to the Open Technology fund for the purpose of—

"(A) promoting, consistent with United States law, unrestricted access to uncensored sources of information via the internet; and

"(B) enabling journalists, including journalists employed by or affiliated with the Voice of America, Radio Free Europe/Radio Liberty, Radio Free Asia, the Middle East Broadcasting Networks, the Office of Cuba Broadcasting, or any entity funded by or partnering with the United States Agency for Global Media to create and disseminate news and information consistent with the purposes, standards, and principles specified in sections 302 and 303.

"(b) USE OF GRANT FUNDS.—The Open Technology Fund shall use grant funds received pursuant to subsection (a)(2)—

"(1) to advance freedom of the press and unrestricted access to the internet in repressive environments overseas;

"(2) to research, develop, implement, and maintain—

"(A) technologies that circumvent techniques used by authoritarian governments, nonstate actors, and others to block or censor access to the internet, including circumvention tools that bypass internet blocking, filtering, and other censorship techniques used to limit or block legitimate access to content and information; and

"(B) secure communication tools and other forms of privacy and security technology that facilitate the creation and distribution of news and enable audiences to access media content on censored websites;

"(3) to advance internet freedom by supporting private and public sector research, development, implementation, and maintenance of technologies that provide secure and uncensored access to the internet to counter attempts by authoritarian governments, nonstate actors, and others to improperly restrict freedom online;

"(4) to research and analyze emerging technical threats and develop innovative solutions through collaboration with the private and public sectors to maintain the technological advantage of the United States Government over authoritarian governments, nonstate actors, and others;

"(5) to develop, acquire, and distribute requisite internet freedom technologies and techniques for the United States Agency for Global Media, in accordance with paragraph (2), and digital security interventions, to fully enable the creation and distribution of digital content between and to all users and regional audiences;

"(6) to prioritize programs for countries, the governments of which restrict freedom of expression on the internet, that are important to the national interest of the United States in accordance with section 7050(b)(2)(C) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116-94); and

"(7) to carry out any other effort consistent with the purposes of this Act or press freedom overseas if requested or approved by the United States Agency for Global Media.

"(c) METHODOLOGY.—In carrying out subsection (b), the Open Technology Fund shall—

"(1)(A) support fully open-source tools, code, and components, to the extent practicable, to ensure such supported tools and technologies are as secure, transparent, and accessible as possible; and

"(B) require that any such tools, compo-nents, code, or technology supported by the Open Technology Fund remain fully open-source, to the extent practicable;

"(2) support technologies that undergo comprehensive security audits to ensure that such technologies are secure and have not been compromised in a manner detrimental to the interests of the United States or to individuals or organizations benefitting from programs supported by the Open Technology Fund;

"(3) review and periodically update, as necessary, security auditing procedures used by the Open Technology Fund to reflect current industry security standards;

"(4) establish safeguards to mitigate the use of such supported technologies for illicit purposes;

"(5) solicit project proposals through an open, transparent, and competitive application process to attract innovative applications and reduce barriers to entry;

"(6)(A) seek input from technical, regional, and subject matter experts from a wide range of relevant disciplines; and

"(B) to review, provide feedback, and evaluate proposals to ensure that the most competitive projects are funded;

“(7) implement an independent review process, through which proposals are reviewed by such experts to ensure the highest degree of technical review and due diligence;

“(8) maximize cooperation with the public and private sectors, foreign allies, and partner countries to maximize efficiencies and eliminate duplication of efforts; and

“(9) utilize any other methodology approved by the United States Agency for Global Media in furtherance of the mission of the Open Technology Fund.

“(d) GRANT AGREEMENT.—Any grant agreement with, or grants made to, the Open Technology Fund under this section shall be subject to the following limitations and restrictions:

“(1) The headquarters of the Open Technology Fund and its senior administrative and managerial staff shall be located in a location which ensures economy, operational effectiveness, and accountability to the United States Agency for Global Media.

“(2) Grants awarded under this section shall be made pursuant to a grant agreement requiring that—

“(A) grant funds are only used only activities consistent with this section; and

“(B) failure to comply with such requirement shall result in termination of the grant without further fiscal obligation to the United States.

“(3) Each grant agreement under this section shall require that each contract entered into by the Open Technology Fund specify that all obligations are assumed by the grantee and not by the United States Government.

“(4) Each grant agreement under this section shall require that any lease agreements entered into by the Open Technology Fund shall be, to the maximum extent possible, assignable to the United States Government.

“(5) Administrative and managerial costs for operation of the Open Technology Fund—

“(A) should be kept to a minimum; and

“(B) to the maximum extent feasible, should not exceed the costs that would have been incurred if the Open Technology Fund had been operated as a Federal entity rather than as a grantee.

“(6) Grant funds may not be used for any activity whose purpose is influencing the passage or defeat of legislation considered by Congress.

“(e) RELATIONSHIP TO THE UNITED STATES AGENCY FOR GLOBAL MEDIA.—

“(1) IN GENERAL.—The Open Technology Fund shall be subject to the oversight and governance by the United States Agency for Global Media in accordance with section 305.

“(2) ASSISTANCE.—The United States Agency for Global Media, its broadcast entities, and the Open Technology Fund should render such assistance to each other as may be necessary to carry out the purposes of this section or any other provision under this Act.

“(3) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this section may be construed to make the Open Technology Fund an agency or instrumentality of the Federal Government.

“(4) DETAILEES.—Employees of a grantee of the United States Agency for Global Media may be detailed to the Agency, in accordance with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and Federal employees may be detailed to a grantee of the United States Agency for Global Media, in accordance with such Act.

“(f) RELATIONSHIP TO OTHER UNITED STATES GOVERNMENT-FUNDED INTERNET FREEDOM PROGRAMS.—The United States Agency for Global Media shall ensure that internet freedom research and development projects of the Open Technology Fund are deconflicted with internet freedom programs of the Department of State and other relevant United

States Government departments. Agencies should still share information and best practices relating to the implementation of subsections (b) and (c).

“(g) REPORTING REQUIREMENTS.—

“(1) ANNUAL REPORT.—The Open Technology Fund shall highlight, in its annual report, internet freedom activities, including a comprehensive assessment of the Open Technology Fund's activities relating to the implementation of subsections (b) and (c), which shall include—

“(A) an assessment of the current state of global internet freedom, including—

“(i) trends in censorship and surveillance technologies and internet shutdowns; and

“(ii) the threats such pose to journalists, citizens, and human rights and civil society organizations; and

“(B) a description of the technology projects supported by the Open Technology Fund and the associated impact of such projects in the most recently completed year, including—

“(i) the countries and regions in which such technologies were deployed;

“(ii) any associated metrics indicating audience usage of such technologies; and

“(iii) future-year technology project initiatives.

“(2) ASSESSMENT OF THE EFFECTIVENESS OF THE OPEN TECHNOLOGY FUND.—Not later than 2 years after the date of the enactment of this section, the Inspector General of the Department of State and the Foreign Service shall submit a report to the appropriate congressional committees that indicates—

“(A) whether the Open Technology Fund is—

“(i) technically sound;

“(ii) cost effective; and

“(iii) satisfying the requirements under this section; and

“(B) the extent to which the interests of the United States are being served by maintaining the work of the Open Technology Fund.

“(h) AUDIT AUTHORITIES.—

“(1) IN GENERAL.—Financial transactions of the Open Technology Fund that relate to functions carried out under this section may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places at which accounts of the Open Technology Fund are normally kept.

“(2) ACCESS BY GAO.—The Government Accountability Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Open Technology Fund pertaining to financial transactions as may be necessary to facilitate an audit. The Government Accountability Office shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Open Technology Fund shall remain in the possession and custody of the Open Technology Fund.

“(3) EXERCISE OF AUTHORITIES.—Notwithstanding any other provision of law, the Inspector General of the Department of State and the Foreign Service is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to the Open Technology Fund.”.

(2) CONFORMING AMENDMENTS.—The United States International Broadcasting Act of 1994 is amended—

(A) in section 304(d) (22 U.S.C. 6203(d)), by inserting “the Open Technology Fund,” before “the Middle East Broadcasting Networks”;

(B) in sections 305(a)(20) and 310(c) (22 U.S.C. 6204(a)(20) and 6209(c)), by inserting “the Open Technology Fund,” before “or the Middle East Broadcasting Networks” each place such term appears; and

(C) in section 310 (22 U.S.C. 6209), by inserting “the Open Technology Fund,” before “and the Middle East Broadcasting Networks” each place such term appears.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Open Technology Fund, which shall be used to carry out section 309A of the United States International Broadcasting Act of 1994, as added by paragraph (1)—

(A) \$20,000,000 for fiscal year 2021; and

(B) \$25,000,000 for fiscal year 2022.

(e) UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking “October 1, 2020” and inserting “October 1, 2025”.

SA 1759. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ELIGIBILITY OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR CERTAIN SMALL BUSINESS ADMINISTRATION PROGRAMS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 21(a) (15 U.S.C. 648(a))—

(A) in paragraph (1), by inserting before “The Administration shall require” the following new sentence: “The previous sentence shall not apply to an applicant that has its principal office located in the Commonwealth of the Northern Mariana Islands.”; and

(B) in paragraph (4)(C)(ix), by striking “and American Samoa” and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”; and

(2) in section 34(a)(9) (15 U.S.C. 657d(a)(9)), by striking “and American Samoa” and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

SA 1760. Mr. MORAN (for himself, Mr. TESTER, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____ . MODIFICATION TO FIRST DIVISION MONUMENT.

(a) AUTHORIZATION.—The Society of the First Infantry Division may make modifications to the First Division Monument located on Federal land in President's Park in the District of Columbia to honor the dead of the First Infantry Division, United States Forces, in—

(1) Operation Desert Storm;
(2) Operation Iraqi Freedom and New Dawn; and

(3) Operation Enduring Freedom.

(b) **MODIFICATIONS.**—Modifications to the First Division Monument may include construction of additional plaques and stone plinths on which to put plaques.

(c) **APPLICABILITY OF COMMEMORATIVE WORKS ACT.**—Chapter 89 of title 40, United States Code (commonly known as the “Commemorative Works Act”), shall apply to the design and placement of the commemorative elements authorized by this section, except that subsections (b) and (c) of section 8903 shall not apply.

(d) **COLLABORATION.**—The First Infantry Division of the Department of the Army shall collaborate with the Secretary of Defense to provide to the Society of the First Infantry Division the list of names to be added to the First Division Monument in accordance with subsection (a).

(e) **FUNDING.**—Federal funds may not be used for modifications of the First Division Monument authorized by this section.

SA 1761. Mr. MORAN (for himself and Mr. SCHATZ) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. ____ . REQUIREMENTS FOR ASSESSMENTS IN CONNECTION WITH FORCE STRUCTURE DECISIONS.

(a) **IN GENERAL.**—Chapter 3 of title 10, United States Code, is amended by inserting after section 129d the following new section:

“§ 129e. Force structure decisions: criteria used in assessments; public availability of criteria

“(a) **IN GENERAL.**—Any decision on the force structure of the armed forces shall use specific and objective criteria for that purpose, and shall make such criteria available to the public. Such criteria shall include following, as applicable:

“(1) The Military Value Analysis and Community Support Value Analysis of the Army.

“(2) The Strategic Laydown and Dispersal Process of the Navy (as provided by Office of the Chief of Naval Operations (OPNAV) Instruction 3111.17A).

“(3) The Strategic Basing Process of the Air Force.

“(b) **FORCE STRUCTURE MODERNIZATION.**—(1) In considering an installation in connection with a decision on force structure modernization, the Secretary of Defense or the Secretary of the military department concerned, as applicable, shall make available to the public the criteria to be used by the Department of Defense in selecting the installation for modernization or force structure changes, including applicable criteria specified in subsection (a) and such other criteria as will be used in making the decision.

“(2)(A) Each assessment that is conducted for an installation as described in paragraph (1) shall be made available to the public in accordance with the provisions of section 122a of this title.

“(B) An assessment described in subparagraph (A) shall be made available to the public as described in that subparagraph by not later than 30 days after the final basing decision is made.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 129d the following new item:

“129e. Force structure decisions: criteria used in assessments; public availability of criteria.”.

SA 1762. Mr. MURPHY (for himself, Mr. BLUMENTHAL, Ms. WARREN, Mr. MARKEY, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . IDENTIFYING INFORMATION FOR DEPARTMENT OF DEFENSE LAW ENFORCEMENT OFFICERS, CONTRACT EMPLOYEES, AND MEMBERS OF THE ARMED FORCES ENGAGED IN CROWD CONTROL, RIOT CONTROL, OR ARREST OR DETAINMENT.

(a) **DEFINITIONS.**—In this section—

(1) the term “Department of Defense contract employee” means an employee or officer of a contractor or subcontractor (at any tier) of the Department of Defense;

(2) the term “Department of Defense law enforcement officer” means an officer in a position in the Department of Defense who is authorized by law to engage in or supervise a law enforcement function;

(3) the term “law enforcement function” means the prevention, detection, or investigation of, or the prosecution or incarceration of any person for, any violation of law; and

(4) the term “member of an armed force” means a member of any of the armed forces, as defined in section 101(a)(4) of title 10, United States Code, or a member of the National Guard, as defined in section 101(3) of title 32, United States Code.

(b) **REQUIREMENT.**—On and after the date that is 2 years after the date of enactment of this Act, each Department of Defense law enforcement officer, Department of Defense contract employee, or member of an armed force who is engaged in any form of crowd control, riot control, or arrest or detainment of individuals engaged in an act of civil disobedience, demonstration, protest, or riot in the United States shall at all times display identifying information in a clearly visible fashion, which shall include—

(1) the last name, badge number, and component of the Department of Defense of a Department of Defense law enforcement officer;

(2) the last name and contractor or subcontractor employing a Department of Defense contract employee; and

(3) the last name, rank, and armed force of a member of an armed force.

SA 1763. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVI, add the following:

SEC. 1656. REPORT ON ELECTROMAGNETIC PULSE HARDENING OF GROUND-BASED STRATEGIC DETERRENT WEAPONS SYSTEM.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on establishing requirements and protocols to ensure that the ground-based strategic deterrent weapons system is hardened against electromagnetic pulses.

(b) **ELEMENTS.**—The report required by subsection (a) shall include a description of the following:

(1) The testing protocols the ground-based strategic deterrent program will use for electromagnetic pulse testing.

(2) How requirements for electromagnetic pulse hardness will be integrated into the ground-based strategic deterrent program.

(3) Plans for electromagnetic pulse verification tests of the ground-based strategic deterrent weapons system.

(4) Plans for electromagnetic pulse testing of nonmissile components of the ground-based strategic deterrent weapons system.

(5) Plans to sustain electromagnetic pulse qualification of the ground-based strategic deterrent weapons system.

SA 1764. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. ____ . SENSE OF CONGRESS ON NAMING OF THE NEXT TOWING, SALVAGE, AND RESCUE SHIP OF THE NAVY AFTER THE ARIKARA NATIVE AMERICAN TRIBE IN NORTH DAKOTA.

It is the sense of Congress that the Secretary of the Navy should name the next Towing, Salvage, and Rescue Ship (TATS) of the Navy the U.S.N.S. Arikara, in recognition of the Arikara Native American tribe in North Dakota.

SA 1765. Mr. HOEVEN (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. ____ . CONCURRENT USE OF DEPARTMENT OF DEFENSE TUITION ASSISTANCE AND MONTGOMERY GI BILL-SELECTED RESERVE BENEFITS.

(a) **IN GENERAL.**—Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k)(1) In the case of an individual entitled to educational assistance under this chapter who is pursuing education or training described in subsection (a) or (c) of section 2007 of this title on a half-time or more basis, the Secretary concerned shall, at the election of the individual, pay the individual educational assistance allowance under this

chapter for pursuit of such education or training as if the individual were not also eligible to receive or in receipt of educational assistance under section 2007 for pursuit of such education or training.

“(2)(A) In the case of an individual entitled to educational assistance under this chapter who is pursuing education or training described in subsection (a) or (c) of section 2007 of this title on a less than half-time basis, the Secretary concerned shall, at the election of the individual, pay the individual an educational assistance allowance to meet all or a portion of the charges of the educational institution for tuition or expenses for the education or training that are not paid by the Secretary of the military department concerned under such subsection.

“(B)(i) The amount of the educational assistance allowance payable to an individual under this paragraph for a month shall be the amount of the educational assistance allowance to which the individual would be entitled for the month under subsection (b), (d), (e), or (f).

“(ii) The number of months of entitlement charged under this chapter in the case of an individual who has been paid an educational assistance allowance under this paragraph shall be equal to the number (including any fraction) determined by dividing the total amount of such educational assistance allowance paid the individual by the full-time monthly institutional rate of educational assistance which such individual would otherwise be paid under subparagraph (A), (B), (C), or (D) of subsection (b)(1), subsection (d), subsection (e), or subsection (f), as the case may be.”.

(b) CONFORMING AMENDMENTS.—Section 2007(d) of such title is amended—

(1) in paragraph (1), by inserting “or chapter 1606 of this title” after “of title 38”; and

(2) in paragraph (2), by inserting “, in the case of educational assistance under chapter 30 of such title, and section 16131(k), in the case of educational assistance under chapter 1606 of this title” before the period at the end.

SA 1766. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. ____ . REPORT ON SEPARATION HISTORY AND PHYSICAL EXAMINATIONS CONDUCTED FOR MEMBERS OF THE SELECTED RESERVE OF THE READY RESERVE OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall review the records of former members of the Selected Reserve of the Ready Reserve of the reserve components of the Armed Forces and submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the following:

(1) The number of individuals who separated from the Selected Reserve during the two-year period preceding the submittal of the report.

(2) Of the individuals described in paragraph (1), the number who did not receive a Separation History and Physical Examination from the Department of Defense.

(3) Of the individuals described in paragraph (2), the number who applied for benefits from the Department of Veterans Affairs.

(4) Of the individuals described in paragraph (3), the number who were denied benefits from the Department of Veterans Affairs.

SA 1767. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1003. REPORT ON FISCAL YEAR 2022 BUDGET REQUEST REQUIREMENTS IN CONNECTION WITH AIR FORCE OPERATIONS IN THE ARCTIC.

The Secretary of the Air Force shall submit to the congressional defense committees, not later than 30 days after submission of the budget justification documents submitted to Congress in support of the budget of the President for fiscal year 2022 (as submitted pursuant to section 1105 of title 31, United States Code), a report that includes the following:

(1) A description of the manner in which amounts requested for the Air Force in the budget for fiscal year 2022 support Air Force operations in the Arctic.

(2) A list of the procurement initiatives and research, development, test, and evaluation initiatives funded by that budget that are primarily intended to enhance the ability of the Air Force to deploy to or operate in the Arctic region, or to defend the northern approach to the United States homeland.

(3) An assessment of the adequacy of the infrastructure of Air Force installations in Alaska and in the States along the northern border of the continental United States to support deployments to and operations in the Arctic region, including an assessment of runways, fuel lines, and aircraft maintenance capacity for purposes of such support.

SA 1768. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

Subtitle ____—Industries of the Future

SEC. ____ 1. SHORT TITLE.

This subtitle may be cited as the “Industries of the Future Act of 2020”.

SEC. ____ 2. SENSE OF CONGRESS ON INVESTMENT IN RESEARCH AND DEVELOPMENT.

It is the sense of Congress that—

(1) the United States must drive technological breakthroughs through research and development investments across the Federal Government, academia, and industry in order to promote scientific discovery, economic competitiveness, and national security;

(2) the United States must identify key research infrastructure investments that en-

able these technological breakthroughs and establish the domestic capabilities necessary for the United States to lead in the industries of the future;

(3) the United States must encourage opportunities for collaboration between the Federal Government and the private sector so that through such partnerships, all can benefit from each other's investment and expertise, ensuring United States leadership in the industries of the future;

(4) the United States must encourage opportunities for collaboration between the Federal Government and the private sector so that through such partnerships, all can benefit from each other's investment and expertise, ensuring United States leadership in the industries of the future; and

(5) in order for the United States to maintain its global economic edge, Federal investment must be made in research and development efforts focused on industries of the future, such as artificial intelligence, quantum information science, biotechnology, and next generation wireless networks and infrastructure, advanced manufacturing, and synthetic biology.

SEC. ____ 3. REPORT ON FEDERAL RESEARCH AND DEVELOPMENT FOCUSED ON INDUSTRIES OF THE FUTURE.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to Congress a report on research and development investments, infrastructure, and workforce development investments of the Federal Government that enable continued United States leadership in industries of the future.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) A definition, for purposes of this Act, of the term “industries of the future” that includes emerging technologies.

(2) An assessment of the current baseline of investments in civilian research and development investments of the Federal Government in the industries of the future.

(3) A plan to double such baseline investments in artificial intelligence and quantum information science by fiscal year 2022.

(4) A detailed plan to increase investments described in paragraph (2) in industries of the future to \$10,000,000,000 per year by fiscal year 2025.

(5) A plan to leverage investments described in paragraphs (2), (3), and (4) in industries of the future to elicit complementary investments by non-Federal entities to the greatest extent practicable.

(6) Proposed legislation to implement such plans.

SEC. ____ 4. INDUSTRIES OF THE FUTURE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The President shall establish or designate a council to advise the Director of the Office of Science and Technology Policy on matters relevant to the Director and the industries of the future.

(2) DESIGNATION.—The council established or designated under paragraph (1) shall be known as the “Industries of the Future Coordination Council” (in this section the “Council”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of members from the Federal Government as follows:

(A) One member appointed by the Director.

(B) One member appointed by the Director of the Office of Management and Budget.

(C) A chairperson of the Select Committee on Artificial Intelligence of the National Science and Technology Council.

(D) A chairperson of the Subcommittee on Advanced Manufacturing of the National Science and Technology Council.

(E) A chairperson of the Subcommittee on Quantum Information Science of the National Science and Technology Council.

(F) Such other members as the President considers appropriate.

(2) **CHAIRPERSON.**—The member appointed to the Council under paragraph (1)(A) shall serve as the chairperson of the Council.

(c) **DUTIES.**—The duties of the Council are as follows:

(1) To provide the Director with advice on ways in which in the Federal Government can ensure the United States continues to lead the world in developing emerging technologies that improve the quality of life of the people of the United States, increase economic competitiveness of the United States, and strengthen the national security of the United States, including identification of the following:

(A) Investments required in fundamental research and development, infrastructure, and workforce development of the United States workers who will support the industries of the future.

(B) Actions necessary to create and further develop the workforce that will support the industries of the future.

(C) Actions required to leverage the strength of the research and development ecosystem of the United States, which includes academia, industry, and nonprofit organizations.

(D) Ways that the Federal Government can consider leveraging existing partnerships and creating new partnerships and other multisector collaborations to advance the industries of the future.

(2) To provide the Director with advice on matters relevant to the report required by section 3.

(d) **COORDINATION.**—The Council shall coordinate with and utilize relevant existing National Science and Technology Council committees to the maximum extent feasible in order to minimize duplication of effort.

(e) **SUNSET.**—The Council shall terminate on the date that is 6 years after the date of the enactment of this Act.

SA 1769. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . VETERANS SERVICE ORGANIZATION SUPPORT TO TRANSITION ASSISTANCE PROGRAMS.

(a) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in collaboration with the Secretary of Labor, the Secretary of Homeland Security, and the Secretary of Veterans Affairs, shall establish a process by which a representative of a veterans service organization may be present at any portion of the program carried out under section 1144 of title 10, United States Code, relating to the submittal of claims to the Secretary of Veterans Affairs for compensation under chapter 11 or 13 of title 38, United States Code.

(b) **PURPOSE.**—The process established in subsection (a) shall ensure that a representative of a veteran service organization can support and facilitate the efforts of the Department of Defense to provide preseparation counseling and transition assistance carried

out under section 1144 of title 10, United States Code, relating to the submittal of claims to the Secretary of Veterans Affairs for compensation under chapter 11 or 13 of title 38, United States Code.

(c) **ACCESS TO BE AUTHORIZED.**—In accordance with the process established in subsection (a), the Secretary of Defense shall review and modify as necessary the memorandum of the Secretary entitled “Installation Access and Support Services for Nonprofit Non-Federal Entities” and dated December 23, 2014, to permit a representative of a veterans service organization access to a military installations to be present at any portion of the program carried out under section 1144 of title 10, United States Code, to members of the Armed Forces stationed at such installations.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as authorizing the Secretary of Defense to offer—

(1) a recommendation or endorsement of a particular veterans service organization over another veterans service organization for the purposes of supporting preseparation counseling and transition assistance programming; and

(2) the encouragement, support, or other suggestion that a member of the Armed Forces seek membership in a veterans service organization.

(e) **REPORT.**—

(1) **IN GENERAL.**—Not later than 540 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on participation of veterans service organizations in the program carried out under section 1144 of title 10, United States Code.

(2) **CONTENTS.**—The report required by paragraph (1) shall include the following:

(A) An assessment of the compliance of facilities of the Department of Defense with the directives providing a representative of a veteran service organization access to a military installation, including—

(i) the memorandum of the Secretary entitled “Installation Access and Support Services for Nonprofit Non-Federal Entities” and dated December 23, 2014; or

(ii) a memorandum of the Secretary superseding the memorandum described in clause (i).

(B) The number of military bases that have complied with such directives.

(C) How many veterans service organizations have been present at a portion of a program as described in subsection (a).

(f) **VETERANS SERVICE ORGANIZATION DEFINED.**—In this section, the term “veterans service organization” means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

SA 1770. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. ____ . RESTORING HONOR TO SERVICE MEMBERS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the mission of the Department of Defense is to provide the military forces needed to deter war and to protect the security of the United States;

(2) expanding outreach to veterans impacted by Don't Ask, Don't Tell or a similar policy prior to the enactment of Don't Ask, Don't Tell is important to closing a period of history harmful to the creed of integrity, respect, and honor of the military;

(3) the Department is responsible for providing for the review of a veteran's military record before the appropriate discharge review board or, when more than 15 years has passed, board of correction for military or naval records; and

(4) the Secretary of Defense should, wherever possible, coordinate and conduct outreach to impacted veterans through the veterans community and networks, including through the Department of Veterans Affairs and veterans service organizations, to ensure that veterans understand the review processes that are available to them for upgrading military records.

(b) TIGER TEAM FOR OUTREACH TO FORMER MEMBERS.—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish a team (commonly known as a “tiger team” and referred to in this section as the “Tiger Team”) responsible for conducting outreach to build awareness among former members of the Armed Forces of the process established pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) for the review of discharge characterizations by appropriate discharge boards. The Tiger Team shall consist of appropriate personnel of the Department of Defense assigned to the Tiger Team by the Secretary for purposes of this section.

(2) **TIGER TEAM LEADER.**—One of the persons assigned to the Tiger Team under paragraph (1) shall be a senior-level officer or employee of the Department who shall serve as the lead official of the Tiger Team (in this section referred to as the “Tiger Team Leader”) and who shall be accountable for the activities of the Tiger Team under this section.

(3) **REPORT ON COMPOSITION.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report setting forth the names of the personnel of the Department assigned to the Tiger Team pursuant to this subsection, including the positions to which assigned. The report shall specify the name of the individual assigned as Tiger Team Leader.

(c) **DUTIES.**—

(1) **IN GENERAL.**—The Tiger Team shall conduct outreach to build awareness among veterans of the process established pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020 for the review of discharge characterizations by appropriate discharge boards.

(2) **COLLABORATION.**—In conducting activities under this subsection, the Tiger Team Leader shall identify appropriate external stakeholders with whom the Tiger Team shall work to carry out such activities. Such stakeholders shall include the following:

(A) The Secretary of Veterans Affairs.

(B) The Archivist of the United States.

(C) Representatives of veterans service organizations.

(D) Such other stakeholders as the Tiger Team Leader considers appropriate.

(3) **INITIAL REPORT.**—Not later than 210 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress the following:

(A) A plan setting forth the following:

(i) A description of the manner in which the Secretary, working through the Tiger Team and in collaboration with external stakeholders described in paragraph (2), shall identify individuals who meet the criteria in

section 527(b) of the National Defense Authorization Act for Fiscal Year 2020 for review of discharge characterization.

(ii) A description of the manner in which the Secretary, working through the Tiger Team and in collaboration with the external stakeholders, shall improve outreach to individuals who meet the criteria in section 527(b) of the National Defense Authorization Act for Fiscal Year 2020 for review of discharge characterization, including through—

(I) obtaining contact information on such individuals; and

(II) contacting such individuals on the process established pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020 for the review of discharge characterizations.

(B) A description of the manner in which the work described in clauses (i) and (ii) of subparagraph (A) will be carried out, including an allocation of the work among the Tiger Team and the external stakeholders.

(C) A schedule for the implementation, carrying out, and completion of the plan required under subparagraph (A).

(D) A description of the additional funding, personnel, or other resources of the Department required to carry out the plan required under subparagraph (A), including any modification of applicable statutory or administrative authorities.

(4) IMPLEMENTATION OF PLAN.—

(A) IN GENERAL.—The Secretary shall implement and carry out the plan submitted under subparagraph (A) of paragraph (3) in accordance with the schedule submitted under subparagraph (C) of that paragraph.

(B) UPDATES.—Not less frequently than once every 90 days after the submittal of the report under paragraph (3), the Tiger Team shall submit to Congress an update on the carrying out of the plan submitted under subparagraph (A) of that paragraph.

(5) FINAL REPORT.—Not later than 3 years after the date of the enactment of this Act, the Tiger Team shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report on the activities of the Tiger Team under this subsection. The report shall set forth the following:

(A) The number of individuals discharged under Don't Ask, Don't Tell or a similar policy prior to the enactment of Don't Ask, Don't Tell.

(B) The number of individuals described in subparagraph (A) who availed themselves of a review of discharge characterization (whether through discharge review or correction of military records) through a process established prior to the enactment of this Act.

(C) The number of individuals contacted through outreach conducted pursuant to this section.

(D) The number of individuals described in subparagraph (A) who availed themselves of a review of discharge characterization through the process established pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020.

(E) The number of individuals described in subparagraph (D) whose review of discharge characterization resulted in a change of characterization to honorable discharge.

(F) The total number of individuals described in subparagraph (A), including individuals also covered by subparagraph (E), whose review of discharge characterization since September 20, 2011 (the date of repeal of Don't Ask, Don't Tell), resulted in a change of characterization to honorable discharge.

(6) TERMINATION.—On the date that is 60 days after the date on which the final report required by paragraph (5) is submitted, the Secretary shall terminate the Tiger Team.

(d) ADDITIONAL REPORTS.—

(1) REVIEW.—The Secretary of Defense shall conduct a review of the consistency and uniformity of the reviews conducted pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020.

(2) 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 paragraph (1). Such reports shall include any comments or recommendations for continued actions.

(e) HISTORICAL REVIEWS.—

(1) IN GENERAL.—The Secretary of each military department shall ensure that oral historians of the department—

(A) 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, including any use of ambiguous or misleading separation codes and characterizations intended to disguise the discriminatory basis of such members' discharge; and

(B) 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.

(2) DEADLINE FOR COMPLETION.—Each Secretary of a military department shall ensure that the oral historians concerned complete the actions required by paragraph (1) by not later than one year after the date of the enactment of this Act.

(3) USES OF INFORMATION.—Information obtained through actions under paragraph (1) shall be available to members described in that paragraph for pursuit by such members of a remedy under section 527 of the National Defense Authorization Act for Fiscal Year 2020 in accordance with regulations prescribed for such purpose by the Secretary of the military department concerned.

(f) DON'T ASK, DON'T TELL DEFINED.—In this section, 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).

SA 1771. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 3. ENHANCEMENT OF RESILIENCE OF DEFENSE COMMUNITY INFRASTRUCTURE.

Section 2391 of title 10, United States Code, is amended—

(1) in subsection (b)(5), by adding at the end the following new subparagraph:

“(D)(i) The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist a State or local government in planning and implementing pre-disaster mitigation measures and projects that, as determined by the Secretary of Defense, will contribute to maintaining or improving military installation resilience.

“(ii) In the case of funds provided under clause (i) for projects involving the preserva-

tion or restoration of natural features for the purpose of maintaining or enhancing military installation resilience—

“(I) such funds—

“(aa) may be provided in a lump sum and include an amount intended to cover the future costs of the natural resource maintenance and improvement activities required for the preservation or restoration of such natural features; and

“(bb) may be placed by the recipient in an interest-bearing or other investment account; and

“(II) any interest or income shall be applied for the same purposes as the principal.

“(iii) Amounts appropriated or otherwise made available for assistance under this subparagraph shall remain available until expended.”;

(2) in subsection (d)(1) by inserting “to plan for and implement actions” after “to assist State and local governments”; and

(3) in subsection (e)—

(A) in paragraph (1), by striking “subsection (b)(1)(D)” and inserting “subsections (b)(1)(D), (b)(1)(E), (b)(5)(D), and (d)(1)”;

(B) in paragraph (4)(B), by adding at the end the following new clause:

“(iv) A disaster mitigation or risk reduction project.”.

SA 1772. Mr. SCHATZ (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 3. ASSESSMENT OF RISKS TO DEFENSE COMMUNITIES.

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2816. Defense community vulnerability assessments and exercises

“(a) PROGRAM.—The Secretary of Defense shall establish a program that ensures that the Secretary of each military department is able to—

“(1) conduct exercises to assess and to the degree feasible quantify the potential impact of current and projected risks to military installation resilience resulting from vulnerabilities to critical infrastructure inside and outside of the military installation, including community infrastructure not under the jurisdiction of the Secretary concerned; and

“(2) improve collaboration and information sharing of critical infrastructure vulnerabilities with stakeholders in the civilian community that are necessary to reduce the risks to military installation resilience.

“(b) VULNERABILITY ASSESSMENTS.—In carrying out the program under subsection (a), consistent with the use of military installations and State-owned installations of the National Guard to ensure the readiness of the armed forces, the Secretary of each military department shall assess current and projected vulnerabilities related to military installation infrastructure and community infrastructure that impact military installation resilience described in section 2864(c) of this title, including vulnerabilities resulting from interdependencies in the following critical infrastructure sectors:

“(1) Energy generation, distribution, and transmission systems.

“(2) Water and wastewater treatment facilities.

“(3) Telecommunications and information technology systems.

“(4) Intermodal transportation nodes, including access roads, railways and railheads, bridges, and harbor and port infrastructure.

“(5) Emergency services.

“(6) Such other critical infrastructure sectors as the Secretary concerned determines are important to ensure military installation resilience.

“(c) **VULNERABILITY EXERCISES.**—(1) In carrying out the program under subsection (a), each year, the Secretary of each military department shall conduct a vulnerability exercise to assess and to the degree feasible quantify the potential impact of current and projected risks to military installation resilience at not fewer than five military installations and identify information gaps necessary to improve military installation resilience planning under section 2864(c) of this title.

“(2) The Secretary of each military department shall develop and conduct exercises under paragraph (1) in coordination with the following:

“(A) The Secretary of Homeland Security, acting through the director of the Cybersecurity and Infrastructure Security Agency.

“(B) The Secretary of Energy, acting through the director of the Resilience Optimization Center of the Idaho National Laboratory.

“(C) The Assistant Secretary of the Army for Civil Works, acting through the Chief of Engineers.

“(D) Representatives of State, tribal, and local emergency management agencies, including the heads of such agencies, as appropriate.

“(E) Representatives of State, tribal, and local governments with expertise, oversight, or responsibility of the critical infrastructure sectors described in subsection (b).

“(F) Representatives of private service providers serving critical infrastructure sectors described in subsection (b).

“(G) Representatives of non-governmental organizations and local colleges and universities with access to the planning tools to provide local-level vulnerability analysis to assess current and projected critical infrastructure vulnerabilities inside and outside of the military installation.

“(H) The heads of such other Federal or State departments or agencies as the Secretary concerned considers appropriate for conducting the exercise under paragraph (1).

“(3) Each exercise under paragraph (1) shall model and analyze interdependency vulnerabilities related to military installation infrastructure and community infrastructure using a uniform method that seeks to combine, to the extent appropriate and applicable, the following:

“(A) All hazards analysis that models military installation infrastructure and community infrastructure as regionally linked systems to assess the current and projected risks and consequences of manmade and natural disasters on those systems inside and outside the military installation.

“(B) Science-based analysis that provides for enhanced modeling of current and projected infrastructure risks to military installation resilience within the boundaries of the military installation.

“(4) The Secretary of each military department shall provide to the individuals described in paragraph (2) any information, in an appropriate form, that is used to develop the exercises described in paragraph (1), including—

“(A) projections from reliable and authorized sources used for the military installa-

tion resilience component of the installation master plans of the Department of Defense under section 2864 of this title;

“(B) modeling and analytical products described in paragraph (3); and

“(C) any additional material used to inform the conduct of the exercises under paragraph (1).

“(d) **REPORTS.**—(1) Not later than March 1 of each year, the Secretary of each military department shall submit to the congressional defense committees a report on the program conducted under this section, including the assessments conducted under subsection (b) and the exercises conducted under subsection (c), during the year preceding the report.

“(2) Each report submitted under paragraph (1) shall include the following:

“(A) The name and location of each military installation where an assessment and exercise was conducted under this section in the year covered by the report, including a list of stakeholders engaged as part of each exercise under subsection (c).

“(B) The name and location of where each military department plans to conduct assessments and exercises under this section in the following year.

“(C) An analysis of what current and future risks the assessments and exercises addressed and, to the degree feasible, quantified for each military installation and what information gaps, if any, persist following the assessment and exercise.

“(D) An explanation of how the Secretary concerned will address any persistent information gaps identified under subparagraph (C).

“(E) An explanation of how the assessments under subsection (b) informed or will inform military installation resilience projects under section 2815 of this title.

“(F) A plan for using available authorities to mitigate vulnerabilities to military installation infrastructure and community infrastructure, including under section 2391(d) of this title.

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘community infrastructure’ has the meaning given that term in section 2391(e)(4) of this title.

“(2) The term ‘military installation’ has the meaning given that term in section 2391(e)(1) of this title.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 169 of such title is amended by inserting after the item relating to section 2815 the following new item:

“2816. Defense community vulnerability assessments and exercises.”

SA 1773. Mr. SCHATZ (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At appropriate place, insert the following:

Subtitle —READI Act

SEC. 01. SHORT TITLE.

This subtitle may be cited as the “Reliable Emergency Alert Distribution Improvement Act of 2020” or “READI Act”.

SEC. 02. DEFINITIONS.

In this subtitle—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency;

(2) the term “Commission” means the Federal Communications Commission;

(3) the term “Emergency Alert System” means the national public warning system, the rules for which are set forth in part 11 of title 47, Code of Federal Regulations (or any successor regulation); and

(4) the term “Wireless Emergency Alert System” means the wireless national public warning system established under the Warning, Alert, and Response Network Act (47 U.S.C. 1201 et seq.), the rules for which are set forth in part 10 of title 47, Code of Federal Regulations (or any successor regulation).

SEC. 03. WIRELESS EMERGENCY ALERT SYSTEM OFFERINGS.

(a) **AMENDMENT.**—Section 602(b)(2)(E) of the Warning, Alert, and Response Network Act (47 U.S.C. 1201(b)(2)(E)) is amended—

(1) by striking the second and third sentences; and

(2) by striking “other than an alert issued by the President.” and inserting the following: “other than an alert issued by—

“(i) the President; or

“(ii) the Administrator of the Federal Emergency Management Agency.”

(b) **REGULATIONS.**—Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall adopt regulations to implement the amendment made by subsection (a)(2).

SEC. 04. STATE EMERGENCY ALERT SYSTEM PLANS AND EMERGENCY COMMUNICATIONS COMMITTEES.

(a) **DEFINITIONS.**—In this section—

(1) the term “SECC” means a State Emergency Communications Committee;

(2) the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States; and

(3) the term “State EAS Plan” means a State Emergency Alert System Plan.

(b) **STATE EMERGENCY COMMUNICATIONS COMMITTEE.**—Not later than 180 days after the date of enactment of this Act, the Commission shall adopt regulations that—

(1) encourage the chief executive of each State—

(A) to establish an SECC if the State does not have an SECC; or

(B) if the State has an SECC, to review the composition and governance of the SECC;

(2) provide that—

(A) each SECC, not less frequently than annually, shall—

(i) meet to review and update its State EAS Plan;

(ii) certify to the Commission that the SECC has met as required under clause (i); and

(iii) submit to the Commission an updated State EAS Plan; and

(B) not later than 60 days after the date on which the Commission receives an updated State EAS Plan under subparagraph (A)(iii), the Commission shall—

(i) approve or disapprove the updated State EAS Plan; and

(ii) notify the chief executive of the State of the Commission’s findings; and

(3) establish a State EAS Plan content checklist for SECCs to use when reviewing and updating a State EAS Plan for submission to the Commission under paragraph (2)(A).

(c) **CONSULTATION.**—The Commission shall consult with the Administrator regarding the adoption of regulations under subsection (b)(3).

SEC. 05. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM GUIDANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and issue guidance on how State, Tribal, and local governments can participate in the integrated public alert and warning system of the United States described in section 526 of the Homeland Security Act of 2002 (6 U.S.C. 321o) (referred to in this section as the “public alert and warning system”) while maintaining the integrity of the public alert and warning system, including—

(1) guidance on the categories of public emergencies and appropriate circumstances that warrant an alert and warning from State, Tribal, and local governments using the public alert and warning system;

(2) the procedures for State, Tribal, and local government officials to authenticate civil emergencies and initiate, modify, and cancel alerts transmitted through the public alert and warning system, including protocols and technology capabilities for—

(A) the initiation, or prohibition on the initiation, of alerts by a single authorized or unauthorized individual;

(B) testing a State, Tribal, or local government incident management and warning tool without accidentally initiating an alert through the public alert and warning system; and

(C) steps a State, Tribal, or local government official should take to mitigate the possibility of the issuance of a false alert through the public alert and warning system;

(3) the standardization, functionality, and interoperability of incident management and warning tools used by State, Tribal, and local governments to notify the public of an emergency through the public alert and warning system;

(4) the annual training and recertification of emergency management personnel on requirements for originating and transmitting an alert through the public alert and warning system;

(5) the procedures, protocols, and guidance concerning the protective action plans that State, Tribal, and local governments should issue to the public following an alert issued under the public alert and warning system;

(6) the procedures, protocols, and guidance concerning the communications that State, Tribal, and local governments should issue to the public following a false alert issued under the public alert and warning system;

(7) a plan by which State, Tribal, and local government officials may, during an emergency, contact each other as well as Federal officials and participants in the Emergency Alert System and the Wireless Emergency Alert System, when appropriate and necessary, by telephone, text message, or other means of communication regarding an alert that has been distributed to the public; and

(8) any other procedure the Administrator considers appropriate for maintaining the integrity of and providing for public confidence in the public alert and warning system.

(b) COORDINATION WITH NATIONAL ADVISORY COUNCIL REPORT.—The Administrator shall ensure that the guidance developed under subsection (a) do not conflict with recommendations made for improving the public alert and warning system provided in the report submitted by the National Advisory Council under section 2(b)(7)(B) of the Integrated Public Alert and Warning System Modernization Act of 2015 (Public Law 114-143; 130 Stat. 332).

(c) PUBLIC CONSULTATION.—In developing the guidance under subsection (a), the Administrator shall ensure appropriate public consultation and, to the extent practicable,

coordinate the development of the guidance with stakeholders of the public alert and warning system, including—

(1) appropriate personnel from Federal agencies, including the National Institute of Standards and Technology, the Federal Emergency Management Agency, and the Commission;

(2) representatives of State and local governments and emergency services personnel, who shall be selected from among individuals nominated by national organizations representing those governments and personnel;

(3) representatives of federally recognized Indian Tribes and national Indian organizations;

(4) communications service providers;

(5) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(6) third-party service bureaus;

(7) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(8) technical experts from the broadcasting industry;

(9) educators from the Emergency Management Institute; and

(10) other individuals with technical expertise as the Administrator determines appropriate.

(d) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the public consultation with stakeholders under subsection (c).

(e) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to amend, supplement, or abridge the authority of the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.) or in any other manner give the Administrator authority over communications service providers participating in the Emergency Alert System or the Wireless Emergency Alert System.

SEC. 06. FALSE ALERT REPORTING.

Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to establish a system to receive from the Administrator or State, Tribal, or local governments reports of false alerts under the Emergency Alert System or the Wireless Emergency Alert System for the purpose of recording such false alerts and examining their causes.

SEC. 07. REPEATING EMERGENCY ALERT SYSTEM MESSAGES FOR NATIONAL SECURITY.

Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to modify the Emergency Alert System to provide for repeating Emergency Alert System messages while an alert remains pending that is issued by—

(1) the President;

(2) the Administrator; or

(3) any other entity under specified circumstances as determined by the Commission, in consultation with the Administrator.

SEC. 08. INTERNET AND ONLINE STREAMING SERVICES EMERGENCY ALERT EXAMINATION.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, and after providing public notice and opportunity for comment, the Commission shall complete an inquiry to examine the feasibility of updating the Emergency Alert System to enable or improve alerts to consumers provided through the internet, including through streaming services.

(b) REPORT.—Not later than 90 days after completing the inquiry under subsection (a),

the Commission shall submit a report on the findings and conclusions of the inquiry to—

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

(2) the Committee on Energy and Commerce of the House of Representatives.

SA 1774. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 382. PROHIBITION ON CONSTRUCTING WALLS, FENCES, OR ASSOCIATED ROADS ON SOUTHERN BORDER OF UNITED STATES.

The Secretary of Defense may not use any of the amounts authorized in this Act to—

(1) provide support under section 284 of title 10, United States Code, in connection with the construction of a wall or fence on the southern border of the United States or a road associated with such a wall or fence;

(2) undertake a military construction project under section 2808 of such title in connection with the construction of such a wall, fence, or road; or

(3) otherwise construct or provide support for the construction of such a wall, fence, or road.

SA 1775. Mr. BLUMENTHAL (for himself, Mr. BROWN, Mr. DURBIN, Ms. HIRONO, Mr. CASEY, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____ . MODIFICATION OF ELIGIBILITY REQUIREMENTS FOR TRANSFER OF UNUSED ENTITLEMENT TO POST-9/11 EDUCATIONAL ASSISTANCE.

(a) MODIFICATION OF ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Subsection (b) of section 3319 of title 38, United States Code, is amended to read as follows:

“(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is an individual who, at the time of the approval of the individual's request to transfer entitlement to educational assistance under this section—

“(1) has completed at least 10 years of service in the uniformed services, not fewer than six of which were service in the Armed Forces;

“(2) is a member of the uniformed services who—

“(A) is not an individual described in paragraph (1);

“(B) has served at least six years in the Armed Forces;

“(C) enters into an agreement to serve as a member of the uniformed services for a period that is no less than the difference between—

“(i) 10 years; and
 “(ii) the period the individual has already served in the uniformed services; or
 “(3) is described in section 3311(b)(10).”
 (2) CONFORMING AMENDMENTS.—Such section is amended—
 (A) in subsection (a)—
 (i) by striking paragraph (2); and
 (ii) in paragraph (1), by striking “(1)”;
 (B) in subsection (i)(2), by striking “under subsection (b)(1)” and inserting “under subsection (b)(2)(C)”; and
 (C) in subsection (j)(2)—
 (i) in subparagraph (A), by inserting “and” after the semicolon;
 (ii) by striking subparagraph (B); and
 (iii) by redesignating subparagraph (C) as subparagraph (B).

(b) MODIFICATION OF TIME TO TRANSFER.—
 (1) IN GENERAL.—Paragraph (1) of subsection (f) of such section is amended to read as follows:

“(1) TIME FOR TRANSFER.—Subject to the time limitation for use of entitlement under section 3321 of this title, and except as provided in subsection (k), an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement at any time.”.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by amending subsection (g) to read as follows:

“(g) COMMENCEMENT OF USE.—If a dependent to whom entitlement to educational assistance is transferred under this section is a child, the dependent may not commence the use of the transferred entitlement until either—

“(1) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or
 “(2) the attainment by the child of 18 years of age.”;

(B) by striking subsection (k); and
 (C) by redesignating subsection (l) as subsection (k).

SA 1776. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle E—Arbitration Rights of Members of the Armed Forces and Veterans

SEC. 641. SHORT TITLE.

This subtitle may be cited as the “Justice for Servicemembers Act”.

SEC. 642. PURPOSES.

The purposes of this subtitle are—

(1) to prohibit predispute arbitration agreements that force arbitration of disputes arising from claims brought under chapter 43 of title 38, United States Code, and the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.); and

(2) to prohibit agreements and practices that interfere with the right of persons to participate in a joint, class, or collective action related to disputes arising from claims brought under the provisions of the laws described in paragraph (1).

SEC. 643. ARBITRATION OF DISPUTES INVOLVING THE RIGHTS OF SERVICEMEMBERS AND VETERANS.

(a) IN GENERAL.—Title 9, United States Code, is amended by adding at the end the following:

“CHAPTER 4—ARBITRATION OF SERVICE-MEMBER AND VETERAN DISPUTES

“Sec.

“401. Definitions.

“402. No validity or enforceability.

“§ 401. Definitions

“In this chapter—

“(1) the term ‘predispute arbitration agreement’ means an agreement to arbitrate a dispute that has not yet arisen at the time of the making of the agreement; and

“(2) the term ‘predispute joint-action waiver’ means an agreement, whether or not part of a predispute arbitration agreement, that would prohibit, or waive the right of, one of the parties to the agreement to participate in a joint, class, or collective action in a judicial, arbitral, administrative, or other forum, concerning a dispute that has not yet arisen at the time of the making of the agreement.

“§ 402. No validity or enforceability

“(a) IN GENERAL.—Notwithstanding any other provision of this title, no predispute arbitration agreement or predispute joint-action waiver shall be valid or enforceable with respect to a dispute relating to disputes arising under chapter 43 of title 38 or the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).

“(b) APPLICABILITY.—

“(1) IN GENERAL.—An issue as to whether this chapter applies with respect to a dispute shall be determined under Federal law. The applicability of this chapter to an agreement to arbitrate and the validity and enforceability of an agreement to which this chapter applies shall be determined by a court, rather than an arbitrator, irrespective of whether the party resisting arbitration challenges the arbitration agreement specifically or in conjunction with other terms of the contract containing such agreement, and irrespective of whether the agreement purports to delegate such determinations to an arbitrator.

“(2) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this chapter shall apply to any arbitration provision in a contract between an employer and a labor organization or between labor organizations, except that no such arbitration provision shall have the effect of waiving the right of a worker to seek judicial enforcement of a right arising under a provision of the Constitution of the United States, a State constitution, or a Federal or State statute, or public policy arising therefrom.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 9, United States Code, is amended—

(A) in section 1 by striking “of seamen,” and all that follows through “interstate commerce” and inserting “persons and causes of action under chapter 43 of title 38 or the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.)”;
 (B) in section 2 by inserting “or as otherwise provided in chapter 4” before the period at the end;

(C) in section 208—

(i) in the section heading, by striking “Chapter 1; residual application” and inserting “Application”; and
 (ii) by adding at the end the following:

“This chapter applies to the extent that this chapter is not in conflict with chapter 4.”; and

(D) in section 307—

(i) in the section heading, by striking “Chapter 1; residual application” and inserting “Application”; and
 (ii) by adding at the end the following:

“This chapter applies to the extent that this chapter is not in conflict with chapter 4.”.

(2) TABLE OF SECTIONS.—

(A) CHAPTER 2.—The table of sections for chapter 2 of title 9, United States Code, is amended by striking the item relating to section 208 and inserting the following:

“208. Application.”.

(B) CHAPTER 3.—The table of sections for chapter 3 of title 9, United States Code, is amended by striking the item relating to section 307 and inserting the following:

“307. Application.”.

(3) TABLE OF CHAPTERS.—The table of chapters of title 9, United States Code, is amended by adding at the end the following:

“4. Arbitration of servicemember and veteran disputes 401”.
SEC. 644. LIMITATION ON WAIVER OF RIGHTS AND PROTECTIONS UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

(a) AMENDMENTS.—Section 107(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3918(a)) is amended—

(1) in the second sentence, by inserting “and if it is made after a specific dispute has arisen and the dispute is identified in the waiver” before the period at the end; and

(2) in the third sentence by inserting “and if it is made after a specific dispute has arisen and the dispute is identified in the waiver” before the period at the end.

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to waivers made on or after the date of the enactment of this Act.

SEC. 645. APPLICABILITY.

This subtitle, and the amendments made by this subtitle, shall apply with respect to any dispute or claim that arises or accrues on or after the date of enactment of this Act.

SA 1777. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1085. REMOVAL OF LIMITATION ON REIMBURSEMENT FOR EMERGENCY TREATMENT OF AMOUNTS OWED TO A THIRD PARTY OR FOR WHICH THE VETERAN IS RESPONSIBLE UNDER A HEALTH-PLAN CONTRACT.

(a) IN GENERAL.—Subsection (c)(4) of section 1725 of title 38, United States Code, is amended by striking subparagraph (D).

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to any reimbursement request under section 1725 of such title submitted to the Department of Veterans Affairs for emergency treatment furnished on or after February 1, 2010.

(c) IMPACT ON EXISTING COURT CASE.—Nothing in this section or the amendment made by this section shall limit the rights of any member of the Wolfe class seeking relief in *Wolfe v. Wilkie*, No. 18-6091 (Vet. App. filed October 30, 2018).

(d) DEFINITIONS.—In this section:

(1) EMERGENCY TREATMENT; HEALTH-PLAN CONTRACT.—The terms “emergency treatment” and “health-plan contract” have the meanings given those terms in section 1725(f) of title 38, United States Code.

(2) REIMBURSEMENT REQUEST.—The term “reimbursement request” includes any claim by a veteran for reimbursement of a copayment, deductible, coinsurance, or similar

payment for emergency treatment furnished to the veteran in a non-Department of Veterans Affairs facility and made by a veteran who had coverage under a health-plan contract, including any claim for the reasonable value of emergency treatment that was rejected or denied by the Department of Veterans Affairs, whether the rejection or denial was final or not.

SA 1778. Ms. DUCKWORTH (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 355. REPORT ON HAZARDOUS WASTE INCINERATORS USED TO DISPOSE OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AND PERFLUOROCTANOIC ACID.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that identifies each hazardous waste incinerator used by the Department of Defense to dispose of perfluoroalkyl substances, polyfluoroalkyl substances, and perfluorooctanoic acid.

SA 1779. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1262. PILOT PROGRAM TO IMPROVE CYBER COOPERATION WITH SOUTHEAST ASIAN COUNTRIES.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, may establish a pilot program—

(1) to enhance the cyber security, resilience, and readiness of United States partners in Southeast Asia; and

(2) to increase regional cooperation between the United States and Southeast Asian countries on cyber issues.

(b) LOCATIONS.—The Secretary of Defense, in consultation with the Secretary of State, shall identify not fewer than three pilot countries in Southeast Asia, including Vietnam, in which the pilot program under subsection (a) may be carried out.

(c) ELEMENTS.—The activities of the pilot program under subsection (a) shall include the following:

(1) Provision of training to cybersecurity and computer science professionals in the pilot countries identified under subsection (b).

(2) An expansion of the capacity of organizations involved in the training of such cybersecurity and computer science professionals.

(3) The facilitation of regular policy dialogues between and among the United States Government and the governments of such pilot countries with respect to the development of infrastructure to protect against cyber attacks.

(4) An evaluation of legal and other barriers to reforms relevant to cybersecurity and technology in such pilot countries.

(5) A feasibility study on establishing a public-private partnership to build cloud-computing capacity in such pilot countries and in Southeast Asia more broadly.

(6) The development of cooperative exercises, to be carried out in future years, to enhance collaboration between the United States Government and the governments of such pilot countries.

(d) FUNDING.—The Secretary of Defense may use amounts provided through grants under section 211 of the Vietnam Education Foundation Act of 2000 (title II of division B of H.R. 5666, as enacted by section 1(a)(4) of Public Law 106-554 and contained in appendix D of that Act; 114 Stat. 2763A-254; 22 U.S.C. 2452 note), as added by section 7085 of the Consolidated and Further Appropriations Act, 2015 (Public Law 113-235; 128 Stat. 2685), to carry out the pilot program under subsection (a).

(e) REPORTS.—

(1) DESIGN OF PILOT PROGRAM.—Not later than June 1, 2021, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on the design of the pilot program under subsection (a).

(2) PROGRESS REPORT.—Not later than December 31, 2021, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on the pilot program under subsection (a) that includes—

(A) a description of the activities conducted and the results of such activities; and
(B) an assessment of legal and other barriers to reforms relevant to cybersecurity and technology in the pilot countries identified under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for fiscal year 2021 to carry out this section.

(g) OFFSET.—The amount authorized to be appropriated by this Act for operation and maintenance, Navy, and available for SAG ICCS for military information support operations, is hereby reduced by \$5,000,000.

(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 1780. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1262. PILOT PROGRAM TO IMPROVE CYBER COOPERATION WITH SOUTHEAST ASIAN COUNTRIES.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall establish a pilot program—

(1) to enhance the cyber security, resilience, and readiness of United States partners in Southeast Asia; and

(2) to increase regional cooperation between the United States and Southeast Asian countries on cyber issues.

(b) LOCATIONS.—The Secretary of Defense, in consultation with the Secretary of State, shall identify not fewer than three pilot countries in Southeast Asia, including Vietnam, in which the pilot program under subsection (a) shall be carried out.

(c) ELEMENTS.—The activities of the pilot program under subsection (a) shall include the following:

(1) Provision of training to cybersecurity and computer science professionals in the pilot countries identified under subsection (b).

(2) An expansion of the capacity of organizations involved in the training of such cybersecurity and computer science professionals.

(3) The facilitation of regular policy dialogues between and among the United States Government and the governments of such pilot countries with respect to the development of infrastructure to protect against cyber attacks.

(4) An evaluation of legal and other barriers to reforms relevant to cybersecurity and technology in such pilot countries.

(5) A feasibility study on establishing a public-private partnership to build cloud-computing capacity in such pilot countries and in Southeast Asia more broadly.

(6) The development of cooperative exercises, to be carried out in future years, to enhance collaboration between the United States Government and the governments of such pilot countries.

(d) FUNDING.—The Secretary of Defense may use amounts provided through grants under section 211 of the Vietnam Education Foundation Act of 2000 (title II of division B of H.R. 5666, as enacted by section 1(a)(4) of Public Law 106-554 and contained in appendix D of that Act; 114 Stat. 2763A-254; 22 U.S.C. 2452 note), as added by section 7085 of the Consolidated and Further Appropriations Act, 2015 (Public Law 113-235; 128 Stat. 2685), to carry out the pilot program under subsection (a).

(e) REPORTS.—

(1) DESIGN OF PILOT PROGRAM.—Not later than June 1, 2021, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on the design of the pilot program under subsection (a).

(2) PROGRESS REPORT.—Not later than December 31, 2021, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on the pilot program under subsection (a) that includes—

(A) a description of the activities conducted and the results of such activities; and
(B) an assessment of legal and other barriers to reforms relevant to cybersecurity and technology in the pilot countries identified under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for fiscal year 2021 to carry out this section.

(g) OFFSET.—The amount authorized to be appropriated by this Act for operation and maintenance, Navy, and available for SAG ICCS for military information support operations, is hereby reduced by \$5,000,000.

(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 1781. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to

the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

SEC. ____ . LIMITATION ON ALTERATION OF NAVY FLEET MIX.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States shipbuilding and supporting vendor base constitute a national security imperative that is unique and must be protected;

(2) a healthy and efficient industrial base continues to be a fundamental driver for achieving and sustaining a successful shipbuilding procurement strategy;

(3) without consistent and continuous commitment to steady and predictable acquisition profiles, the industrial base will struggle and some elements may not survive; and

(4) proposed reductions in the future-years defense program to the DDG-51 Destroyer procurement profile without a clear transition to procurement of the next Large Surface Combatant would adversely affect the shipbuilding industrial base and long-term strategic objectives of the Navy.

(b) LIMITATION.—

(1) IN GENERAL.—The Secretary of the Navy may not deviate from the 2016 Navy Force Structure Assessment to implement the results of a new force structure assessment or new annual long-range plan for construction of naval vessels that would reduce the requirement for Large Surface Combatants to fewer than 104 such vessels until the date on which the Secretary of the Navy submits to the congressional defense committees the certification under paragraph (1) and the report under subsection (c).

(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification, in writing, that each of the following conditions have been satisfied:

(A) The large surface combatant shipbuilding industrial base and supporting vendor base would not significantly deteriorate due to a reduced procurement profile.

(B) All current shipbuilders of large surface combatants will remain viable, in terms of sufficient new construction ship procurement, to construct the next class of Large Surface Combatants.

(C) The Navy can mitigate the reduction in anti-air and ballistic missile defense capabilities due to having a reduced number of DDG-51 Destroyers with the advanced AN/SPY-6 radar in the next three decades.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report that includes—

(1) a description of likely detrimental impacts to the large surface combatant industrial base and the Navy's plan to mitigate any such impacts if the fiscal year 2021 future-years defense program were implemented as proposed;

(2) a review of the benefits to the Navy fleet of the new AN/SPY-6 radar to be deployed aboard Flight III variant DDG-51 Destroyers, which are currently under construction, as well as an analysis of impacts to the fleet's warfighting capabilities, should the number of such destroyers be reduced; and

(3) a plan to fully implement section 131 of the National Defense Authorization for Fis-

cal Year 2020 (Public Law 116-92), including subsystem prototyping efforts and funding by fiscal year.

SA 1782. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. ____ . STUDY AND REPORT ON SURGE CAPACITY OF DEPARTMENT OF DEFENSE TO ESTABLISH NEGATIVE AIR ROOM CONTAINMENT SYSTEMS IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) STUDY.—The Director of the Defense Health Agency shall conduct a study on the use, scalability, and military requirements for commercial off the shelf negative air pressure room containment systems in order to improve pandemic preparedness at military medical treatment facilities worldwide, to include an assessment of whether such systems would improve the readiness of the Department of Defense to expand capability and capacity to evaluate and treat patients at such facilities during a pandemic.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Health Agency shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the study conducted under subsection (a).

SA 1783. Mr. MENENDEZ (for himself, Mr. CRAMER, Mr. BOOKER, Mr. DAINES, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 10 ____ . EXPANSION OF ELIGIBILITY FOR HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE VETERANS OF WORLD WAR II.

Section 1710(a)(2)(E) of title 38, United States Code, is amended by striking “of the Mexican border period or of World War I;” and inserting “of—

“(i) the Mexican border period;

“(ii) World War I; or

“(iii) World War II;”.

SA 1784. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. ____ . REPORT ON REGULATIONS AND PROCEDURES TO IMPLEMENT PROGRAMS ON AWARD OF MEDALS OR COMMENDATIONS TO HANDLERS OF MILITARY WORKING DOGS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the regulations and other procedures prescribed by the Secretaries of the military departments in order to implement and carry out the programs of the military departments on the award of medals or other commendations to handlers of military working dogs required by section 582 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1787; 10 U.S.C. 1121 note prec.).

SA 1785. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____ . COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON HANDLING BY DEPARTMENT OF VETERANS AFFAIRS OF DISABILITY-RELATED BENEFITS CLAIMS BY VETERANS WITH TYPE 1 DIABETES WHO WERE EXPOSED TO A HERBICIDE AGENT.

The Comptroller General of the United States shall submit to Congress a report evaluating how the Department of Veterans Affairs has handled claims for disability-related benefits under laws administered by the Secretary of Veterans Affairs of veterans with type 1 diabetes who have been exposed to a herbicide agent (as defined in section 1116(a)(3) of title 38, United States Code).

SA 1786. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 3 ____ . AVAILABILITY OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS FOR REVITALIZATION OF LAB FACILITIES OF THE DEPARTMENT OF DEFENSE THAT SUPPORT ACQUISITION PROGRAMS.

The Secretary of a military department may make amounts available to the military department for research, development, test, and evaluation available to an acquisition program executive office of the military department for minor military construction projects for revitalization of lab facilities of the Department of Defense that support acquisition programs.

SA 1787. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1064. REPORT ON PANDEMIC PREPAREDNESS AND PLANNING OF THE NAVY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report containing a description of the plans of the Navy to prepare for and respond to future pandemics, including future outbreaks of the Coronavirus Disease 2019 (COVID-19). The report shall include a written description of plans, including any necessary corresponding budgetary actions, for the following:

(1) Efforts to prevent and mitigate the impacts of future pandemics at both private and public shipyards, and to protect the health and safety of both military personnel and civilian workers at such shipyards.

(2) Protocol and mitigation strategies once an outbreak of a highly contagious illness occurs aboard a Navy vessel while underway.

(3) Development and adoption of technologies and protocols to prevent and mitigate the spread of future pandemics aboard Navy ships and among Navy personnel, including technologies and protocols in connection with the following:

(A) Artificial intelligence and data-driven infectious disease modeling and interventions.

(B) Shipboard airflow management and disinfectant technologies.

(C) Personal protective equipment, sensors, and diagnostic systems.

(D) Minimally crewed and autonomous supply vehicles.

SA 1788. Mr. SANDERS (for himself and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. _____. REDUCTION IN AMOUNT AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 2021 BY THIS ACT; ESTABLISHMENT OF GRANT PROGRAM TO REDUCE POVERTY AND INVEST IN DISTRESSED COMMUNITIES.

(a) **IN GENERAL.**—The amount authorized to be appropriated for fiscal year 2021 by this Act is—

(1) the aggregate amount authorized to be appropriated for fiscal year 2021 by this Act (other than for military personnel and the Defense Health Program); minus

(2) the amount equal to 14 percent of the aggregate amount described in paragraph (1).

(b) **ALLOCATION.**—The reduction made by subsection (a) shall—

(1) apply on a pro rata basis among the accounts and funds for which amounts are authorized to be appropriated by this Act (other than military personnel and the Defense Health Program);

(2) be applied on a pro rata basis across each program, project, and activity funded by the account or fund concerned; and

(3) be used by the Secretary of the Treasury to carry out the grant program described in subsection (c).

(c) **GRANT PROGRAM.**—

(1) **ESTABLISHMENT.**—There is established in the Department of the Treasury a grant program through which the Secretary of the Treasury shall, in coordination with the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Housing and Urban Development, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency, provide grants to eligible entities in accordance with the requirements of this subsection.

(2) **APPLICATION.**—An eligible entity that desires a grant under this subsection shall submit to the Secretary of the Treasury an application in such form and containing such information as the Secretary may require.

(3) **PURPOSES.**—

(A) **PERMISSIBLE PURPOSES.**—An eligible entity that receives a grant under this subsection may use the grant funds for any of the following:

(i) To construct, renovate, retrofit, or perform maintenance with respect to an affordable housing unit, a public school, a childcare facility, a community health center, a public hospital, a library, or a clean drinking water facility if any such building or facility is located within the jurisdiction of the eligible entity.

(ii) To remove contaminants, including lead, from infrastructure with respect to the provision of drinking water if that infrastructure is located within the jurisdiction of the eligible entity.

(iii) To replace, remove, or renovate a vacant or blighted property that is located within the jurisdiction of the eligible entity.

(iv) To hire public school teachers to reduce class size at public schools within the jurisdiction of the eligible entity.

(v) To increase the pay of teachers at public schools within the jurisdiction of the eligible entity.

(vi) To provide nutritious meals to children and parents who live within the jurisdiction of the eligible entity.

(vii) To provide free tuition to residents within the jurisdiction of the eligible entity to attend public institutions of higher education, including vocational and trade schools.

(viii) To provide rental assistance to residents within the jurisdiction of the eligible entity.

(ix) To reduce or eliminate homelessness within the jurisdiction of the eligible entity.

(B) **IMPERMISSIBLE PURPOSES.**—An eligible entity that receives a grant under this subsection may not use the grant funds—

(i) to construct a law enforcement facility, including a prison or a jail; or

(ii) to purchase a vehicle for a law enforcement agency.

(4) **DEFINITIONS.**—In this subsection—

(A) the term “eligible entity” means—

(i) a county government with respect to a high-poverty county;

(ii) a local or municipal government within the jurisdiction of which there are not fewer than 5 high-poverty neighborhoods; and

(iii) a federally recognized Indian Tribe that exercises jurisdiction over Indian lands (as defined in section 824(b) of the Indian Health Care Improvement Act (25 U.S.C. 1680n(b))) that contain high-poverty neighborhoods;

(B) the term “high-poverty county” means a county with a poverty rate of not less than 25 percent, according to the Small Area Income and Poverty Estimates of the Bureau of the Census for 2018;

(C) the term “high-poverty neighborhood” means a census tract with a poverty rate of not less than 25 percent, according to the 5-year estimate of the American Community

Survey of the Bureau of the Census for years 2014 through 2018; and

(D) the term “public school” means a public elementary school or secondary school, as those terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SA 1789. Mr. SANDERS (for himself, Mr. GRASSLEY, Mr. WYDEN, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 10 _____. DEPARTMENT OF DEFENSE SPENDING REDUCTIONS IN THE ABSENCE OF AN UNQUALIFIED AUDIT OPINION.

If during any fiscal year after fiscal year 2025, the Secretary of Defense determines that a department, agency, or other element of the Department of Defense has not achieved an unqualified opinion on its full financial statements for the calendar year ending during such fiscal year—

(1) the amount available to such department, agency, or element for the fiscal year in which such determination is made shall be equal to—

(A) the amount otherwise authorized to be appropriated for such department, agency, or element for the fiscal year; minus

(B) the lesser of—

(i) an amount equal to 0.5 percent of the amount described in subparagraph (A); or

(ii) \$100,000,000;

(2) the amount unavailable to such department, agency, or element for that fiscal year pursuant to paragraph (1) shall be applied on a pro rata basis against each program, project, and activity of such department, agency, or element in that fiscal year; and

(3) the Secretary shall deposit in the general fund of the Treasury for purposes of deficit reduction all amounts unavailable to departments, agencies, and elements of the Department in the fiscal year pursuant to determinations made under paragraph (1).

SA 1790. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. _____. REDUCTION IN AMOUNT AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 2021 BY THIS ACT.

(a) **IN GENERAL.**—The amount authorized to be appropriated for fiscal year 2021 by this Act is—

(1) the aggregate amount authorized to be appropriated for fiscal year 2021 by this Act (other than for military personnel and the Defense Health Program); minus

(2) the amount equal to 14 percent of the aggregate amount described in paragraph (1).

(b) **ALLOCATION.**—The reduction made by subsection (a) shall apply on a pro rata basis

among the accounts and funds for which amounts are authorized to be appropriated by this Act (other than military personnel and the Defense Health Program), and shall be applied on a pro rata basis across each program, project, and activity funded by the account or fund concerned.

SA 1791. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. ____ . ASSISTANCE FOR DEPLOYMENT-RELATED SUPPORT OF MEMBERS OF THE ARMED FORCES UNDERGOING DEPLOYMENT AND THEIR FAMILIES BEYOND THE YELLOW RIBBON RE-INTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note) is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and
(2) by inserting after subsection (j) the following new subsection (k):

“(k) **SUPPORT BEYOND PROGRAM.**—The Secretary of Defense shall provide funds to States, Territories, and government entities to carry out programs, and other activities as the Secretary considers appropriate, that provide deployment cycle information, services, and referrals to members of the armed forces, and their families, throughout the deployment cycle. Such programs may include the provision of access to outreach services, including the following:

“(1) Employment counseling.
“(2) Behavioral health counseling.
“(3) Suicide prevention.
“(4) Housing advocacy.
“(5) Financial counseling.
“(6) Referrals for the receipt of other related services.”.

SA 1792. Mr. DURBIN (for himself, Mr. PAUL, Ms. DUCKWORTH, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. ____ . LIMITATION ON USE OF FUNDS ON MILITARY OPERATIONS INVOLVING HOSTILITIES USING AUTHORITY OF DECLARATION OF WAR OR AUTHORIZATION FOR USE OF MILITARY FORCE ENACTED MORE THAN 10 YEARS PREVIOUSLY.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used for military operations involving hostilities, except in cases of self defense, based solely on the authority of a declaration of war or Authorization for Use of Military Force enacted more than ten years before such use.

SA 1793. Mr. DURBIN (for himself, Mr. LEAHY, Mr. UDALL, Mr. MURPHY,

and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ____ . PROHIBITION ON USE OF NATIONAL DEFENSE FUNDS FOR PHYSICAL BARRIER ALONG THE SOUTHERN BORDER.

(a) **PROHIBITION.**—National defense funds may not be obligated, expended, or otherwise used to design or carry out a project to construct, replace, or modify a wall, fence, or other physical barrier along the international border between the United States and Mexico.

(b) **NATIONAL DEFENSE FUNDS DEFINED.**—In this section, the term “national defense funds” means—

(1) amounts authorized to be appropriated for any purpose under this division or authorized to be appropriated in division A of any National Defense Authorization Act for any of the fiscal years 2016 through 2020, including any amounts of such an authorization made available to the Department of Defense and transferred to another authorization by the Secretary of Defense pursuant to transfer authority available to the Secretary; and

(2) amounts appropriated in any Act pursuant to an authorization of appropriations described in paragraph (1).

SA 1794. Mr. DURBIN (for himself, Mr. CARDIN, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 12 ____ . LIMITATION ON SECURITY ASSISTANCE TO CAMEROON.

(a) **IN GENERAL.**—Except as provided in subsection (b), no Federal funds may be obligated or expended to provide any security assistance or to engage in any security cooperation with the military and security forces of Cameroon until the date on which the Secretary of Defense, in consultation with the Secretary of State, certifies to the appropriate committees of Congress that such military and security forces—

(1) have demonstrated significant progress in abiding by international human rights standards and preventing abuses in the Anglophone conflict; and

(2) are not using any United States assistance in carrying out such abuses.

(b) **EXCEPTION.**—Notwithstanding subsection (a), Federal funds may be obligated or expended to conduct or support programs providing training and equipment to national security forces of Cameroon for the purposes of counterterrorism operations in the fight against Boko Haram.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

SA 1795. Mr. DURBIN (for himself, Ms. DUCKWORTH, Mr. PERDUE, Mr. BLUMENTHAL, Mr. JONES, Mr. MURPHY, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 752. PILOT PROGRAM TO PROMOTE MILITARY READINESS IN THE PROVISION OF PROSTHETIC AND ORTHOTIC CARE.

(a) **GRANTS REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of awarding grants to institutions determined by the Secretary to be eligible for the award of such grants to enable such institutions to establish or expand an existing accredited master's degree program in orthotics and prosthetics.

(2) **PRIORITY.**—The Secretary shall give priority in the award of grants under this section to institutions that have entered into a partnership with a public or private sector entity, including a facility administered by the Department of Defense, that offers students training or experience in meeting the unique needs of members of the Armed Forces who have experienced limb loss or limb impairment, including by offering clinical rotations at a public or private sector orthotics and prosthetics practice that serves members of the Armed Forces or veterans.

(3) **FUTURE PREFERENCE.**—In fiscal years after fiscal year 2021, the Secretary shall give preference in the award of grants under this section to qualified, eligible applicants for such grants that were not awarded a grant in fiscal year 2021.

(b) **APPLICATIONS.**—

(1) **REQUEST FOR PROPOSALS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue a request for proposals from institutions eligible for grants under this section.

(2) **APPLICATION.**—An institution that seeks the award of a grant under this section shall submit to the Secretary an application therefor at such time, in such manner, and accompanied by such information as the Secretary may require, including—

(A) demonstration of a willingness and ability to participate in a partnership described in subsection (a)(2); and

(B) demonstration of an ability to achieve and maintain an accredited orthotics and prosthetics program after the end of the grant period.

(c) **GRANT USES.**—An institution awarded a grant under this section shall use grant amounts for any purpose as follows:

(1) To establish or expand an accredited orthotics and prosthetics master's degree program.

(2) To train doctoral candidates in orthotics and prosthetics, or in fields related

to orthotics and prosthetics, to prepare such candidates to instruct in orthotics and prosthetics programs.

(3) To train and retain faculty in orthotics and prosthetics education, or in fields related to orthotics and prosthetics education, to prepare such faculty to instruct in orthotics and prosthetics programs.

(4) To fund faculty research projects or faculty time to undertake research in orthotics and prosthetics for the purpose of furthering the teaching abilities of such faculty.

(5) To acquire equipment for orthotics and prosthetics education.

(d) **ADMISSIONS PREFERENCE.**—To the extent practicable, an institution awarded a grant under this section shall give preference to veterans in admission to the master's degree program in orthotics and prosthetics established or expanded under this section.

(e) **LIMITATION ON GRANT AMOUNT.**—The amount of any grant awarded to an institution under this section may not exceed \$3,000,000.

(f) **PERIOD OF USE OF FUNDS.**—An institution awarded a grant under this section may use the grant amount for a period of three years after the award of the grant.

(g) **REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program conducted under this section.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include a description of the pilot program and other such matters relating to the pilot program as the Secretary considers appropriate.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have 7 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Wednesday, June 24, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, June 24, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Wednesday, June 24, 2020, at 9:30 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, June 24, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, June 24, 2020, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, June 24, 2020, at 10 a.m., to conduct a hearing on nominations.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, June 24, 2020, at 10 a.m., to conduct a closed hearing.

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

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

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, June 24, 2020, at a time to be determined, to conduct a hearing on nominations.

NEIL A. ARMSTRONG TEST FACILITY ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 433, S. 2472.

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

The senior assistant legislative clerk read as follows:

A bill (S. 2472) to redesignate the NASA John H. Glenn Research Center at Plum Brook Station, Ohio, as the NASA John H. Glenn Research Center at the Neil A. Armstrong Test Facility.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation.

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

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The bill (S. 2472) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2472

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 "Neil A. Armstrong Test Facility Act".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Neil A. Armstrong, through his own definition, was first and foremost as a test pilot.

(2) A native of Wapakoneta, Ohio, Armstrong began his inspiring career in space exploration in Cleveland, Ohio, at what is now the NASA John H. Glenn Research Center.

(3) Becoming the first human to land a spacecraft, and then set foot upon, the moon, represents the greatest dream of any test pilot.

(4) Therefore, it is fitting that the premier aeronautics and space test station in Ohio should be renamed in his honor.

SEC. 3. REDESIGNATION OF NASA JOHN H. GLENN RESEARCH CENTER AT PLUM BROOK STATION, OHIO, AS NASA JOHN H. GLENN RESEARCH CENTER AT THE NEIL A. ARMSTRONG TEST FACILITY.

(a) **REDESIGNATION.**—The NASA John H. Glenn Research Center at Plum Brook Station, Ohio, is hereby redesignated as the NASA John H. Glenn Research Center at the Neil A. Armstrong Test Facility.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the station referred to in subsection (a) shall be deemed to be a reference to the "NASA John H. Glenn Center at the Neil A. Armstrong Test Facility".

(c) **SAVINGS.**—Nothing in this section shall be construed to alter the relationship between the Plum Brook Station and the NASA John H. Glenn Research Center.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the provision of rule XXII, the cloture motion with respect to the motion to proceed to Calendar No. 483, S. 4049, ripen at 1:30 p.m., Thursday, June 25.

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

ORDERS FOR THURSDAY, JUNE 25, 2020

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, June 25; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that morning business be closed; finally, that following leader remarks, the Senate resume consideration of the motion to proceed to Calendar No. 483, S. 4049, under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Thursday, June 25, 2020, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. REBECCA R. VERNON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. RANDALL E. KITCHENS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

L.T. GEN. JAMES H. DICKINSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN B. MORRISON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LAURA A. POTTER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. LEVON E. CUMPTON
COL. GREGORY C. KNIGHT
COL. KODJO S. KNOX-LIMBACKER
COL. EDWARDS S. LITTLE, JR.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. MARTIN M. CLAY, JR.
COL. DAVID S. GAYLE
COL. ERIC J. RILEY
COL. JAMES P. SCHREFFLER
COL. MICHAEL J. TURLEY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. FARIN D. SCHWARTZ

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. GREGORY P. CHANEY
BRIG. GEN. JILL K. FARIS
BRIG. GEN. JEFFREY P. MARLETTE
BRIG. GEN. JOSE J. REYES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL T. CALVERT

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KELLY C. MARTIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LANCE M. GOWER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ERICKA M. ROSTRAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

NICHOLAS D. HEBBLETHWAITE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEVE L. MARTINELLI

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

URIES S. ANDERSON, JR.
RODERIGUS C. ANDERSON
JASON E. CONYER
WINSTON A. COTTERELL
JAMES C. FISH
TERRANCE FLOURNOY
MICHELLE V. HIGINGBOTHAM
KEITH W. KING
BRYCE D. KLA PUT
TERRANCE L. MCCRAY
JOHN T. MOSLEY
MICHAEL J. NOVAK
JAMES H. SANDIFER, JR.
JITINDRA W. SIRJOO
DENNIS D. SMITH, JR.
RILEY E. SWINNEY, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOHN R. BELCHER
BRENT E. DILLOW
JASON L. DYGERT
MICHAEL R. FASANO
JOSEPH D. GODWIN
SAMMIE D. GREEN
ROBERT E. HORTON
MICHAEL A. PALMER
SHAYNE J. SCHUMACHER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JERRY N. BELMONTE
WILLIAM R. BLACKMAN
BRIAN J. BLANKENSHIP
TRAVIS C. BURNETTE
KURT E. DAVIS
WARREN FREEMAN, JR.
TODD M. GEORGE
EDWARD A. GRANT
STEPHEN J. HARTLEY, JR.
ERVIN L. HENLEY
LENTEISA L. HILL
MARK A. JONES
DENNIS L. RICHARDSON
MARK C. RINSCHLER
JASON A. RINTO
GREGORY A. RODRIGUEZ
MARC B. TINAZ
KYLE A. WILLIAMS
ROBERT L. WINTERS
JEFFERY B. YANCEY
RICHARD P. ZABAWA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL K. ALLEN
DANIEL F. BELLE
CHRISTOPHER M. BINGHAM
MAXWELL E. BJERKE
JEFFREY K. BRILL
LAJUANA BUHMANN
CHRISTOPHER J. CALLAHAN
MICHAEL A. CANTILLO
TRAVIS R. CLEMINS
RALPH W. COREY IV
ERIC L. CUMMINS
ANDREA C. EASTON
JUSTIN R. FARBER
DANIEL R. FLEMMING
WILLIAM B. FOX
ALAINA M. GEMBARA
JAMES C. GEORGE
RICHARD T. GRIFFIN
RYAN F. HEALY
NICHOLAS J. HEDBERG
SHAWN R. HUGHES
DAVID R. JOHANSON II
BRETT T. KIRWAN
PAUL J. KNITTLE
MARK A. KNOX
JAY P. MCIVANN
DAMON M. MELDOSSIAN
ANDREW T. MICHALOWICZ
SEAN M. MILLER
MICHAEL E. MOORE
CHRISTOPHER P. OSEGUEDA
BRIAN S. PAGE
JAREN R. PATTERSON
ROBERT A. PIPKIN
SARA J. RUBIN
JAMES R. SANBORN
MICHAEL B. STURM
MINEL J. TASTET
DERRICK A. THOMAS
GABRIEL A. THOMAS

ANDREW P. THOMPSON
EDUARDO J. VARGAS
PETER C. WENGEL
PAUL J. WOOD
JERRY W. WYRICK II

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRISTIAN G. ACORD
JONATHAN R. ALSTON
MICHAEL J. ASCHE
SEAN S. BROWN
JARED D. BURGESS
LLEWELLYN E. CHALLENGER
JEFFREY T. COVINGTON
JAMES R. CROWE
KEVIN D. CUMMINGS
JONATHAN D. DIETER
JUSTIN R. HENDRIX
JASON J. HUGHES
JEREMY J. HULS
CHRISTOPHER B. LANDIS
KARRIE M. LANG
WELTON LAWRENCE, JR.
JUAN G. LUNA
CAMERON J. MACKLEY
EHAB MAKHLOUF
CRAIG T. MCLEMORE
NICHOLAS A. MIDZAK
KYLE C. MOORE
MICHAEL M. ORDONEZ
MICHAEL D. PAWLUK
ROBERT R. PINCKNEY, JR.
DAVID T. SCOTT
RICHARD B. THOMPSON
JONATHAN D. TIGHE
CHRISTOPHER J. WASEK
JEFFREY W. WHITSETT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

AARON N. AARON
ANDREW J. ADAMS
JOSEPH D. ANDERSON
BRIAN C. BAKER
MARK A. BARNES
ROBERT J. BEBBER
ANDREW R. BELDING
EHREN J. BITTNER
JOHN J. BOGDAN III
WILLIAM D. BRINKMEYER
KENNETH W. BROOKS
JOSEPH E. CANTU, JR.
PATRICK J. CONDREN
BRADLEY S. CROCKER
HOLLIE P. CROWLEY
DANIEL B. DITCHBURN
PHILLIP J. FORD
NICHOLAS J. GODDARD
BRIAN P. GREENFIELD
STACEY L. GROSS
COLLEEN P. HANDBURY
JASON R. HENDERSON
MICHAEL P. HETTINGER, JR.
JOSEPH J. KRUPPA
CAYANNE V. MCFARLANE
DONALD K. MOARATTY, JR.
BENJAMIN D. PARKS
MICHAEL N. PERKINS II
TYRONE D. PHAM
SARAH M. QUEMADA
GRIFFIN E. SAVING
ROBERT C. SELLIN
LAURICE H. STROTHER II
JOHN W. STUCKEY
JOSEPH A. TOWNS
SAMUEL T. TRASSARE
MARK J. TURNER
NICHOLAS P. WALKER
ERIC R. WEISS
JASON M. WITTROCK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BRIAN F. BRESHEARS
KATHRYN A. COYLE
ALEXANDER J. CULLEN
ERIC R. DRIDGE
RICHARD E. ILCZUK, JR.
STEPHANIE A. JOHNSON
JESSICA S. KOSCINSKI
THOMAS J. MILLS
JOSEPH R. OXENDINE
WILLIAM A. SAUER II
CASSANDRA M. SISTI
ROBERT D. T. WENDT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DANIEL M. BRYAN
OLIVIA K. DEGENKOLB
JUSTIN D. DRAGON
JOHN S. HANCOCK
PHILIP D. HENRY
MARK C. JACKSON
MATTHEW P. JOHNSON, JR.

JACQUELINEMARIE W. KASATKIN
 EMILIE A. KRAJAN
 PATRICK D. LAFFEY
 JOSEPH F. LEAVITT
 KENT M. MCLAUGHLIN
 JONATHAN I. NORRIS
 ROSS W. PETERS
 VANESSA M. N. RIGOROSO
 DANIEL C. ROLNICK
 TONJA W. ROSS
 MARK T. SANDEEN
 THOMAS F. SCHMITZ
 SCOTT B. STAFFORD
 DAVID L. STANFORD, JR.
 MIRCEA D. STOICA
 MICHAEL G. TOMSIK
 MICHAEL A. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ARLO K. ABRAHAMSON
 THERESA L. CARPENTER
 TIMOTHY A. HAWKINS
 WILLIAM M. KNIGHT
 FREDERICK M. MARTIN
 SEAN P. RIORDAN
 BETH A. TEACH
 TIFFANI B. WALKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JAMES C. BAILEY
 TZU H. CHEN
 ARNOLD L. CORTEZ
 CHRISTOPHER G. DANIELS
 CHARLES L. FISHER, JR.
 GAVIN D. GUIDRY
 DANIEL J. HUTTON
 CHAD C. JELSEMA
 JAMES M. LANDRY
 BRIAN J. LEETCH
 LOUIS A. MOORE
 NICHOLAS B. MULCAHEY
 CHRISTOPHER T. SCHROCK
 JASON R. STALEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DANIEL J. BELLINGHAUSEN
 BARRY F. CARMODY, JR.
 NICHOLAS A. DENISON
 MICHAEL J. DIXON
 AMY M. GABRIEL
 TRAVIS J. HARTMAN
 BRYANNA H. HERRING
 MARQUES D. JACKSON
 PETER S. JAGLOM
 MICHAEL C. MABREY
 ROBERT B. MERRITT
 WILL A. NUSE
 DANIEL J. PETERS
 BRANDON D. SMITH
 STEVEN J. TSCHANZ
 ERIC R. ZILBERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

REBECCA K. ADAMS
 DAVID M. ARMANDT
 MICHAEL J. BAHR
 JERMAINE A. BAILEY
 SHAUN A. COX
 JOHN R. CRUMPACKER
 DUSTIN R. CUNNINGHAM
 AARON C. DAUSMAN
 SEAN M. DOHERTY
 DEREK E. FLETCHER
 SAMUEL S. I. FROMILLE
 PATRICK M. GILLEN
 MATTHEW C. HORTON
 LESLIE A. JARVIS, JR.
 ETHAN J. JAWORSKI
 RYAN D. JOHNSON
 RAYMOND J. KILWAY II
 ANTHONY D. MACALUSO
 NICHOLAS A. MANZINI
 MICHAEL P. MCCORMICK
 ADAM J. MILLS
 CHRISTOPHER J. PANDY
 LUCAS S. PAROBK
 THOMAS E. PILKERTON
 ROXANE B. POWERS
 AMIEL B. SANFIORENZO
 JENNIFER L. SHAFER
 ROBERT J. SMITH
 TAYLOR J. SOUTH
 ROBERT T. STINSON
 JAMES M. UPSHAW
 KATHERINE G. VASQUEZ
 JEFFREY K. WHITE
 TODD A. WILLIAMSON
 JEREMIAH J. YOUNG
 MARCELA C. ZELAYA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

GINA M. D. BECKER
 MAURA G. BETTS
 EMILY J. BINGHAM
 TESSA M. DENARO
 JOSEPH S. FELIX
 DANIEL E. FRIAS
 ANDREW R. GATES
 MICHAEL J. GENTA
 ANDREW C. GERLA
 JAMES D. GOLLIDAY
 ALEXANDRA M. GRAYSON
 PATRICE R. HENTZ
 SHAINA M. HOGAN
 MARK D. JENKINS
 ANDREW I. JOHNSON
 IAN M. B. LOPEZ
 RICHARD J. MORRISSEY
 SABINA D. PAMARAN
 SARAH C. M. PETTIT
 JONATHAN C. RYAN
 KAREN J. SANKESRITLAND
 KRISTIN M. SHEPHERD
 KAREN J. TEAGUE
 NICHOLAS S. TURNER
 GIULIANA M. VELLUCCI
 RICHARD M. YATES
 ANNE L. ZACK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOSEPH F. ABRUTZ III
 JAMESON R. ADLER
 KURT W. ALBAUGH
 JESSE P. ALVAREZ
 CHRISTOPHER D. ANDERSON
 JAMES A. ANDERSON
 JEFFREY L. APPLEBRAUGH
 MATTHEW APPLETON
 ERNESTO A. ARBOLEDA
 MATTHEW D. ARNDT
 WILLIAM F. ASHLEY, JR.
 GLENN A. ATHONERTON
 JESSICA S. ATHERTON
 ANDREW D. BABAKAN
 MICHAEL BAILEY
 AARON J. BAKER
 RYAN L. BALDWIN
 ROBERT C. BALLARD, JR.
 TAMMI L. BALLINGER
 VICTOR M. BARRA
 GLEN A. BARNETT
 JAMES T. BEAMAN, JR.
 BENJAMIN M. BEARMAN
 KYLE M. BELKE
 ROBERT M. BELFLOWER II
 MICHAEL B. BELL
 JENS D. BERDAHL
 JONATHAN A. BERGSTRAND
 JEFFREY R. BERNHARDT
 GARY J. BICKEL
 STEPHANIE M. BIEHLE
 TIMOTHY W. BIERBACH
 KERRY L. BISTLINE, JR.
 BRADLEY A. BLANCHETTE
 MARK A. BLASZCZYK
 ERIC J. BLOMBERG
 MARTIN J. BLOMBERG
 PETER M. BRAS
 THOMAS K. BREWER
 BURNS C. W. BROWN
 ANNE C. BRUCKMAN
 CHRISTOPHER J. BRUGLER
 STEPHEN G. BRUNER
 OMARI D. BUCKLEY
 NICHOLAS K. BULLARD
 DANIEL P. BURRA
 MARK A. BURCHILL
 BETHANY R. BURDICK
 MARTY E. BURNS
 JOSHUA A. CALLANDRA
 DEREK M. CAMERON
 JOSEPH A. CAMPBELL
 MATTHEW W. CAMPBELL
 CHRISTOPHER A. CANALES
 DANA S. CANBY
 ZACHARY N. CAPACETE
 CHRISTOPHER D. CARAWAY
 GUY K. CARLSWARD
 CHRISTOPHER A. CASE
 MICHAEL O. CASTILLO
 BRANDON S. CASTLE
 SEAN T. CAVANAGH
 JEREMIAH M. CHASE
 SYEN R. CHRISMAN
 RONNIE P. CITUK
 JOHN R. CLARK, JR.
 MATTHEW R. CLARK
 TIMOTHY B. CLARK
 DANIEL P. CLAYTOR
 MATTHEW S. CLIFFORD
 ANDREW M. COLE
 BRIAN T. CONNER
 BRADLEY M. CONROY
 DONALD E. COOMES
 MICHAEL S. COPPOCK
 ANDREW S. COUNTISS
 GREGORY M. COY
 BRIAN R. CROSBY
 RYAN D. CUNNINGHAM
 BRIAN M. CUSH
 CHRISTOPHER M. DANLEY
 BRADLEY P. DAVENPORT

BENJAMIN S. DAVIDSON
 SEAN F. DAVIS
 JEREMY D. DAWSON
 RICHARD A. DEAN II
 CAMERON D. DENNIS
 DUSTIN W. DETRICK
 CHARLES B. DIEHL
 MORGAN M. DIETZEL
 CHRISTOPHER C. DIKE
 ERIK J. DIPPOLD
 RANDALL L. DODDS
 THOMAS D. DOTSTRY
 PETER J. DOWNES, JR.
 JEFFREY A. DREWISKE
 KEITH D. DROWN
 MATTHEW E. DRYDEN
 VICTOR T. DUENOW
 JOSEPH M. DUGAN
 ANDREW E. DUMM
 JOSEPH F. DYCKMAN
 PATRICK J. EARLS
 MICHAEL J. ECKERT
 GABRIEL V. EDWARDS
 TABITHA J. EDWARDS
 ANGELA A. EICKELMANN
 JASON D. ELFE
 CLINTON D. EMRICH
 JUSTIN J. ESTRADA
 TAYLOR A. EVANS
 RONALD C. FAIRBANKS
 JEFFREY C. FALLAT
 MATTHEW B. FANNIN
 MICHAEL R. FARLEY
 MATTHEW G. FARRELL
 MICHAEL FEAGANS
 TELLIS A. FEARS
 JOSHUA C. FELDMAN
 CORY M. FENTON
 RANDALL L. FIELDS, JR.
 ELIJAH C. FORD
 CHRISTIAN R. FOSCHI
 BRADFORD S. FOSTER
 JOSHUA J. FREEZE
 FORREST F. FRENCH
 KEVIN R. FRIEL
 MATTHEW R. FURTADO
 THOMAS D. FUTCH
 PETER A. GAAL
 PHILIP ALINDO
 ISALAH D. GAMMACHE
 JEREMY D. GARCIA
 MICHAEL V. GARCIA
 DAVID T. GARDNER
 JEFFREY A. GARDNER
 JASON M. GARFIELD
 MORGAN D. GEORGE
 RYAN C. GEORGE
 MATTHEW L. GERMAN
 ANDREW P. GIBBONS
 RYAN T. GIELEGHEM
 BRANDON R. GLESSUMMERS
 JONATHAN M. GILLIOM
 DANA P. GILMOUR
 ROBERT R. GIVEN
 VINCENT C. GOMES
 LISA C. GORDON
 RIDGELY H. M. GRAHAM
 WILLIAM S. GREEN
 MICHAEL B. GREENSTREET
 JUSTIN L. GUERNSEY
 JOHN R. L. HANSEN
 CORY J. HANSON
 SETH L. HARBIN
 CHAD R. HARRIS
 MATTHEW A. HARRIS
 SAMUEL F. HARTLEY
 MICHAEL S. HARTZELL
 JOSHUA R. HATTERY
 BRETT R. HAVELKA
 ERIC E. HAYES
 DAVID C. HEBERT
 EVAN E. HENTSCHEL
 TAYLOR A. HESSE
 WILLIAM E. HESSELL
 RYAN D. HEYKENS
 WILLIAM C. HINSON
 EAN P. HOBBS
 JASON E. HOLBROOK
 DEVIN M. HOLMES
 MICHAEL P. HOOTEN
 ZACHARY T. T. HOPE
 ALEXANDER F. HORN
 JAMES D. HOSTETLER
 MATTHEW M. HOWELL
 JOSEPH S. HUCK
 JUSTIN J. HUGGINS
 MICHAEL C. HUGHES
 DOUGLAS A. IVEY
 DOMINIQUE A. JACKSON
 VINCENT J. JAKAWICH
 CHRISTOPHER T. JAMES
 BRYAN V. JENNINGS
 WESLEY A. JOHNSON
 CHARLES P. JONES
 DANIEL T. JONES
 PHILLIP J. JONES
 JAMES C. JORDAN
 KACEE L. JOSSIS
 ROBERT E. KELLER
 JORDAN W. KELLY
 JEFFREY J. KELSO
 IAN A. KEMP
 TYLER KENDALL
 MATTHEW C. KIENFIELD
 TOWNEY G. KENNARD III
 HENRY J. KENNEDY
 PETER J. KEUSS

PATRICK L. KIEFER
DERMOT N. KILLIAN II
JAE Y. KIM
JASON C. KIM
JACOB E. KING
SAULOMON D. KING
JOHN D. KINMAN
JUSTIN P. KIRKPATRICK
KENNETH M. KIRKWOOD
DAVID E. KISER
BLAKE A. KLINEDINST
WILLIAM E. KNIPS
ROBERT W. KNOERZER
MATTHEW T. KNUTH
BRIAN D. KOCH
NICHOLAS J. KOETTER
JAMES KOTORA
DUSTIN T. KRAEMER
CHRISTOPHER M. KRUEGER
ANDREW L. LAIDLER
GEORGE A. LANE
LEVI J. LAROCHE
JAYSON C. LARSEN
TRAVIS A. LARSON
BRIAN C. LAWS
ROBERT G. LECLERC
DAVID J. LEISENRING
CARLO D. LEVERONE
KORI L. LEVYMINZIE
CHARLES A. LEWIS
ANDREW G. LICHTENSTEIN
KEVIN J. LIND
CALEB A. LINDH
MICHAEL L. LINN
YILEI LIU
PAUL A. LLANO
WILLIS M. LONG
STEPHEN J. LOONEY
JOSEPH O. LOPICCOLO
MATTHEW R. LOVICK
JAMES E. LUCAS
MATTHEW S. LUKEVICS
PHILLIP O. LUNDBERG
JONATHAN J. LUSHENKO
JOHN D. MACK
JARED M. MALLIS
STEPHANIE L. MARCELO
JOHN E. MARTIN
NICHOLAS A. MARUCA
MICHAEL Q. MATT
EDWARD J. MAY, JR.
STEVEN G. MAY
RICHARD A. MAYER
SCOTT D. MAYNES
MICHAEL R. MCCABE
CASEY D. MCCAIN
SCOTT R. MCCANN
BENJAMIN I. MCCARTY
MATTHEW E. MCCAY
PATRICK L. MCCLERNON
THOMAS R. MCCURDY
THOMAS J. MCDONALD
MATTHEW C. MCDONOUGH
RYAN D. MCGINN
ANDREW S. MCGOVERN
MICHAEL J. MCINERNEY
GREGORY E. MCLEAN
JAMES R. MCILLAN III
ELIZABETH E. MCMULLEN
THOMAS E. MCNEIL
TYLER C. MCQUIGGAN
JAMES T. MCRANDLE
SCOTT B. MEHAFFEY
JOSHUA D. MENKS
NATHANIEL D. MICHAEL
DREW R. MICKLETHWAIT
WALLACE E. MILLER II
STEPHEN E. A. MILLER
ZACHARY R. MILLER
MATTHEW J. MINCK
PETER P. MITCHELL
RICHARD C. MOEBIUS, JR.
ADAM L. MOFFITT
ERIK N. MOLINA
CALEB C. MOORE
JON T. MOORE
EMILY M. MOOREN
MICHAEL S. MOORSE
CHRISTOPHER C. MORAN
ROBERT J. MORENO
TREVOR D. MOREY
MICHAEL N. MOWRY
MARK A. MUNCY
GWENDOLYN H. MURPHY
WILLIAM P. MURTHA III
JEREMY T. NAUTA
JUSTIN M. NEFF
ROBERT C. NEMETH
MATTHEW A. NOBLE
EDWARD J. NOWAK
JASON T. NOWELL
ADAM J. OCHS
RYAN H. OCONNOR

JUSTIN D. OGBURN
DANIEL E. OLSON
BRADY D. ONEAL
AUSTIN P. ORDWAY
BENJAMIN S. ORLOFF
MATTHEW J. ORNER
CARLOS A. OROZA
ROBERT J. OSBORNE
CHRISTOPHER S. OSIPOWER
PAUL G. PAVELIN
THOMAS F. PAVLIK
ADAM R. PAWLAK
DONALD W. PELTIER III
BRIAN R. PENNINGTON
JOHN R. PEPIN
FELIX PEREZ
TIMOTHY S. PERKINS
PATRICK J. PERROTT
JOSHUA D. PETERS
CHRISTOPHER A. PETERSEN
WILLIAM R. PHILLIPS
JAMES D. PIERCE III
KEVIN A. PILCHER
CHRISTOPHER J. PITTMAN
MATTHEW E. PLANT
CARL P. POE
CHARLES C. POGUE
CHRISTOPHER N. PRATT
PHILIP D. PRETZINGER
ANDREW D. PYLE
ANDREW R. RA
TERRELL W. RADFORD
CODY H. RAPP
ALEXANDER E. RATCLIFFE
RICHARD S. RAY
TRAVIS J. REAM
ETHAN A. REBER
JUSTIN L. REDDICK
SEAN REED
JAMES M. REEVES
GRANT H. REGELIN
JOHN L. REID
ETHAN E. REINHOLD
CATHERINE A. B. REPPERT
PAUL F. RICHARDSON III
RANDALL K. RIEWERTS
BRETT M. RINGO
CHRISTIAN A. RIVERA
BRIAN M. ROBERTS
COLE C. ROBERTS
RYAN W. ROBERTSON
AARON A. ROBINSON
TIMOTHY W. ROCHOLZ
ALERON B. ROGNLIE
DANIEL E. ROSBOROUGH
MARTIN E. ROSCHMANN
KALLIE M. ROSE
ELI J. ROSENBERGER
BENJAMIN A. ROSS
IAN M. RUMMEL
MICHAEL D. RYAN
BRIAN C. SANCHEZ
KEVIN R. SARTAIN
CODY M. SCARBOROUGH
DAVID M. SCHALLER
MICHAEL A. SCHENK
RICHARD G. SCHMIDT
JEFFREY D. SCHWAMB
ANDREW J. SEATOR
MATTHEW L. SEVIER
ADAM A. SHAPIRO
MICHAEL P. SHAUGHNESSY
JAMES E. SHEETS
GREGORY D. SHERMAN
RICHARD P. SHIELS
JAMES E. SHULER
KAI B. SIEGELE
GREGORY T. SIEGERT
VINCENT F. SIMMON, JR.
CHANEL G. SIMS
JOSHUA B. SINK
JONATHAN E. SITORIUS
DANIEL A. SLEDZ
ALTON L. SMITH
CHRISTOPHER R. SMITH
DAVID J. SMITH
DUSTIN T. SMITH
GREGORY L. SMITH
JOSHUA D. SMITH
KEVIN P. SMITH
MOSES SMITH
DANIEL A. SOLFELT
ROBERT M. SPANN II
EDWIN M. SPENCER
JUSTIN B. SPOTSER
TIMOTHY P. SPRAGUE II
KARL D. STAEHLE
NATHAN L. STAPLES
DAVID T. STAUBIN
BRADLEY D. STEIDLE
SEAN A. STEIN
RYAN A. STEWART
JOHNATH D. STINETTE

JOHN L. STOCKDILL
BYRON STOCKS
CHRISTOPHER M. STOLLE
JARED M. STOLLE
CHRISTOPHER B. STONE
GREGORY B. STORER
KALE B. STREETER
SEAN M. STUART
DANIEL S. SUPPLE
JOHAN E. W. SUYDERHOUD
MATTHEW J. P. SUYDERHOUD
KEVIN A. SWIFT
STEPHEN D. SZACHTA, JR.
ROBERT SZELIGOWSKI
ANDREW C. TABELLION
TIANA TAFUA
ANDREW G. TALBOTT
JONATHAN A. TAYLOR
CHAD T. TELLIA
KRISTOFER A. TESTER
HEATHER O. THOMAS
CHRISTOPHER O. THOMAS
CURTIS L. THOMAS
JOSHUA D. THOMPSON
JOSHUA H. TILLEY
MATTHEW E. TODD
ROBERT J. TOOHIG, JR.
SEAN M. TUOHY
KEITH P. TURNBULL
CHRISTOPHER S. TURNER
JON K. TURNIPSEED
JAC O. ULLMAN III
MICHAEL J. UMHOLTZ
NICHOLAS J. VANDYKE
JOHN N. VANWAGONER
RICHARD B. VAUGHN
PAUL VELAZQUEZ
OMAR J. VIEIRA
JUAN P. VIVES
ALEXANDER C. VOELLER
ABRAHAM N. WADSWORTH
NATHAN D. WALKER
KEVIN W. WALTER
NELLIE WANG
GRANT A. WANIER
KENNETH A. WARFORD
ROBERT M. WAYLAND
NICHOLAS C. WEIDEMAN
RICHARD S. WESTERFIELD
TIMOTHY M. WHITE
BRADLEY S. WILLIAMS
KIRBY WILLIAMS II
NATHAN M. WILLIAMS
THOMAS A. WILLIAMS
JASON M. WINDOM
MICHAEL A. WINSLOW
REBECCA E. WOLF
MICHAEL F. WOLFE
MATTHEW E. WOOD
THOMAS F. YALE
CAMERON R. YASTE
JESSE D. YOAST
DAVID R. YOCUM
MATTHEW T. YOKELEY
ALEXANDER K. YURANK
MICHAEL A. ZDUNKIEWICZ
NICHOLAS M. ZERLER
KEITH S. ZEUNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SHELLEY E. BRANCH
JERRY L. CANNON
ERIC K. CONRAD
BRIAN S. DEMBICKY
STEVEN J. GREEN
MARK C. LETOURNEAU
DIANE E. NICHOLS
NICHOLAS E. PECCI
JULIO A. PETERSON
ALLEN W. RICHMOND
STEPHANIE A. RIVERA
COREY J. SYLVE
JESS A. VAUGHT
HAYWOOD WILLIAMS, JR.
TROY L. WRIGHT

CONFIRMATION

Executive nomination confirmed by the Senate June 24, 2020:

THE JUDICIARY

CORY T. WILSON, OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.