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## 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 God, give our lawmakers the wisdom to remember and be grateful for all the things You have already done.

Lord, You have sustained our Nation during seasons of war and peace. You have helped us to find creative ways to strive for a more perfect union. You have provided us with solutions to difficult problems just when we needed You most.

Let this day be a time when Senators find time to thank You for Your bountiful blessings and faithfulness. As our lawmakers strive to live one day at a time, may they keep their focus on Your power and love.

We pray in Your merciful 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. HYDE-SMITH). 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.

### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. GRASSLEY. Madam President, as the Congress considers the defense authorization bill—called the NDAA—this week, I hope that my amendments

to improve the Pentagon's financial management systems and crack down on wasteful spending will be supported.

Thirty years after Congress passed the Chief Financial Officers Act, the Department of Defense remains the only executive agency in our Federal Government that cannot get a clean audit opinion.

Every dollar of defense spending should be used to ensure our Nation's security and support for our men and women in uniform, which is why the Department of Defense needs to be held accountable for waste, fraud, and abuse. A clean audit has something to do with proof that they can do that.

I yield the floor.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### SENATE ACCOMPLISHMENTS

Mr. MCCONNELL. Madam President, yesterday I discussed how the Senate's serious, fact-based approach to the coronavirus crisis has cut a sharp contrast with House Democrats' political theater.

Back in March, as the economic fallout from this crisis was just beginning, it fell to the Senate to write, negotiate, and pass the CARES Act. With the House absent from Washington, Senate Republicans turned a blank sheet of paper into an outline for the largest rescue package in American history. We negotiated with our Democratic colleagues, and we made a law.

House Democrats tried to insert unrelated wish-list items at the eleventh hour—things like tax credits for solar panels—but the Republican Senate stood strong, and because we did, for 3 months now, the unanimous bipartisan CARES Act has been the cornerstone of the Federal Government's response to this crisis.

Doctors, nurses, and hospitals have received historic Federal funding to supplement their efforts. Households received direct checks. Tens of millions of Americans have kept getting paychecks and not pink slips because of our small-business-saving Paycheck Protection Program. These are the historic programs that the Senate has spent weeks overseeing and adjusting where necessary.

A few weeks ago, House Democrats jetted into town for a day or two—just long enough to make another unserious contribution, to again use this crisis for partisan wish-listing. You don't have to take my word for it. The media completely panned it. NPR called it "a long wish list for Democrats." Another journalist wrote, "Neither this bill nor anything resembling it will ever become law." And listen to this reporting: "Privately, several House Democrats concede their latest bill feels like little more than an effort to appease the most liberal members of the caucus." This is the proposal that our Senate Democratic colleagues keep thundering that we should take up and pass here—something so unserious that it had House Democrats themselves rolling their eyes.

Remember, among other things, this bill would give taxpayer-funded checks to illegal immigrants, and it would change tax law to provide massively expensive gifts to wealthy people in high-tax blue States. These are their coronavirus priorities? This political theater is the opposite of the serious Senate approach that built the CARES Act.

Any further recovery effort should focus intently on three things: kids, jobs, and healthcare—kids, jobs, and healthcare.

To step back toward normalcy, our country will need K-12 and college students to resume their schooling, we will need to reenergize hiring to get workers their jobs back, and we will need continued progress on the

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



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healthcare fight to get ready for the fall and winter and speed the search for a vaccine.

One helpful policy would be strong legal protection for schools, colleges, nonprofits, and employers who are putting their necks on the line to reopen. So long as institutions follow the best available guidelines, they should not have to live in fear of a second epidemic of frivolous lawsuits. Believe me, the virus is worry enough.

These are the kinds of smart solutions Washington must continue discussing as we evaluate what further steps may be necessary. Partisan theater and politicized wish-lists are not what the country needs.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MCCONNELL. Madam President, now on another matter, as I have said for weeks, our domestic challenges cannot take Congress's eye off the ball of world affairs. So, as the Senate passed other major bills and the Senate Republicans tried to advance police reform until Democrats blocked us, our colleagues on the Armed Services Committee have worked hard to assemble the next National Defense Authorization Act.

Every year, the NDAA allows us to speak clearly about the Senate's priorities on matters of national defense. As China continues to treat maritime arteries like its own backyard sandbox, the men and women of the U.S. Seventh Fleet and the entire Indo-Pacific Command remain on call to maintain order. As Russia doubles down on its support of brutal dictators and attacks democratic regimes from dark corners of the web, U.S. Cyber Command remains vigilant and our NATO relationships remain vital. As tyrants, from Tehran to Pyongyang, pave over their citizens in pursuit of power, we need our sharpest minds and best tools watching their every move.

Our Armed Forces stand watch over our homeland, and they stand watch over an entire international order that shares our peaceful values and benefits our Nation.

Now our military has also risen to the unique task of helping respond to the pandemic. Military medical facilities have added critical capacity during the first surge of COVID-19, from Navy hospital ships to soldiers from the 531st Hospital Center at Fort Campbell. National Guard personnel have established and manned temporary testing facilities across the country. DOD research facilities have joined the race to develop treatments.

As our servicemembers confront challenges new and familiar, our job is to advance an NDAA that supports them and their families. Chairman INHOFE and Senator REED led a productive, bipartisan process in committee. I hope we will see a bipartisan amendment process out here on the floor as well.

But already the bill will make major steps forward. It supports servicemembers not only while they are at their duty stations but also on the homefront.

This year's bill encourages expanded telemedicine capabilities in the military healthcare system, and it will help retain highly trained providers. It implements new quality standards for acquisitions of military family housing and increases impact aid to school districts that support large numbers of military children. It revises sexual assault-prevention policies to destroy barriers to victims seeking justice.

It includes further steps to ensure all these efforts are supported by a more efficient and transparent administrative structure over at the Pentagon. That means changes to compensation to attract top talent, expanded access to cutting-edge software, and new checks on the Department's planning process to increase accountability.

The U.S. military is the greatest fighting force the world has ever seen. Our work in the coming days is meant to ensure that this remains the case. Supporting servicemembers and their families is a critical piece of this year's NDAA. Our men and women in uniform are simply the best, and they deserve the best.

#### MEASURE PLACED ON THE CALENDAR—H.R. 7259

Mr. MCCONNELL. Madam President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

An act (H.R. 7259) to allow acceleration certificates awarded under the Patents for Humanity Program to be transferable.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

#### 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.

#### LEGISLATIVE SESSION

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will re-

sume consideration of S. 4049, which the clerk will report.

The senior assistant legislative clerk read as follows:

A 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.

Pending:

Inhofe amendment No. 2301, in the nature of a substitute.

McConnell (for Portman) amendment No. 2080 (to amendment No. 2301), to require an element in annual reports on cyber science and technology activities on work with academic consortia on high priority cybersecurity research activities in Department of Defense capabilities.

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.

RUSSIA

Mr. SCHUMER. Madam President, today there are thousands—thousands—of American servicemembers in Afghanistan defending us from terrorist organizations and their sponsors. They are joined by servicemembers and support personnel from allied nations and security partners. Each one of these lives is precious to a nation and to a family somewhere. Each one of us in this Chamber recognizes the solemn duty we have to our servicemembers.

We are all concerned about media reports that the Russian Government or its proxies has been offering bounties on the lives of American soldiers to Taliban-linked fighters in Afghanistan. The Associated Press has reported that the United States is investigating whether Americans died as a result of Russian bounties and is particularly focused on a 2019 attack that killed three U.S. marines, including one young man from Locust Valley, Long Island, NY, and another who worked as a firefighter in the FDNY—the great FDNY—for 15 years. On behalf of my constituents and the American people, I demand answers.

If, in fact, Putin and his cronies have been sponsoring the murder of American and coalition forces in Afghanistan, there is no question there should be swift and severe consequences. But unlike every previous administration I have ever worked with, the Trump administration has been shockingly weak-kneed when it comes to authoritarian leaders like Putin. This administration appears unwilling to even acknowledge the gravity of the situation, unwilling to even express concern about these rumors and commit to investigating them.

The shifting explanations from the White House about when and how the President learned about these reports has only added to the confusion and concern here on Capitol Hill. First, the President tweeted “Nobody briefed me or told me” about the reports. That is what he said: Nobody briefed him or told him. Then the President hinted he was aware of these reports but that it didn’t rise to the level of an official briefing. The White House Press Secretary repeatedly denied that the President had been briefed. Then, last night, the Associated Press reported that President Trump had received intelligence about these potential bounties as early as spring of last year—the spring of last year.

Out of all of those different explanations, the best case—the best case—for the President is that he doesn’t read sensitive intelligence reports. You know, that is his job.

It has been 5 days since media reports informed the world of Putin’s alleged bounty program. What has the President done? He hasn’t condemned it. He hasn’t told servicemembers and their families he will make sure this alleged program is exposed and ended. He hasn’t directed any action against Putin and his cronies whatsoever. He has done absolutely nothing—nothing.

As the Commander in Chief, the President has no more serious and solemn duty than to do right by the Americans in uniform who protect our country. He is directly responsible, and must be held accountable, for the well-being of American servicemembers who have volunteered to put themselves in harm’s way to protect our country. The least President Trump could do is promise to get to the bottom of these allegations and hold Putin and his cronies accountable for their actions. Even that—even that—seems beyond the administration’s capabilities.

In the short term, we need an agreement from the administration to conduct an immediate all-Members briefing on the reports that Russia placed bounties on U.S. troops in Afghanistan. Senators need to hear directly from CIA Director Haspel on these reports as soon as possible.

#### CORONAVIRUS

Madam President, the number of new COVID-19 cases is accelerating at an alarming rate through several States, and the economic effects of the pandemic continue to hammer American families and businesses across the country.

Over one-fifth—one-fifth—of the workforce has requested unemployment assistance—one-fifth. In one month, the expanded unemployment benefits we passed in the CARES Act will expire. For millions of Americans, another rent payment is due tomorrow, and eviction protections will run out for these tenants in a few weeks. School districts are preparing for the fall without the resources or the guidance they need to reopen safely. Localities are preparing for the 2020 general

election and need Federal resources to hold safe elections. Even the popular and bipartisan Paycheck Protection Program runs out of lending authority today, with over \$130 billion in remaining funds, while so many small businesses continue to struggle. They have \$130 billion sitting there. The program runs out today, and our Republican colleagues are doing nothing.

There are so many urgent priorities that require our attention here, but the Senate Republican majority has been ignoring them. Instead of working in a bipartisan way to reform police departments across the country, Senate Republicans dropped an inadequate partisan bill on the floor. After it failed, the Republicans didn’t seem eager to start the bipartisan negotiations we need to get progress back on track.

Instead of spending the last 45 days working with Democrats on legislation to address the public health and economic crises Americans are facing due to the coronavirus pandemic, Republicans just sat on their hands. In fact, Leader MCCONNELL seems dead set on delaying any COVID-19 relief until after the Fourth of July holiday, and even then, he said he wants to assess the conditions in the country before taking action.

We just can’t wait for our Republican colleagues to wake up to the reality in this country. People are losing their homes. People are not being fed. People are losing their jobs. Small businesses are closing. COVID-19 is spreading.

The Republican majority does nothing. It sits on its hands. The best it says, in the voice of the leader: Let’s assess the situation.

What more do we need to assess? The American people don’t need an assessment. They want action—action. It is amazing. We cannot wait—the country cannot wait—for our Republican colleagues to wake up to the reality.

Senate Democrats are forcing action on the floor this week on a number of crucial issues. Last night, Democrats asked our colleagues to pass emergency funding for State, local, and Tribal governments that are finalizing their budgets today and may be forced to cut vital services and lay off teachers, firefighters, and other public employees. Senate Republicans, however, have blocked our bill.

Hopefully, our Republican colleagues will not be so hasty to reject our attempt to start work on several other urgent priorities this week. Today, Democrats will come to the floor to ask this body to take up legislation on safe elections, led by my colleague Senator KLOBUCHAR; education funding, led by my colleague Senator MURRAY; and funding for our nursing homes, championed by Senator CASEY. All three will ask unanimous consent requests. Will our Republican friends block action once again as the country suffers, as the economy continues to decline, as more people get sick, and more people die?

These are not abstract issues—not at all. This is about parents making sure

their kids safely continue their education. This is about making sure elderly relatives are healthy and safe and properly cared for. This is about making sure that, when it comes time to vote, every American can exercise the franchise without worrying about getting sick.

The need for these pieces of legislation is beyond dispute. When most Republicans back home are asked if we should do these things, they want us to do them.

We have only a few days to go before the Senate adjourns for the next State work period. If Republicans continue to block reasonable attempts at passing COVID-19 legislation, they will have to go home and explain why to their constituents. Americans are tired of waiting for the Republican Senate to “feel the urgency of acting immediately.” We have a chance tonight to accomplish what should have been done months ago and pass three important bills to ensure that our schools, our elections, and our nursing homes get the support they desperately need.

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

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

#### REMEMBERING STANLEY R. BALZEKAS

Mr. DURBIN. Madam President, in the course of America’s immigration history, there have emerged leaders whose names are synonymous with the struggle and triumph of these immigrants. Stanley Balzekas was that leader for Lithuanian Americans, especially in the city of Chicago.

Stanley was my friend. His devotion to Lithuania, to America, and to the cause of human freedom and dignity was legendary. Whether you bumped into him on the streets of Vilnius or Pulaski Road, he always had a smile and story to share. He was as gracious and as comfortable with the Chicago hotdog salesmen as he was with heads of state.

He died last week, passing peacefully at his home at the age of 95. As his family said in his obituary: “His failing heart could no longer keep up with his zest for life.”

What a heroic heart he had. Stanley Balzekas was a decorated war hero in World War II, one of the thinning ranks of the Greatest Generation. He joined the U.S. Army in 1943 and served in the infantry. He fought in key battles, including the Battle of the Bulge and the Battle of Huertgen Forest, for which he was awarded a Bronze Star and a Purple Heart for rescuing 12 wounded soldiers.

He landed at Normandy and marched with other U.S. soldiers under the Arc de Triomphe and along the Champs-Élysées to celebrate the liberation of

Paris from Nazi occupation. He was captured by a Waffen SS unit in France in February 1945 and spent four months as a POW at a camp in Germany. There, he was brutally mistreated, starved, and lost half of his body weight.

After the war, he returned to Chicago and earned a bachelor's degree and master's degree from DePaul University and joined his father running the family business, Balzekas Motor Sales, which was run continuously by the family from 1919 until 2009.

Stanley's father emigrated from Lithuania to the United States in 1912. He grew up in Marquette Park, in Beverly, the heart of Chicago's Lithuanian community. His father made the leap from a butcher shop to start an auto dealership in 1919. Over the years they sold many models of cars, from Hupmobiles to Chryslers. The Balzekas name became synonymous with Lithuanian entrepreneurship. Young Stanley was at his father's side during the formative years and after he returned from World War II.

Next to his success in business, Stanley Balzekas' most lasting gift to Chicago is the Balzekas Museum of Lithuanian Culture, which he and his wife Irene founded in 1956 in a building next to the family car dealership. The mid-1960s, when Stanley opened the Balzekas Museum, were some of the darkest days in the Cold War. Lithuania, once a massive medieval empire that stretched from the Black Sea to the Baltic Sea, was then an occupied state within the old Soviet Union, and the USSR did all it could to erase the Lithuanians' sense of their own history and culture. Stanley and Irene Balzekas founded the museum to help preserve that history and culture and, equally important, to advance the cause of Lithuanian independence.

Chicago was the perfect city for their cultural jewel. It is the most Lithuanian city outside of Lithuania, and a sister city to the Lithuanian capital of Vilnius. Nearly one in eight Lithuanian Americans, including this Senator, calls Illinois home. In fact, Valdas Adamkus, the third person to serve as President of a free and democratic Lithuania after it won its independence from the USSR, lived for many years in the city of Chicago.

The Balzekas Museum's collection started with Baltic amber jewelry and Stanley's own considerable collection of East European military antiques. Over the years, it became a trove of Lithuanian and Eastern European books, maps, and artifacts, and one of the most respected ethnic museums in Chicago, if not the Nation. One of its prized possessions was a map from 1430 which showed the Lithuanian Empire stretching across Eastern Europe.

Stanley spent hours and hours reading letters and examining every artifact anyone would send to him at the museum. When someone else might view something as just an old handkerchief, Stanley would recognize the

family's last treasured link to an ancestral homeland—a treasure worth saving.

But Stanley Balzekas and the museum did not just catalog and preserve history. They helped to make history. On March 11, 1990, Lithuania declared its independence—the first Soviet republic to do so. Nine months later, in January 1991, Soviet troops and tanks rolled into Vilnius to crush the uprising. People from all over Lithuania rushed to Vilnius to defend the Seimas, their Parliament. Hoping to keep the defenders of a Lithuanian democracy and the world in the dark, the Soviet Government blocked all TV transmissions from and within Lithuania. But nearly 4,700 miles away, there was a fax machine in the Balzekas Museum humming a lifeline for the Lithuanian's resistance, allowing freedom's defenders in Vilnius to tell their story to the world and, in return, to learn that the world stood by their side in defense of their cause. That vital connection to the outside world may have influenced the Soviet Union's surprise decision to withdraw its tanks from the small democracy in the Baltics.

In January 2011, I had the great honor of addressing the Lithuanian Seimas, or Parliament, on the 20th anniversary as a free and democratic republic. I turned to Stanley Balzekas and his daughter-in-law to help translate parts of my speech into Lithuanian. He wasn't just a friend; Stanley was my teacher.

In the mid-1980s, the Balzekas Museum moved from its original home to the West Lawn neighborhood, on the Southwest Side of Chicago. It expanded its vision to become a place where Chicago's many ethnic communities are celebrated.

Stanley Balzekas never stopped thinking about how to create goodwill and understanding. One of his last projects was to turn a small vacant lot near the museum into a park, which he christened "Love and Respect Park." The centerpiece of that park is a young tree, grown from a cutting taken from the nearly 1,500-year-old oak tree, the oldest in Lithuania. He hoped its shade would provide comfort to all who call Chicago home for generations to come.

Stanley Balzekas was honored in life by many civic organizations. He received the highest honors offered by the State of Illinois and the Republic of Lithuania. His passing was mourned by the President of Lithuania and by friends too numerous to count.

Irene, the love of his life, died many years ago, but Loretta and I wish to extend our deep condolences to Stan's children: Stanley III, Robert, Carole, and their spouses, to Stanley's six grandchildren, and to his friends in Chicago and around the globe.

I will close with one last story about my friend. Over the years, Stanley Balzekas must have been photographed thousands of times with famous leaders or with family friends. He used to tell people jokingly that the key to taking

a good photo was to "always stand in the center, that way an editor can't crop you out."

Stanley, my friend, from your days as a young GI to your final days on Earth, you were never afraid to stand in the center of life itself. Your place in history will not be erased. And thanks in part to your efforts, Lithuania's proud history and culture were made an inspiring part of the world's story.

Aciu, my friend. May you rest in peace.

#### REMEMBERING ART BERMAN

Mr. DURBIN. Madam President, I would like to take a moment to say farewell to a good man who taught me a great deal about what it means to be a public servant.

Art Berman was a respected attorney, a community leader and the longest serving Democratic State legislator in my State. He represented the North Side of Chicago in the Illinois General Assembly for 31 years, until his retirement in 2000.

He was known as "the education senator" for his decades-long commitment to see that every child in Illinois could attend a good school and make the most of his or her God-given abilities.

He died earlier this month, June 6, at his home in Chicago. He was 85.

I first came to know Art Berman in Springfield, our State capitol, when he was serving in the Illinois House of Representatives and I was a young committee staffer, just starting out.

He was thoughtful, fair, and kind. I never heard him say a bad word about anyone. He regarded public service as a high honor and a joy. He seemed to radiate happiness.

He was a patient man, but you would be wrong to mistake his patience for passivity. He was tenacious in the pursuit of justice and the common good.

He entered politics as a Chicago precinct captain when he was just 20 years old. He was elected to the Illinois House in 1969, and in 1977, he moved to the State Senate, where he served until he stepped down in 2000.

All told, he won 22 elections for public office and never lost once.

He was a skilled legislator and a persuasive speaker who chose to use those gifts to help, more than anyone, the public school children of Chicago and Illinois. In both the Illinois House and Senate, he rose to chair the education committees.

He didn't champion trivial matters. Over three decades in Springfield, he sought to correct one of the toughest, most intractable problems in all of public education: unequal funding of public schools.

The problem was this: Illinois, like all States, relies heavily on local property taxes to fund public schools. Districts with higher property values bring in more tax revenues, which enables them to provide higher funding for public schools.

As a result, the wealthiest districts in many States spend twice as or much

or more to educate each pupil than do the poorest districts.

Art Berman worked to end this inequity. Our State's landmark 2017 school funding reform bill, the Invest in Kids Act, owes much to his long years of advocacy.

When State funding for special education was imperiled, Art Berman rallied support to save it.

He helped make Chicago public schools more effective and more democratic through the creation of local school councils.

In 1990, he sponsored a bill that made Illinois the first State in the Nation to mandate teaching about the Holocaust as part of World War II history.

Every member of the Illinois General Assembly is allowed to nominate two worthy students each year to receive college tuition scholarships.

After Art's passing, his children were touched to hear from so many now accomplished men and women who told them, "I could never have gone to college without your father's support."

At the core of his commitment to public school students was a deep appreciation for the difference that Chicago public schools had made in his own life.

He was the eldest of three boys born to a mother who was raised on the West Side of Chicago and a father who immigrated to Chicago, alone, at the age of 17 from a land that was then known as Palestine. Today, it is Israel.

His father found work with a Chicago bookbinding company. Some years later, when the owner retired, Art's father and a partner bought the company.

Art and his two brothers all attended Chicago public schools. He graduated from Senn High School and went on to earn degrees from the University of Illinois and Northwestern University School of Law.

Like a true Chicagoan, Art Berman loved the "Da Bears." He also loved playing tennis. Up until about 2 years ago, if you asked how his tennis game was, he would smile and say proudly, "Still playing singles," and it was the truth.

More than anything, Art Berman loved his family. Loretta and I send our condolences to Barbara, Art's beloved wife; to his two children, Adman Berman and Marcy Berman Padorr and their spouses; and to Art's five grandchildren.

May they find comfort in this sad time, and may his memory always be a blessing.

#### THE HEROES ACT

Madam President, I listened to the statements made this morning by the Republican and Democratic Senate leaders about the job ahead.

I think it goes without saying that we are still in the midst of a health crisis and an economic crisis in this country. We did respond. We responded on March 26 in the Senate with the CARES Act. It was a bipartisan measure, a measure that engaged the lead-

ers of the House and the Senate, Democrats, Republicans, Mr. Mnuchin, and the White House.

In 8 days, we crafted a measure that may be one of the costliest individual measures ever passed by the Senate—some \$3 trillion. It was an enormous investment in America, but it was desperately needed. It was, of course, crafted in a way to provide help for research and medical care, but also to invest in the people of America.

We understood then, and I hope we still do, that small businesses struggling to reopen and struggling to survive need a helping hand, and we provided it with the Paycheck Protection Program. Hundreds of billions of dollars were loaned to these businesses, which can be forgiven if, in fact, they invest in their employees and in coming back to life after the end of this crisis.

An equally important, if not more important, investment was unemployment benefits. There are now some 30 million unemployed Americans, one of the highest numbers in modern history. We know that unemployment brings with it hardship, sacrifice, and challenge.

That is why we included in the original bill, the CARES Act, a Federal supplement to unemployment benefits of \$600 a week. Some came to the floor and argued that it was too much money, that we would be giving people so much money that they would never want to return to work. I disagreed with that conclusion. I believe most people in America are proud and determined to get back on their feet and don't want to find themselves dependent on others. They want to be independent. I believe that, ultimately, they will be.

For the time being, we need to stand with these families to make sure they can pay their mortgages and keep their homes and not lose their lifetime investment, to make certain that they can pay the basics in life, food and utility bills, the needs for clothing and education for their children.

On July 31, in just a few days, that unemployment program will expire. Speaker NANCY PELOSI passed a bill 4 weeks ago called the Heroes Act—a \$3 trillion bill—and it has languished here in the Senate. When Senator MCCONNELL was asked if he would call up this bill, he said that he didn't feel there was any urgent need to do so. I hope that Senator MCCONNELL now feels a sense of urgency.

He came to the floor this morning and characterized the House effort of a month ago, the Heroes Act, as unserious, a political wish list, and that people were laughing at how unrealistic it was. Many people may have laughed at our original effort at \$3 trillion, but it was desperately needed, as is a second effort as soon as possible.

Senator MCCONNELL said this morning that when we return in 2 weeks, his priorities will be to focus on kids, jobs, and healthcare. I couldn't agree with

him more. Many of the aspects of the Heroes Act that passed the House addressed those very subjects. If you want to take care of the kids of America, take care of their parents who are unemployed and make certain that they have unemployment assistance. Make certain their COBRA benefits are paid for by the government so they can maintain their health insurance at this time of health crisis. If you want to make sure that the kids of America have a fighting chance and that we create jobs, provide money to State and local governments.

I am reminded this morning of how many people we call healthcare heroes are actually employees of State and local governments who are risking their lives to fight this pandemic every single day. When the bill that passed the House of Representatives dedicated money for that purpose, it was money to invest in kids, in jobs, and in healthcare—the three priorities announced by Senator MCCONNELL. His notion that we owe nothing to these State and local units of government is to ignore the obvious. Their alternative will be to lay off teachers, nurses, healthcare professionals—people who are desperately needed for us to resume the normal activities of this American economy.

I also hope that Senator MCCONNELL will be open to the suggestion of providing additional funds to our hospitals across America. I know what is going on in Illinois, and I have read what is going on in his State of Kentucky. Hospitals, which are the major employers in many small communities, are laying off dozens—if not hundreds—of employees because of the state of the economy and because of the healthcare challenge. Hospitals in downstate Illinois constantly have ads on the radio and TV, saying it is safe to go back to your hospital for elective surgery and outpatient care, and because people are still reluctant to do so in my part of the world, they are withholding the funds that could be paid to those hospitals for the care that people need. We have to see that change. We have to restore confidence not only in our economy but, first, in the state of healthcare in America. We need to move on this.

Senator MCCONNELL has said the House of Representatives doesn't meet as frequently as the U.S. Senate, and that may have been true over the last several months. Let me remind him that we are in a period of time when we are all discouraged from travel that is unnecessary and when we are all told to be careful where we are going, when we are going, and not to gather in groups that might be a danger with the pandemic that we face.

The House of Representatives has produced dramatically more legislation than the U.S. Senate over the last year and few months in so many different areas, which we will highlight during the remainder of this week. The House of Representatives has sent legislation

to the Republican leader, Senator MCCONNELL, which he has ignored.

For you to come to the floor and then criticize the House for not being in session enough, what is the point, Senator MCCONNELL? They have passed legislation that you have put in the legislative graveyard in the U.S. Senate. You will not even take it up to debate it.

We are on this inexorable path to fill every judicial vacancy with people who are thinly qualified, if qualified at all, for lifetime appointments so long as they meet the Republicans' political ideology test. That is what we spend our days and weeks doing here in the U.S. Senate instead of addressing issues of substance like this pandemic and the economic crisis our Nation faces.

I want to address the issue of liability, too, because Senator MCCONNELL brought it up again this morning. He basically said that he wants to protect those who are engaged in dealing with the public from liability for their actions. He said that, if they live up to what he called the best available guidelines, they should be spared any liability for their actions.

Let me just tell you that I don't know what the best available guidelines might be, but the best available guidelines should be a pronouncement by our healthcare experts as to what makes for a safe workplace and what makes for a safe retail establishment. If the owner is living up to those standards, yes, I agree with him that it should be a valid defense for anyone who suggests wrongdoing. Yet, at this moment, the Republicans cannot have it both ways. They cannot argue that we should give immunity to businesses if they live up to some guidelines and not tell us where those guidelines originate and whether they are based on science and public health standards. If they are, they can be taken seriously. If they are not, then this is an empty promise—a promise at the expense of customers and employees who still show up for work.

We have a lot of work to do. We will finish up this week and be gone for 2 weeks. Then, in the 3 weeks or 4 weeks when we return before the August recess, we will have a responsibility to not only deal with the economic crisis facing America but to take this healthcare crisis seriously. The other day, Dr. Fauci said we were not in a second peak in terms of infection. He believed we were still reaching the first peak, which means there are many challenges ahead.

It is time for us all to get serious. It is time for the President to slap on a mask and to stop with this colossal ego of his that will not let him be seen with a mask. If he would do this today—put on a mask—it would be a message to his loyalists that defying this basic protection of the people around you is simply not smart but arrogant in its approach. We need to have some humility here. This virus is on

the attack and doesn't care what political party you belong to. So I encourage the President to put on a mask once and for all.

Don't be the last American to ignore the obvious.

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. SCOTT of Florida. 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. SCOTT of Florida. Madam President, in America, we are blessed with the protection of the strongest military in the world, one that provides not only for the safety of our country but believes in supporting our allies around the globe. Yet we cannot take our position as the leader of the free world for granted, for there are nations like Communist China that are actively building their militaries with a single goal in mind—to dominate the world stage.

So I thank Chairman INHOFE and my colleagues for working to keep our military strong so it can defend the freedoms we cherish and stand for freedom and democracy worldwide.

This year, the National Defense Authorization Act includes my Secure U.S. Bases Act, which Senator ERNST and I worked on, to reform and improve foreign military student training programs following the terrorist attack at NAS Pensacola last year.

New reports show there was a lack of vetting at multiple levels that led to this tragic attack. This terrorist should never have been allowed in our country, let alone on an American military base, with easy access to American military men and women. The Secure U.S. Bases Act eliminates this unnecessary risk by requiring a thorough vetting process before a foreign student enters the U.S.; by requiring foreign students to follow rules established by U.S. base commanders; and by vastly improving the security of our military installations, service-members, their families, and the surrounding communities.

I served in the U.S. Navy, and I could never have imagined not feeling safe on base. We must do everything in our power to prevent a tragedy like that of NAS Pensacola from ever happening again, and the Secure U.S. Bases Act is an important step.

I am also working on a number of amendments to the National Defense Authorization Act to protect our Nation.

The first includes my American Security Drone Act, which prohibits the U.S. Government from purchasing drones manufactured in countries identified as national security threats, like Iran and China. We know Communist China steals our technology and intel-

lectual property; yet the U.S. Government continues to buy with American tax dollars critical technology, like drones, from Chinese companies that are backed by their government. No one in America should buy products made in Communist China, especially not the U.S. Government. We cannot continue this practice, and my American Security Drone Act is a commonsense solution to end this threat to our national security.

Second, I am working to protect Florida's gulf coast from offshore drilling. I have an amendment in the National Defense Authorization Act that requires the Department of Defense to report on the importance of the Gulf Test Range, which is used for vital military testing and training and is critical to our national security. Offshore drilling in the area would pose a significant risk to the environment and our military preparedness.

I am also proposing an amendment to extend the moratorium on offshore drilling for another 10 years and will keep working to protect our natural resources for generations to come.

A strong defense is key to protecting the freedoms that make America great. I will never lose sight of one of the most important roles I have as a U.S. Senator to protect and serve the families of our Nation.

I look forward to working closely with my colleagues to make sure we are protecting our national security and investing in America's greatest assets—the men and women of our Armed Forces.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mrs. BLACKBURN. Madam President, I want to begin by saying thank you to my colleague from Florida who is doing so much good work on the Armed Services Committee, and I also thank Chairman INHOFE and other members of the committee who have made it a priority to be certain that our men and women in uniform are well cared for and their families are protected and that we are thinking toward the future as we look at this year's NDAA.

As we have gone through this year's NDAA drafting process with a unique frame of reference, the effects of the COVID pandemic have made our national security, our supply chain, our reach and development vulnerabilities national news.

I think they have shifted somewhat the focus that the American people have had, and I can't remember a time when I have had so many Tennesseans contacting my office asking questions about our critical infrastructure supply chain: How are we protecting ourselves and how do we look at what is transpiring in our Nation and globally to consider how we best protect ourselves and defend this Nation? The fallout from the pandemic has highlighted the need for our Armed Forces to reassert themselves globally.

The proposed 2021 NDAA that we are gathered on the floor this morning to discuss and to show our support for this legislation and for its funding will do some critical things.

The newly created Pacific Deterrence Initiative will enhance U.S. global leadership and devote needed attention and resources to multinational fusion centers in the Indo-Pacific, where we can work with our allies and partners to reduce the threat of Chinese aggression. And that is something that through COVID, through the way China has stolen our intellectual property—this has come to the forefront.

Just having the presence will not be enough. If we don't focus on innovation as an essential element of our national security, we will fall behind. It is imperative that we continue to lead in technology, in research and development, in making certain that the 21st century is going to be a century of freedom.

In this year's NDAA, we prioritized education. The proposed package includes funding for JROTC educational opportunities in STEM fields. I will tell you, in Tennessee, we have the Dobyns-Bennett High School in Kingsport, TN. They are continuing great work in these JROTC programs.

We are also going to invest in collaborative research between academia and military. Programs like Pathfinder Air Assault will strengthen our Armed Forces against dangerous adversaries like China, Iran, and Russia—all part of the new "axis of evil."

I am thrilled to see what researchers at the University of Tennessee, University of Memphis, and Vanderbilt University will do with this opportunity.

We are also going to take all of the progress we have made in cybersecurity and bring it on home to our State and local governments. National Guard cybersecurity assistance programs will improve homeland security at every level of government by leveraging Department of Defense resources against foreign adversaries.

Last but not least, I want to highlight the inclusion of language that will secure American supply chains by requiring a percentage of critical technologies to be manufactured and assembled in the United States or an ally country.

All these items appear right alongside more funding for a better quality of life for our military families.

We will also be seeing more Chinooks flying home to Fort Campbell, TN, and investing in practical improvements on our military bases.

Ours is the kind of freedom that is always in danger of extinction but always worth protecting, and with this bill, I believe we have ensured that our best first line of defense has the ability to do so.

We thank our military men and women.

I yield the floor.

The PRESIDING OFFICER (Mrs. LOEFFLER). The Senator from West Virginia.

Mrs. CAPITO. Madam President, I would like to thank my colleagues from Florida and from Tennessee for their great service to our Armed Forces and our Armed Services and great support. I enjoyed hearing Senator BLACKBURN from Tennessee talk about her Tennesseans.

I stand before you with my colleagues today to talk about the NDAA and how important it is to pass the National Defense Authorization Act.

My State of West Virginia has some of the highest rates of veteran population. About 10 percent of our population are veterans, and nationally that average is only 7, so I think that service in the military and taking care of our military has always been a source of very much importance to me as their representative here in the Congress.

I think we can all agree that our Armed Forces would not be what they are without the great service of our patriotic men and women in our All-Volunteer Force. That is why it is important that we continue to support them and the work that they do to protect our freedoms every single day.

This important legislation does just that by authorizing vital resources for our Nation's troops, our wounded warriors, and their families.

The Defense bill also includes programs which will directly impact the West Virginia National Guard. I have had the chance to regularly meet with servicemembers in my State and abroad, and I have enjoyed personally being able to thank them.

Most recently, I traveled to Afghanistan, where I met a unit from West Virginia. During my visit with our West Virginia servicemembers and others, they shared with me their great pride, not just for our State and our country, and why they are proud to defend our freedoms.

I have also had the chance to hear many of the challenges that they face on a day-to-day basis. The feedback has been so helpful to Congress as we better support our military.

These brave men and women deserve our unified support, and I think they will get it, and should not be subject to the gridlock that has become so common in this body and certainly in Washington, DC. That is why Congress has come together for the 60th year to pass a bipartisan bill.

The NDAA authorizes \$740.5 billion in funding for the Department of Defense and national security programs to ensure that our military families are modernized and well equipped to handle the constant, evolving national security threats.

The NDAA also designates the necessary funds to provide our Active-Duty servicemembers, veterans, and their families with the resources they have earned with their dedication and support.

Another way that the NDAA looks out for our troops and their families is that it authorizes a 3-percent raise for

our soldiers. This comes less than a year after a 3.1-percent raise for our servicemembers, which was the largest in a decade. Given the fact that our military is an All-Volunteer Force, it is important that we make it known that sacrifices do not go unnoticed. That is just one small way we can do that.

The NDAA makes sure our military is trained and equipped to protect this country. We accomplish this in the bill by continuing to carry out the plans highlighted in the national defense strategic plan, which stresses that the United States strives for superiority on land, on the seas, in the air, and in cyberspace.

The NDAA advances the DOD's cybersecurity strategies and cyber combat capabilities and enhances U.S. security efforts by countering competition from near-peer adversaries like Russia and China and defeating threats from rogue regimes like Iran and North Korea.

I have had multiple conversations with the West Virginia National Guard on their desire to play a larger role in cyber defense. The NDAA establishes a National Guard cyber pilot which will allow National Guard men and woman to do just that.

I know many members of our West Virginia National Guard who would jump at the opportunity to defend against cyber attacks will be excited to learn about the pilot program.

With technological advances, we are becoming increasingly reliant on critical minerals, particularly rare earth elements, which are predominantly produced in China. If you look at a chart of where they are produced, it is eye-popping.

I am pleased that the base text of the NDAA included a priority of mine, which is to require DOD to submit a report to Congress concerning the security of the domestic supply chain of rare earth elements.

West Virginia University has figured out how to extract these elements from acid mine drainage, which would hopefully reduce our need to purchase these from China.

WVU is also a leader in looking into ways to advance our country's rare element capabilities, which is why it is critical for the DOD to begin to assess the security and best storage practices for these elements so that they can begin to ramp up the domestic supply chain.

Additionally, I am hoping that the two additional amendments that I put forward can be added to this bill because they will directly impact my State.

The first is the one that would require the DOD to submit a report to Congress on the stockpiling of PFOS—the chemical PFOS—to build upon the progress we made last year in regard to this chemical.

The second amendment I worked on with my colleague Senator MORAN was to ensure that mothers-to-be who are



members of the National Guard are compensated and receive retirement credits for the missing drill weekends that they have missed because of maternity leave.

With West Virginia's strong history of military service, caring for America's service men and women could not be more important.

During the COVID-19 pandemic, the members of the West Virginia National Guard and every other National Guard across this country have stepped up and gone above and beyond the duty.

The NDAA will make sure that those who have responded to this pandemic receive the health benefits they deserve.

While I believe we must put our Nation on a sound fiscal path to end our dependence on deficit spending, it is equally important to maintain our military readiness and provide necessary resources to those who serve our Nation.

I want to thank my colleagues and Chairman INHOFE for their excellent work on the NDAA. This is an important bill—a must-pass bill—and I look forward to working with my colleagues on doing just that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. The Senator from West Virginia is absolutely correct. This is a must-pass bill, and I am delighted to join her and the Senator from Tennessee, who spoke before her, in pointing out some of the very positive aspects of this bipartisan bill.

Isn't it refreshing that this last piece of legislation that this body will consider before the Independence Day break this weekend is a truly bipartisan tradition that we have had in the Senate and something we can be proud of and should try to replicate on other legislation.

I want to take my hat off to Chairman Jim Inhofe, the chairman of the Senate Armed Services Committee, and the ranking Democrat, JACK REED, for their patriotism, for their cooperation in putting together a product that garnered almost unanimous support in the Armed Services Committee and will undoubtedly pass overwhelmingly, I would say, with 90-plus votes on floor of the U.S. Senate.

The NDAA is a critical part of keeping this Nation safe. It is a critical part of giving our service men and women the training, the equipment, and the resources they need. And it is a critical part of building on what has become a 3-year process of restoring some of the confidence and restoring the building from some of the cuts that we have had over time in our military spending.

We need to continue expanding our military and making sure that we can meet the threats, and particularly, as a former chairman of the Seapower Subcommittee, we need to keep expanding and building on the progress we have made in our Navy to meet the threat

from China and to meet the threat from other adversaries we have.

Also, I would point out that the NDAA, which is before us for a vote and which we will undoubtedly pass before July 4, will go a long way to steadying the funding we need to respond to the COVID-19 virus. It has affected our economy, but it has also affected our ability to maintain our supply chain and to defend the Nation.

I want to thank the Senator from Tennessee for pointing out the plus-ups that we have been able to do in this year's bill and previous bills for Junior ROTC. Junior ROTC is a fantastic way to build character and build ability and education in our high school students. If you take a school that is fortunate enough to have one of these programs, the statistics are absolutely astounding. Students in a school that participates in Junior ROTC consistently statistically have better grades, fewer dropouts, and there is a better graduation rate and there is higher postsecondary participation among the small set of people within a school who participate in Junior ROTC. So I want to thank the bipartisan leadership of our committee for continuing to build and expand this program.

I would echo what the Senator from Tennessee said about high schools within her State that have the Junior ROTC Program. I have visited these programs in the State of Mississippi. They work, and they are good. They are not only good for national defense, they are just good for America and for citizenship.

I want to particularly mention what this bill before us does with regard to shipbuilding and military aircraft manufacturing and why that is so important.

This year's NDAA would restore funding for American ships after a dip we have had to experience because of budget constraints. I would point out that this bill authorizes the money; this bill does not appropriate a single penny. That will be left up to us to take the product from the Appropriations Committee. If we are able to spend the money that is authorized, here is what we are going to end up with by the end of the year: It would fund seven new battle force ships. It would authorize four new amphibious assault ships, which, of course, will be built in our American shipyards, some of them in my home State of Mississippi.

It is worth mentioning to my colleagues that we had wonderful news yesterday that the Navy will build an additional destroyer in Pascagoula, MS, and that destroyer will be named after our former colleague, the late Senator Thad Cochran, a Navy veteran himself and a longtime chairman of the Appropriations Committee. These projects would bring our Navy closer to the total of 355 ships, which is part of the requirement we get from our admirals and generals around the world who tell us on an objective basis what we

need to keep this Nation safe. They have given us a requirement of 355. If we actually went back to them today and had them reassess that number—and they may be doing that right now—they would probably tell us that number is over 355.

What we did when I was chairman of the Seapower Subcommittee was put that requirement of 355 in the statute. It is not a sense-of-the-Senate or a sense-of-the-Congress. We built it into the statute, made it the law of the land, and 355 ships is where we need to be if we want to protect the United States of America.

We have had this dip in military manufacturing that affects both ships and aircraft manufacturing, and I would just point out that we are going to need to restore that dip outside of the regular appropriations process. I would commend to my colleagues the possibility of putting the job-creation part of this equation in phase 4 of our COVID-19 response bill, which I think will come before the Senate in the second part of July once we return from the 2-week Fourth of July break. I hope we can come up with a little extra money for ship manufacturing and for aircraft manufacturing. This will get us where we need to be in terms of protecting our Nation, but also it is an unbelievable job creator.

Listen to what shipbuilding does for our economy alone. In shipbuilding alone, there are 14,000 supplier companies in all 50 States. Shipbuilding impacts many companies in every single State. The LHA 7 Program, for example, requires 541 suppliers across 39 different States to fully produce that class of ship. So it protects America, and it puts Americans back to work. I think we can spare a few extra billion dollars to restore that dip and put those people back to work as part of our recovery program.

With regard to our F-35 Program—aircraft manufacturing—in 2020, this year, there are over 1,800 suppliers working on that aircraft manufacturing program in 48 States and in Puerto Rico. Of those 1,800 companies that are suppliers, over 1,000 of those suppliers are small businesses. The small businesses alone contribute over 40,000 direct and indirect jobs in the United States of America. Overall, the program itself in all 50 States contributes 254,000 direct and indirect American jobs attributed to this program.

I would commend this bill to our colleagues and ask for a "yes" vote, and we will get a "yes" vote, but I would ask us to bear in mind that we are going to have to figure out a way to pay for this, and I think that is going to require a little innovation and a little addition in phase 4 of the COVID response bill.

I am happy to say that this additional job creation and manufacturing is supported by the leadership, up to the top level in the Pentagon, up to and including the Secretary of Defense. It is supported by the National Security Advisor and by the entire team



around the President. So I think we will be able to have bipartisan support for this.

Good work on behalf of the committee in authorizing these programs. There is additional work that needs to be done by us and our friends on the Appropriations Committee in actually getting the money there to restore the dip. It is a good day for America, and it is a good occasion for this Senate that we are able to end this work period with bipartisanship and support for our troops.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

TRIBUTE TO TULSA POLICE OFFICERS

Mr. LANKFORD. Madam President, 2 days ago, at 3:30 in the morning in Tulsa, Officer Zarkeshan did a routine traffic stop. He got backup coming to him, who was Sergeant Craig Johnson, and dealt with a person who would not get out of their vehicle. Twelve times they said to this person: Get out of your vehicle.

Trying to figure out what to do, they worked to deescalate, and they realized he was not going to move. After the back-and-forth conversation there in the street, the individual got out of his car with a pistol and shot both officers multiple times in the head, jumped in a second car, and drove away. Seven hours later, both those individuals were apprehended.

While the flippant national conversation in this room and across the country continues about defunding the police, two officers in Tulsa are clinging to their lives in a hospital right now.

I think our Nation loses track of exactly the sacrifices that law enforcement makes every single day. Their families hugged them before they took off for the graveyard shift and said: See you in the morning.

Officer Zarkeshan had been on patrol 6 weeks. He graduated from the academy in May.

I am grateful there are men and women across our country who continue to put on the blue uniform to serve and protect us because there are people on the streets who mean to do our community harm, and when given the opportunity, they will take that opportunity.

If the Presiding Officer doesn't mind, I would like to pause and pray for just a moment for the families and for them.

Father, we do ask Your help for Sergeant Johnson and Officer Zarkeshan, to intervene in a way that only You can. Help the doctors and nurses. Give them wisdom. Give a sense of peace to those families as they struggle for answers. Pray for Chief Franklin and for all the Tulsa PD. God, they need Your help in these moments. I pray that You would bring peace as only You can.

In Your Name I pray. Amen.

S. 4049

Madam President, Senator INHOFE and JACK REED have done a pretty remarkable job working through the

NDAA and all that has to be done and the literally thousands of decisions that have to be made. It is pretty remarkable what they have done, and I am grateful for all of their work.

We lose track of the fact that there are folks in Afghanistan right now fighting over peace and stability and pushing down terrorists who are still in the area. We lose track of the fact that U.S. Army soldiers right now are having dinner in a tent in Poland. There are folks in the U.S. Navy who are sound asleep in Guam, except for those folks who are standing watch. There are marines in Okinawa who are asleep, but they won't be asleep very long. There are folks in the Air Force who are prepping for tomorrow's mission in South Korea.

All around the world, awake and asleep, there is never a moment and there is never a place where folks in the U.S. military are not representing their Nation and doing exactly what their Nation has asked them to do. We are proud of those folks.

This bill, the NDAA, gives a 3-percent pay increase to those folks. It ensures that we won't have another BRAC round of base closings in the United States during this next fiscal year. It deals with some of the ally relationships that we have in Taiwan and Ukraine. It helps bring some of the folks who have worked as interpreters in Afghanistan for years to the United States.

It deals with not just those in the military, but it deals with their families as well. It allows additional funding to help licenses move from State to State for those who are military spouses. It adds additional supervision for military housing to make sure we do better supervision there.

Bases and posts around Oklahoma have very specific things that fully fund the KC-46 and the B-21 Programs. It is very significant to Tinker and the community around it. It deals with the 180-day rule modification. It is an amendment I specifically put into this. It is something that folks at Tinker have asked for over and over again. Those folks who are retiring in their uniform are interested in civilian spots, but under current practice, they have to wait 180 days before they can move from military to civilian. Well, in that time period, guess what happens? They get snatched up by a defense contractor, and we lose their skills and their wisdom that they have. Why do we do that? Why do we literally punish one of our members in the military when they retire from the military, after great service there, and then say, "If you are interested in continuing to be able to serve in the community that you are in, you have to wait 6 months before you can do it"? We put an addition in there to expand this pilot program to allow those folks to move from uniform to civilian and to compete for those jobs and not have to wait 180 days.

At Altus Air Force Base, it fully funds the KC-46. It prohibits us stop-

ping the KC-135 tankers until all the details are all worked out with the KC-46 and advance if they need it. It funds the T-7 Red Hawk in the development of that, the replacement for the T-38.

In McAlester, it funds the Army McAlester munitions plant work there and the construction to increase the capability of the Sea Lion. That is an area where we have old munitions that have to come back and actually be disassembled to be safely disassembled. It is a job a lot of folks don't want because they are handling old munitions, but it is the folks in McAlester who do it every day, and we are very grateful for the work they continue to do there.

In Lawton, Fort Sill, it funds the Talon, an integrated management system. It is a very significant advantage that we have. It is one of the things that everything that happens in Lawton in the fires, they want all over the world. Whether you are in South Korea or whether you are in Saudi Arabia, they are interested in what is happening in Lawton. Even for some of our guardsmen for the Oklahoma National Guard—it protects the 137, stopping any kind of divestiture of their system for the MC-12. It continues that process. It is a very significant bill to the Nation in our national defense. It pays attention to people all over the world, but it also takes care of the issues that we need to resolve to be able to have them trained, equipped, and ready—much of that happening in Oklahoma.

There are some specific things that are in this that I requested as well. Everyone in the military is familiar with the term "DD-214." Everyone, after you get out of the military, whether you go to the VA or whatever it may be, they are interested in your DD-214. Those are your records for your Active-Duty service.

Well, it is great if you are in Active Duty. The problem, though, is if you are a reservist or a guardsman—and there are 840,000 of those across the country—they don't get a DD-214 like the Active Duty do. So, in later years, when they want to prove their service record, they can't do that. We fixed that in this bill. It is an amendment I brought to the 13,400 Oklahomans who are in the Guard, for them to finally have records for their service just like the Active Duty have records for theirs.

One of the things I focused in on as well is allowing religious accommodation and training for that in our military. Our members of the military have the same religious freedoms as everyone else does. They are to be accommodated in their faith, no matter what their faith is, in the U.S. military. Sometimes the training lacks on that, and officers and JAG members who sometimes struggle, they say: Well, for good order and discipline, everybody just needs to put your faith aside. Well, when you join the U.S. military, you are not required to also give up the Constitution. You are protected. You are allowed to keep your faith and to

maintain that. This bill will allow some greater training and instruction to make sure we protect the rights of each individual to live their faith. We think that is important as well.

There are a lot of good things in this. I am glad to be a part of it and to see this continue on, even through some things that you may not think are really military in it. Last year, in the bill, when it came out of conference, paid parental leave was added to it for Federal employees. A lot of folks said: Where did that come from? It came from a House-Senate compromise. In the House-Senate was documentation to add paid parental leave, but the problem was, what the House had actually pulled together for paid parental leave didn't work for a lot of folks. It left out people like the FAA and all the folks who work for FAA. It left out the TSA. It left out article I judges, so they don't get access. If you work for the FAA and TSA, you don't get access to paid parental leave like other Federal employees do. You know, we need to fix that, and I have an amendment in this bill that says: Let's treat all Federal workers the same in this. If we are going to pay parental leave, don't ignore the good folks who work for the FAA and TSA and other folks. So this actually fixes an error from last year's bill that came over from the House to make sure that all Federal employees are treated equally. We can do this.

This is something we already have wide bipartisan support for. It is why we opened the bill with so many votes yesterday on a wide bipartisan majority. Let's keep working on it, and let's finish it out. Let's get it done before the Fourth of July so we can continue to honor members of the U.S. military and to thank them because they are literally standing watch across the Earth right now on our behalf.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Madam President, I am always pleased to be on the floor with my good friend from Oklahoma, Mr. LANKFORD, but I am particularly glad I was able to be here today. Early, in his remarks, he was talking about a family, remembering that family in prayer, and then very thoughtfully going around the world of where people are, at this minute, who defend us. It is a good thing for us to think about; it is a good thing for us to keep in mind; and it is good that when we say we are remembering people in our prayers, to be sure they really understand that we are. I am glad to be with my neighbor here today and also with Senator HOEVEN on the floor.

This will be the 60th time in a row, if we do our job, that we pass the National Defense Authorization Act. I don't think there is any other bill—in fact, I am sure there is no other bill—we pass every year. When we pass this bill every year, we reestablish, every year, that defense is our No. 1 priority. Defending the country is the one thing

that almost everybody admits they can't do for themselves. The States don't think they could do this without us.

This is a national responsibility, and the threats we see today are complex. They are more pronounced than any our Nation has ever faced. Former Chairman of the Joint Chiefs of Staff, General Dunford, recently said that our military has to be ready to fight across regions, to fight across domains, and across functions. This bill moves forward in all of those areas, being sure that we are interoperable where we need to be; that we are quickly mobile where we need to be; and that our armed services work as well together as we could possibly hope they could work together.

The President has launched policies and programs to ensure the safety and the well-being of Americans. Certainly, the people who defend us who serve in the military are doing their part to protect our Nation. Now it is time for the Congress to do its part, led by the Senate and led by Chairman INHOFE and Ranking Member REED bringing this bill to the floor. It is not a small bill, and it is not a bill that gets done just without a lot of work and a lot of compromise and a lot of determination as to what is really doable at this time, but this is the bill we are voting on.

Since we do it every year, a lot of it is not absolutely new, but all of it is, in my view, as updated as the committee could bring it to the floor, and we are going to have a discussion of what needs to change, even being that this year the Senate's version of the bill provides \$740 billion to support the Department of Defense.

We see this at a critical time when our adversaries, including China and Russia, seek to undermine our influence around the world. Russia was just accused of putting a bounty on the head of not only American service people but our allies in some parts of the world. If that is true, a price should be paid for that. We are going to be working hard in the next days to determine how deep that intelligence goes and how true that allegation is, but whether it is true or not, it should be no surprise that the Russians are constantly focused on things that diminish the impact of the United States of America, and the Chinese are more and more focused on that at the same time.

This bill authorizes \$1.4 billion to establish a Pacific Deterrence Initiative that will help secure our interests in the Pacific and our friends in the Pacific. The bill supports military readiness and modernization priorities. It has more than \$21 billion for shipbuilding and investing in technology like hypersonic weapons, artificial intelligence, machine learning, and things we have to have to keep the current advantages we have.

It recognizes the family. There is \$4 million in this bill to help military spouses transfer their professional license between assignments and be-

tween States when servicemembers are reassigned. I am pleased to say that the Missouri General Assembly has been a leader in that effort. When you move to our State as a spouse of someone in the military, your credentials should be, and I think now are, able to be moved with you.

This bill increases funding for Impact Aid by \$70 million, and \$20 million of that is for children with severe disabilities. The other \$50 million is just for trying to make up for what would have been a taxpaying unit, if that unit hadn't been there. I think Impact Aid matters. This bill, once again, says it matters, and we are increasing it.

These programs are critical. They are important. We need to ensure that the military construction projects that will be funded later by the appropriations process are authorized here. There is \$40 million for the new hospital that ground was broken on at Fort Leonard Wood just last week. There is \$60 million for the new National Geospatial-Intelligence facility in St. Louis, a \$1.3 billion or so project that is well on its way now. This authorizes the next moving forward of that project.

Investments in military weapons that are made in Missouri and things that help our military that are made in Missouri, such as the development of the B-21 Raider that will be based at Whiteman, or the modernization of the C-130H aircraft where Rosecrans, in Saint Joseph, is the world training center for our NATO allies to come and understand lift and moving things around and how those C-130s work.

This bill authorizes \$1.8 billion to buy 24 F-18 aircraft that are built in Missouri and \$1.3 billion to buy F-15s. They are built in Missouri, made with a great Missouri-Illinois workforce, and I know Senator DURBIN and I will work together again on Defense approps to be sure that this authorization is fully filled. These aircraft are essential and need to be part of our continuing defense base.

Senator HAWLEY and I proposed an amendment in the bill that would make Silver Star Service Banner Day an annual recognition on May 1. This is to be sure we honor the sacrifices of wounded and ill members of the Air Force. I urge my colleagues to recognize the addition of Silver Star Banner Day in this bill.

There are a lot of bipartisan priorities in this bill. This will have a bipartisan vote when it leaves the Senate. It is a bill worthy of support, and I look forward to our efforts to get this done for the 60th Senate in a row.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I appreciate the opportunity to join with my colleague from the State of Missouri and agree very much with the comments he has just made, and I am here today to express my support for the National Defense Authorization Act this week.

Defense Department leaders always tell me that, if we don't get NDAA done and our Defense appropriations bill—and I am on the Appropriations Committee and on the Defense Appropriations Subcommittee—that those delays really are a challenge and a problem for the military and cost some money. So, obviously, if we can get this bill done this week and get on to our Defense appropriations bill and get those passed, it makes a big, positive difference for our men and women in uniform.

We should be able to move this NDAA legislation quickly because the chairman and the ranking member have put together a good bill for our national security and for our Armed Forces.

This NDAA supports our national defense strategy that is designed to keep us ahead of the Russians, the Chinese, and other adversaries, and it includes things like standing up the Space Force, investing in new technologies like hypersonics and artificial intelligence, and creating a Pacific Deterrence Initiative to help ensure that we have the capabilities we need throughout the Pacific region to deter conflict and coordinate with our allies.

Also, I am very pleased that this bill includes strong support for modernizing our nuclear deterrent, which is vital to our national security, and that certainly includes the dual nuclear mission at the Minot Air Force Base in my State.

This bill moves forward a number of modernization programs, including the modernization program for new intercontinental ballistic missiles, the ICBMs; a new nuclear cruise missile, which is now called the LRSSO, the long-range standoff weapon; and upgrades for the B-52, including a new engine—reengining what has been an incredible aircraft for many, many years and has had a longevity that is unbelievable. And the Air Force projects an ongoing longevity for it for quite some time. Part of that is all the upgrades that we have put into this platform, including now new engines, as well as things that include the weapons systems, the ability to carry those weapons systems, communications—just a whole range of upgrades that have been incredibly important for that aircraft.

Of course, there are other aspects that go with the nuclear mission, whether it is the nuclear command and control systems as well as upgrading the nuclear warheads on the weapons that the aircraft delivers.

Also, I support provisions in this bill to place restrictions on the retirement of the RQ-4 Global Hawk, which is headquartered at Grand Forks Air Force Base in North Dakota. Now, our combatant commanders rely on the Global Hawk every single day. These aircraft are highly capable and are not easily replaced, so we are going to need a lot more information from the Air Force about what capabilities could replace the Global Hawk. In other words,

what is the follow-on mission? That is particularly true given the Navy's commitment to the Triton, which uses the same airframe as the Global Hawk.

So we would certainly need that for an ISR mission, and we are going to need to know what the follow-on is and when that is going to be available before there is any retirement of the RQ-4, and we have legislation included in this bill to make sure that that is properly and fully addressed.

Also, I support the bill's authorization of additional procurement of MQ-9 aircraft. This fleet is used every day in a variety of missions, and we need to sustain it as well until there are proven replacements for it.

Because we are going to be flying the MQ-9 for many years to come, we have to make sure that we have all the facilities we need to operate that aircraft. Of course, I am talking about the Reaper, which we use all over the globe.

One of the Air National Guard units that flies that mission—one of the first to fly it—is our North Dakota Air National Guard, and I am pleased that this bill includes authorization of \$17.5 million for a new operations facility for the North Dakota Air National Guard in Fargo, and I look forward to working in my role on the Defense Appropriations Subcommittee to make sure that that authorization is funded for that facility. It is very important in terms of that MQ-9 mission.

The bill also provides authorization for a 3-percent increase for our forces and authorizes the fiscal year 2021 military construction program. I am looking forward to working on those, as I am also a member of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Subcommittee as well, and we want to make sure that we are providing funding for those priorities—those military construction projects.

Finally, I want to thank the chairman and the ranking member for helping us to clear some of my amendments, which I have included to further this legislation as well.

The committee included an amendment I authored that will require the Air Force to define how its next budget will support activities in the Arctic, which is increasingly important for our national security. The Air Force is starting to refine its strategies to operate in the Arctic region, and my amendment helps ensure that the Air Force translates strategic concepts into real capabilities. It will ensure we do not cede this critical region to our adversaries.

I also appreciate the chairman and ranking member including an amendment I filed in relation to the Ground Based Strategic Deterrent Program, which is to develop a new ICBM. It is critical that we keep this GBSD—which is Ground Based Strategic Deterrent—program on schedule so it can replace the existing Minuteman III at the end of the decade.

Of course, all of our nuclear weapon components have to be capable of withstanding electromagnetic pulses, or EMPs, so my amendment requires that the Air Force report on how it will ensure that these systems and components will be protected from electromagnetic pulses. By planning ahead, we can make sure that we are prepared for something like that.

I also hope that we will be able to include an amendment that Senator UDALL and I have offered, a bipartisan amendment that would reauthorize and reform Native American housing assistance programs as well as authorize a joint Tribal housing initiative between Housing and Urban Development and the Veterans Administration to provide Native Americans who are homeless veterans—now, we are talking about our veterans, and the percentage of Native Americans who serve in the military, I think, is the highest of any ethnic group. So we have a lot of Native American veterans, and for those who are homeless, we have to help them with their housing and their healthcare services. That is what this amendment does.

I chair the committee on Native Americans, and along with our vice chairman, Vice Chairman UDALL, we have put together this legislation, which includes housing and also addressing our Native American veterans in a way that I think is important and helpful. I hope that it can be included in this legislation.

In closing, the NDAA provides vital support for our men and women in uniform. It authorizes important defense priorities for our Nation, including unmanned aerial systems, which is, of course, a huge and growing area—our unmanned aerial systems—and the support for the nuclear mission, which I have mentioned.

Again, I think this is good legislation. It is bipartisan legislation. We need to all work together now to get it done and get it done this week for our men and women in uniform. They do so much for us, and we need to be there for them. We need to support them by passing this legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Ms. ERNST. Madam President, this week we debate, as the Senate should, the annual Defense bill, the National Defense Authorization Act.

I served 23 years in military uniform, as both a company commander in Iraq and Kuwait during Operation Iraqi Freedom and as a logistics battalion commander with the Iowa National Guard. It is because of that experience that I understand that the work we do here on this bipartisan Defense bill matters immensely to our troops.

When the COVID-19 pandemic hit us, 50,000 National Guard and Active-Duty troops answered the call without hesitation and are out there today running test sites, delivering medical supplies by ground and by air, and even running

food banks to ensure no one goes without during this trying time.

During a recent confirmation hearing for Lieutenant General Hokanson to be the head of the National Guard Bureau, I asked what the Governors would do without the National Guard. He said he shuddered to think what they would do because they are America's first response in communities across the Nation.

Just a few weeks ago, on June 7, we had over 120,000 National Guard deployed, and that includes not only those within the United States but those that are deployed overseas.

As a former National Guardsman, I can tell you these are some of our best and brightest. They are ready to go at a moment's notice, to respond to anything, whether it is civil unrest, pandemics, or natural disasters.

That is why I am extremely pleased that this Defense bill includes my provision to provide hazardous duty pay for our National Guard and other troops who are deployed to fight COVID-19.

Now, being a woman in the military has many challenges, and some of these obstacles are preventable and ones we here in the Senate can take action on—for example, ensuring our female servicemembers are properly equipped for the battlefield. Through my efforts and that of my fellow Army veteran, Senator TAMMY DUCKWORTH of Illinois, this Defense bill ensures female troops will have body armor that fits them properly, and DOD will be forced to report to us on their progress in finally getting this done.

It is not just the body armor. We are protecting troops in other areas as well. One issue I have worked on for quite some time is treating and preventing traumatic brain injury—or TBI. This year's NDAA funds effective treatments for TBI, such as noninvasive neurostimulation therapy that has been proven to work in clinical trials.

Through my provisions in the bill, we are also improving safety for military vehicles and ensuring our troops have the best weapons and ammunition. Our soldiers have been carrying the same weapons and ammo for decades, and they are about to jump to the next generation of weapons with a new and better ammunition package.

By bolstering funding for our Army's small arms rifles and automatic weapons, our infantry will finally be carrying the most effective assault weapons on the planet in a few short months.

Now, when we look at waste in our Federal Government, folks know that I call it as I see it. As a former member of our military, I am not proud to say it, but the Department of Defense oftentimes is responsible for some of our most egregious spending.

So to protect Iowa's taxpayers, I made sure in this NDAA that we require all DOD grant recipients who get Federal dollars to include a pricetag

disclosing the cost to taxpayers for their projects if they put out a press release for their work.

The Comptroller General will also investigate the most expensive cost overruns in weapons systems, and the Pentagon will tell Congress their top 10 most expensive weapons to fix and maintain.

On duplication and waste, I was proud that my subcommittee—the Subcommittee on Intelligence and Emerging Threats and Capabilities—cut \$300 million in research and development programs that were wasteful, duplicative, or simply not a priority; and we redirected this funding toward urgent research needs, such as getting a deployable coronavirus vaccine for our troops and for funding TBI programs.

The NDAA also requires the most senior science and technology leaders to meet and discuss their research to ensure that it is coordinated and that the Pentagon doesn't continue to pay for the same research twice.

Finally, and very importantly, this Defense bill starts the long and hard work to fix our overdependence on China, a near-peer adversary that we should always keep our guard up against. In the defense realm, the United States has grown too reliant on the Chinese Communist Party for components and materials and for our most advanced weapons systems.

Through my efforts in the bill, we are helping secure the U.S. supply chain for rare earth metals and battery components so that we don't rely on China for our weapons.

We are also working to deploy counterdrone weapons to stop unmanned aerial attacks on troops and invest in the latest technology for heads-up displays and wearable tech for our soldiers, sailors, airmen, and marines.

Before I close, I want to remind everyone of something. The National Defense Authorization Act is largely bipartisan. It is through the work we did in our Armed Services Committee, led by Senator JIM INHOFE and Ranking Member JACK REED, that we were able to move quickly and debate it on the floor this week.

In what seems like a never-ending polarization of politics, important work like the NDAA often goes unnoticed or is only highlighted because of the newsworthy provisions in the bill. I wish that were not the case.

As I have said many times over, America does not have a perfect history, and many of our heroes were flawed, but, folks, we still live in the greatest country on the face of this planet. That is because of men and women who have fought and died to protect our freedoms, liberties, and rights, and our troops continuing to serve on the frontlines to protect our homeland. Ensuring our troops are ready for the threats we face now and well into the future is something we should all celebrate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Madam President, we are talking about the National Defense Authorization Act. We are talking about preventing and dealing with threats to our country. I want to describe a hypothetical threat—a threat that throws millions of people out of work almost overnight. It causes the stock market to collapse. It cripples the airline industry. It has people afraid to leave their homes and States scrambling for materials to prepare and cope with the attack. The attack comes in waves. Just as it seems to be receding, it comes back. It is difficult to know the sources of the attack. The country is divided. There are conspiracy theories and polarization and politicization of this awful situation.

I am not describing the pandemic. That is what we have experienced. I am describing a potential, catastrophic cyber attack on this country. Everything that I listed would be part of what would happen in the case of such an attack, plus our networks would likely be down—no more working from home, no Zoom, no meetings. The effect on the economy would be twice, at least, the effect of the coronavirus.

The electric grid could likely be compromised. The electric grid—people think about the lights, but in the South, electricity is necessary for air-conditioning. In the North, electricity is necessary for firing oil and gas-fired furnaces. We are talking about no air-conditioning and no heat. It could be in the dead of winter.

We are talking about airports closed.

We are talking about the financial system potentially in tatters. Peoples' lives and livelihoods—their life savings could dissipate at the stroke of a key.

We are talking about thousands of water systems across the country that could be compromised by a cyber attack, making people afraid to drink the tap water in their homes.

We would have uncertainty, economic catastrophe, and an enormous challenge to this country.

By the way, what I just talked about is not entirely hypothetical; it is happening now. Our financial system is under attack. I talked to a utility executive recently whose system is being cyber attacked 3 million times a day—today. I have talked to small banks in Maine that are being attacked thousands of times a day. We have had ransomware attacks on our towns and cities across the country. They have hacked our OPM—the Office of Personnel Management—and gotten the personal data of millions of American citizens. And, of course, we know about the attacks on our election infrastructure and the dangers of those attacks continuing and escalating.

The financial system is at risk. The energy grid is at risk. The transportation sector is at risk. This is a very serious and immediate challenge.

One of the important lessons from the pandemic—I think one of the overall lessons from the pandemic is that

the unthinkable can happen. If you had told any of us a year ago that we wouldn't be leaving our homes, that we would be wearing masks when we went out, and that our restaurants and social gatherings would be closed, nobody would believe that. Well, it has happened. And a catastrophic cyber attack can happen.

That is why, in the National Defense Act last year, the Congress passed and the President signed the creation of something called the Cyberspace Solarium Commission—a 16-member Commission; 4 Members of Congress; totally bipartisan; 4 members from the executive and 6 members from the private sector—to take an in-depth look at this threat and to try to come up with a national strategy and set of plans to cope with it now before it happens. That was the mission of our Commission.

We met over 30 times. We had hundreds of hours of consideration. We had hundreds of witnesses and submissions of information from around the country, thousands of pages of documents, and came up with a report. Ironically, our report was released on March 11. It was probably the last significant large meeting in these buildings before the shutdown occasioned by the pandemic. We had dozens of recommendations. I am proud to say that 11 of our most important recommendations are in the Defense bill that is going to be considered this week. They have been included in the bill that has been reported out by the committee on a totally bipartisan basis. That is an important first step in implementing this project.

The main point I want to make, though, is how urgent this is. Just as the pandemic was unthinkable, nobody can conceive of an attack that would bring down the electric system or the financial system or the transportation system or the internet, but it can happen. The technology is there.

We all think in terms of World War II and conventional forces. I believe the next Pearl Harbor will be cyber. That is going to be the attack that attempts to bring this country to its knees. As we have learned in the pandemic, we have vulnerability, and we have to prepare for it.

We have amendments in the Defense bill that relate to the Department of Defense. That is good, but one of the issues with this subject matter is that it is spread across the government, both in the executive sector and here. We have 18 or 20 amendments that are pending that we hope we are going to be able to improve and get into this bill with the clearance of other committees, but getting 20 amendments cleared—because of the multiplicity of jurisdictions that cover cyber, we had to get 180 clearances from committees across the Congress, in both Houses. That indicates how fractured this policy process is.

The same thing is true in the executive branch. The authority for cyber is

in Homeland Security; it is in the CIA; it is in the FBI; it is in the NSA. It is scattered throughout the government. It is something that we proposed that we try to make sense of this process and provide both in the executive branch and in the Congress central points that can have authority and responsibility over this area.

There is a great deal of work left to be done. We had some 80 recommendations. We hope that as many as 15 or more will be in the Defense bill. But there are others that will require other committees, and we look forward to working with them.

Two of our recommendations in terms of making sense of the organization relates to this body, and one relates to the executive. This body—we are recommending that we create a Select Committee on Cyber in the Senate and one in the House—exactly what was done in the 1970s when it was realized that intelligence was too important to be scattered throughout the jurisdiction of all committees. That is when the Select Committee on Intelligence was created. We are recommending the same change here.

In the executive, we are recommending a Senate-approved national cyber director in the Executive Office of the President—analogue to the Trade Representative—who is Senate-approved, appointed by the President, and serves at the pleasure of the President. The idea is to give the President a central point of contact to deal with the multiplicity of authorities that are involved in this issue throughout the executive branch of the Federal Government.

One of my principles of business when I was doing contracts and working in business was that I want one throat to choke. I want one place where I can go to hold someone accountable and to hold them accountable not only for reacting but for planning. That is what we are proposing to be brought forth, and we hope we are going to be able to earn the support of the administration.

The Commission, as I mentioned, had four Members of Congress, four members from the executive branch, who made significant contributions, and six members from the private sector. We had unanimous recommendations after an enormous amount of work and serious thought by very serious people from across this country.

There is plenty of work left to be done. I want to thank the committee chairs and the leads and the staff and all of those who have worked with us to get these recommendations this far. But I also want to leave the Senate and the Congress and the American people with the knowledge that we are not there yet, that we are vulnerable, and that this is something we have to attend to. This is not something that may happen; this is something that is happening now, and it may happen—it will likely happen to a more serious degree in the future.

The pandemic has taught us some important lessons about planning and preparing and providing. That is what we are talking about here. We have to plan for the unthinkable. We have to prepare continuity of the economy, continuity of government. We have to prepare in terms of what our deterrent policy is because the best cyber attack is the one that doesn't occur. We also have to provide the structures and the resources to be sure we are ready to meet and defeat this next challenge.

I consider this one of the most serious threats facing this country. It is easy in the midst of a pandemic and all of the other issues that are swirling around an election year and everything else, but it is so clear that this is an overwhelming risk to the future of this country and that we have to take it seriously, we have to respond, we have to be ready, we have to deter, and we have to prepare.

I deeply hope we will continue the momentum that has begun in this bill and be able to take the next step and the other recommendations and other good ones that may come forward in this process so that we will be prepared and we will be able to respond and prevail.

I yield the floor.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for such time as I shall consume.

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

Mr. INHOFE. That is another way of saying I want to complete my remarks.

Let me say this about the Senator from Maine: Of all the Members of the Senate Armed Services Committee, he is the one who is always there and getting involved in these things with a sense of urgency that he feels in his heart, and I appreciate him as a very valuable member of that committee. I thank the Senator for all of his service.

RUSSIA

Mr. President, earlier this morning, I was at the White House with a few other Members to receive a briefing on the reports of Putin putting bounties on troops in Afghanistan. You have been hearing about this. After a very long briefing, I am confident that President Trump did not know about the reporting. There is some confusion in terms of our own intelligence, and it just didn't rise to the level of the President at that time.

Another takeaway from the briefing is that our intelligence agencies aren't in complete agreement on this even now. This is going to continue to be a Washington, DC, story—one where they try to make the President look bad.

Here is what we also know, and we don't need any special intelligence to tell us. Putin is a murderer, a thug. He hates America. He hates our interests. We know that, and we are doing something about it. President Trump has taken a whole list of steps to protect our troops and stand up against Russia's actions.

In the Senate, the NDAA is focused on our top priority of taking care of our troops and also aligning our military to better deter against China and Russia. As we continue consideration, let me just give a brief update as to where we are right now.

We talk a lot about our troops and our military strength in this bill.

At the end of the day, the bill affects all American families and our communities directly. It is about their security, their freedom, their prosperity.

We introduced an amendment last night that included 79 bipartisan amendments. As we speak, we are working on building a managers' package that includes dozens of bipartisan amendments. We are really doing the job the way it is supposed to be done, the way we did last year and the year before.

The safety of the American people is not negotiable. With the fiscal year 2021 NDAA, we move one step closer to ensuring the safety of and closing the gap between our military and those of China and Russia.

For some reason, this never gets out in the media. Nobody ever talks about this and, to me, it is so significant that during the Obama years—the last 5 years, which would have been between 2010 and 2015—he reduced spending on defense by 25 percent. That is 25 percent in a 5-year period. I don't think we have ever seen that before. At the same time that we were reducing by 25 percent, Russia was increasing by 34 percent. If you think that is bad, at the same time China was increasing by 83 percent. We reduce by 25 percent and China increases by 83 percent.

How do you catch up? It is going to be hard work.

As for some things in this bill, it increases funding for weapons procurement programs, including Tomahawk missiles, long-range anti-ship missiles, ground-based anti-ship missiles, and realigning our weapons capability to match the NDS.

This is the NDS. I like to take this with me so people understand that this is really a well-thought-out short document. This is put together by 12 Democrats and 12 Republicans. All were considered to be experts and all were coming to agreement. Can you believe that 12 Democrats and 12 Republicans were all in agreement?

That is what this is all about. It reestablishes our superiority in the air by focusing on procurement for the Air Force, while also preventing divestment of legacy aircraft like the KC-135. It was envisioned about a year ago that we would be phasing it out, but things have slowed down a little bit. Its replacement is the KC-46. It will take a while for that to get online. In the meantime, we do have an adequate number of working KC-135s. We are talking about a vehicle that is 60 years old, but they are still working and working well. It shows what we are going to come up with when the KC-46 finally comes online.

It reestablishes our superiority on the seas by increasing authorization for shipbuilding and authorization for procurement to achieve the 355-ship Navy. We are still talking about that. It supports the Army's focus on multi-domain capabilities, especially the modernization priorities, and it keeps our eye on Space.

The bill also goes beyond our bases too. A few examples are the Defense Community Infrastructure Program, Impact Aid, STARBASE for science and technology, and research partnerships with universities. This is very significant because I know three universities that have been active in this field for the last 3 years.

It also includes research and experimentation in 5G, which is vital to maintaining both our military and our economic advantages.

One other thing this bill does that I want to highlight is that it protects our GPS signals. This is very important. Recently, the Federal Communications Commission OK'd a proposal by Ligado Networks to make a new cellular network that jeopardizes GPS signals that so many people rely on. That is not just me saying that; we had a hearing. We had the military, and some 12 agencies of government all joined in. Nobody else on the other side was talking about what Ligado is going to do and the jeopardy it puts on our GPS system. That is not just military. We are not just talking about use in the field for these signals, but the pilots in the sky, construction workers on job sites, and even our farmers use GPS to irrigate and harvest their crops.

Even though the Department of Defense and more than a dozen other Federal agencies objected, the FCC went ahead with this deal. To make it even worse, the FCC was aware of the threat that was being posed and the objections that were out there, and they actually had that vote over a weekend. I went back and checked with it and found out that they had never done that before. I don't know. I can't talk about that because I don't have the answers. I have been trying to get the answers.

The NDAA makes sure the DOD is not on the hook for the costly updates if Ligado moves ahead with the deal by prohibiting the use of DOD funds to comply with the order until these three things occur: The Secretary of Defense submits an estimate of the costs associated with the GPS interference; two, it directs the Secretary of Defense to contract with the National Academies of Science and Engineering for an independent technical review; and, three, then the bill further directs the Secretary of Defense to create a process to ensure that our Nation's military is reimbursed directly by Ligado for the interference that they caused. In short, it makes sure that we are not wasting taxpayer money to fix the problems that Ligado is causing.

These are just a few of the reasons this bill is more than just a military

bill. First and foremost, it is what it is—a security bill. Every provision in this bill matters to our national security, but it also goes beyond that.

I think it is really important that Americans know that, with the bill, we are leaving a legacy for our children and our grandchildren. It is one that values peace, protects economic prosperity, and safeguards our freedoms.

You have to keep in mind that this bill has passed every year for 60 years. It is very unusual that something like this would happen. In fact, this is the only area where that has happened. We do know that the results are there. We know that it is going to pass. It has passed for 59 years, and it will pass for another year.

We are going to make sure that we put our military back to where it should be—back where it was prior to the last administration.

I think everyone should realize that we are still waiting for the last shot of amendments, and we are ready to go ahead and finish it. Conceivably, we can get this thing done before the Fourth of July recess. That could happen. We are talking about this coming Thursday. We are in the process of getting this done now.

In my opinion, it is the most important bill of the year, and we are going to get it finished.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I want to start by thanking my friend from Oklahoma for his leadership on the NDAA. I think that record of 59 years of getting the bill passed is one I am envious of.

I wanted, personally, to thank him for his willingness to put into the original managers' package the intel authorization bill, which I know sometimes has controversy to it, and I am grateful for the chance for it to ride along on the NDAA.

I thank him for his leadership on this issue.

#### ELECTION SECURITY

Mr. President, I am here today because I fear the Senate is about to fail once again to protect our elections from foreign interference.

For the last 3 years, I worked as vice chairman of the Intel Committee to investigate Russia's attack on our democracy in 2016. I am proud of the fact that, with all the controversy about this subject matter, we are the only bipartisan investigation of Russian election interference to make it to the finish line.

The fifth volume of our report is at the ODNI right now for declassification. Any member of the public can read the first four volumes of declassified conclusions, and any Member of this body can read additional classified materials.

Our report offers a stark warning of Russia's intent to interfere in future U.S. elections and a clear roadmap for how to defend our democracy from



Russia or any other adversaries copying their playbook.

Unfortunately, the White House and the leadership on the majority side of the Senate seem to be the only ones not taking this threat seriously.

Since 2016, this body has failed to vote on a single piece of stand-alone election security legislation. Four times in the last year, I have come to the floor in an attempt to pass my bipartisan election security legislation, known as the FIRE Act, by unanimous consent, and each time these efforts were blocked by my Republican colleagues.

Of course, when they blocked it, they got what they were looking for. They earned applause from the President on Twitter. In a different time with a different President, this bill wouldn't be controversial at all. It would simply say to all Presidential campaigns going forward that if a foreign power reaches out to their campaign offering assistance or offering dirt on a political opponent, the appropriate response is not to say, thank-you; the appropriate response is to call the FBI.

What a sad statement about partisan politics in our country when we can't even agree on that. We can't even agree that there ought to be a duty to report an offer of foreign assistance in a Presidential campaign.

I introduced this legislation months before the facts came to light about the President's pressuring Ukraine into announcing politically motivated investigations into the Bidens. I am not here to rehash the impeachment trial, but I do want to note one thing. A number of my Republican colleagues justified their vote by saying that, while not impeachable, it was wrong for the President to solicit foreign interference in our elections.

I take my colleagues across the aisle at their word that they believe foreign interference has no place in our elections, but at some point you have to put your money where your mouth is.

We know the President tried to trade election favors with Ukraine. According to the new book from John Bolton, the President tried to trade political favors with Xi Jinping during trade negotiations. Maybe that happened; maybe it didn't. But I would be much more inclined to give the President the benefit of the doubt if he hadn't asked China to investigate the Bidens on national television, if he hadn't asked Russia to hack Hillary Clinton's emails during the 2016 campaign, or if he had shown even a shred of interest in defending our democracy from foreign interference over the last 4 years.

We are under attack from adversaries who see this new area of cyber warfare and disinformation as a golden opportunity to undermine American democracy. We cannot afford to have a system that allows Presidential candidates to welcome this interference with open arms. If we can't trust the President of the United States and his campaign to do the right thing and re-

port foreign interference, then we need to require it by law.

I spent over a year inviting my colleagues across the aisle to work with us on this already—and I point out “already”—bipartisan legislation. I have tried to answer every objection and work through the right channels to get this legislation to the floor as part of the NDAA. What did we do? We went back to the Intelligence Committee—again, the only committee engaged in a serious effort to prevent foreign election interference. We made sure this year's intel authorization bill included several provisions to strengthen our defenses ahead of the November elections. The committee voted 14 to 1 to pass an intel authorization bill that included the FIRE Act, the act that I just described, so that if a foreign government interferes or offers you assistance or offers you dirt, you don't say thanks; you call the FBI. So you can imagine my surprise and frustration when I learned of a backroom deal to strip the FIRE Act out of the Intelligence Committee's legislation because of a supposed turf war with another committee.

I am back again today because the security of our elections cannot wait. Let's not hide behind process or jurisdictional boundaries. The stakes are far too high to continue the partisan blockade of election security legislation that we have seen over the last 3 years.

If, behind closed doors, my Republican colleagues want to strip this legislation out of the NDAA, then I am going to offer it up as an amendment to force an up-or-down vote and put every Member of this body on the record: Are you for election security or are you for allowing foreign entities to interfere and offer assistance with no requirement to report?

More than ever, it is time to put country over party and defend our democracy from those who would do it harm. I encourage my colleagues to support this amendment and send a clear message: Foreign interference has no place in our elections.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—Continued

The PRESIDING OFFICER. The Senator from Iowa.

##### MULTIEMPLOYER PENSION SYSTEM

Mr. GRASSLEY. Madam President, since I reclaimed chairmanship of the Finance Committee at the start of this

Congress, one of my top priorities has been to fix the failing multiemployer pension system and to help secure retirement benefits of more than 10 million workers and retirees in these multiemployer plans.

This is especially important since 150 multiemployer plans have failed or terminated, and many others are expected to run out of money in the coming 10 years. In the decade after that, many more plans are expected to fail. In all, more than 1.5 million Americans would be affected by the failure of these multiemployer pension plans.

Now, the coronavirus has had its effect on these plans as well. We don't yet have a firm read on how much the economic downturn has affected plans' funding or even the Pension Benefit Guaranty Corporation's insurance fund backing up those plans that have failed. We expect more details on those issues later this summer.

Now, one thing that we do know for sure is that this problem is only going to get worse and more costly to resolve if we wait longer to solve it. That is why all this concentration at this point. Now we have a real opportunity to get it fixed—and hopefully this year.

Last November, Health, Education, Labor, and Pensions Committee chairman LAMAR ALEXANDER of Tennessee and I released a draft plan to reform the multiemployer pension system, protect retirees, and at the same time secure the PBGC's insurance fund. We received many thoughtful and constructive comments, and we worked over the past several months to address those comments to make our reform plan as effective and balanced as possible.

So what is standing in the way? The usual thing: You have got to have bipartisanship to get anything done in the U.S. Senate. The short answer is that the Democratic leadership doesn't seem to be very interested in working to find that bipartisan solution. They seem to think the no-strings bailout which they tried to force into the CARES Act in March and which now appears in the House's HEROES Act is somehow a take-it-or-leave-it proposition. That doesn't work very well, particularly in the Senate, where it takes bipartisanship to get anything done.

I would also hope that they are not playing election-year politics. If they are, then they are playing those election-year politics with the retirement security of millions of Americans. As every day goes on, the prospects of people retiring on what they thought they were going to retire on—these multiemployer plans—is getting less and less. Delaying a solution until next year is only going to make it more costly, and it will still require bipartisan support.

We can and we must do better if we want a healthy multiemployer system for the long haul. We have a chance to fix this problem long term. Otherwise, we will be right back here in 5 or 10 years dealing with the same problem.



To put this in perspective, let's consider what it means to do nothing and to leave the current law unchanged, versus what Chairman ALEXANDER and I propose in several key areas.

First, for retiree benefits, doing nothing means the PBGC insurance fund runs out of money in 2027. If the fund goes broke, that means the PBGC will only be able to pay benefits equal to the premium revenues that it receives, which are minimal compared to the potential claims. That means retirees could receive cuts in the range of 90 percent.

Let me say that another way. If these plans go broke and these people are forced into the government-run insurance backup plan, they are going to potentially get 90-percent cuts in their retirement. That is the necessity for us to work hard now to get this job done.

Now, in contrast, the plan Senator ALEXANDER and I are proposing would preserve benefits and ensure solvency of the PBGC's multiemployer system over the long run. It would save many failing plans by having the government pay a portion of benefits earlier than under current law. That would help the plan to stretch its assets much longer and at the same time preserve benefits as promised under that plan.

Second, for plans that aren't able to be saved, our proposal would increase the insurance guarantee amount from the current \$12,870 maximum for a retiree with 30 years of service to over \$20,000.

Benefits will be preserved with the help of additional support from employer and union stakeholders and a modest retiree insurance premium for retirees in plans that face financial challenges. That premium would be no more than 10 percent and eliminated entirely for older and disabled retirees, as well as for plans that are well funded. That is far better than the 90-percent cut that I already told you about if we just do nothing.

Doing nothing also means more and more plans will become underfunded or maybe even worse, insolvent, resulting in major benefit cuts and then only that very small benefit that is covered by the government's guaranty program, the insurance fund that we call the PBGC.

The Grassley-Alexander plan would provide relief to the failing plans, and, without an upfront benefit cut, it would restore the benefit cuts that some plans chose to make under the Multiemployer Pension Reform Act in 2014. It would also increase the PBGC insurance guarantee amount by more than 50 percent.

Third, for other plans not on the brink, doing nothing would mean that the current minority of multiemployer plans that are better funded would continue to shrink, with many more likely to move into the danger zone in the coming years. Our plan would provide significant funding reforms—with emphasis on reforms—to help prevent that from happening. In other words, those

that are in pretty good shape wouldn't get worse.

Key variables, like the discount rate that plans use to estimate future assets and liability values, would be subject to new standards to help ensure that plans are funded to provide the benefits they promised. But we have taken to heart comments we have heard from stakeholders that those changes need to be phased in over a sufficient period of time to allow plans to transition smoothly.

Our plan would institute other changes to improve the early warning system so multiemployer plans can avoid flirting with the underfunding danger zone. It also provides needed oversight for plans in trouble, and it would provide unions and employers the opportunity to set up composite plans—a new type of hybrid retirement plan that enjoys wide bipartisan support.

Something pretty important to note, the fundamental tenet of the Grassley-Alexander reform plan is that all stakeholders have a role in fixing the multiemployer pension system that has been on the current path to failure now for four decades.

Employers and unions have a role in ensuring that adequate contributions are made to the plans to ensure sufficient funds to pay the promised benefits.

Plans have a role in ensuring that the PBGC insurance fund backing up those benefits is adequately funded through reasonable premiums, with higher risk plans contributing more for that insurance backup.

Employees and retirees have a role in contributing to the insurance coverage that protects their benefits, just like they do now for auto, home, and life insurance.

Last, but not least, is the Federal Government. I don't want to shock people, but if you study this, you will know that the government had a role in setting out the rules that have governed these plans and regulating the operation of these plans, so the government has a role in fixing the resulting situation we are in this very day. That means taxpayer funds may be needed to help the PBGC provide the partition relief for plans on the brink of failing, but those funds must come with important reforms to ensure that taxpayers are not back here on the hook again in 5 or 10 years.

This legislation I am talking about looks way ahead, solving two problems: the multiemployer pension plans individually—dozens of them—and also the insurance fund, the PBGC, that the government has for backup so it doesn't go broke by 2027. We take care of two big problems all at once. As I just said, we don't want to be back here in 5 or 10 years.

Unfortunately, no matter how sensible of a reform plan we come up with, it has no chance of success unless our Democratic colleagues are willing to sit down and discuss a comprehensive solution.

The other side has the idea of “my way or the highway.” That approach is not the pathway to a successful solution. That was clear when they tried that tactic during the negotiations of the CARES Act in March.

So how many times do I have to say it? We all know it, all 100 Senators know it—nothing happens in Congress without bipartisanship.

I invited our colleagues on the other side of the aisle—I have had more than one conversation with Speaker PELOSI—asking all to join me and Senator ALEXANDER in finding a bipartisan solution. That invitation still stands, and we remain ready to talk. Let's use the time that we have to negotiate a balanced, sensible solution to this increasingly critical problem so that we are ready whenever that opportunity presents itself to enact that solution this year. The retirees in each of our States, the businesses in each of our States, and the unions in each of our States that support these pension plans and our long-term Federal budget deserve no less consideration than what I have laid out.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 2740

Mr. LEAHY. Madam President, it may seem like a long time ago, but it was only 3 months ago when Congress came together, in a rare bipartisan fashion, and we passed the CARES Act. We did that to help address the unprecedented needs of the country and the American people as we began to address the global pandemic. It was the third emergency appropriations bill Congress has passed this year to address the impact of the coronavirus. Yet despite its scope and size, we knew then, and we all acknowledged then, that absent a miracle, it would not be the last emergency appropriations bill required.

At that time, we all knew the number of COVID cases would continue to grow at an alarming rate, as would the number of deaths. Each death has left in its wake friends, family, and loved ones, all devastated by a loss that can never be undone. In those 3 months, we have also seen our economy grind to a halt. More than 47 million men and women have filed for unemployment. Families are struggling to pay their bills. They are worried about putting food on the table, paying their rent, and caring for their children. Lines at food banks are at historic highs, including in my home State of Vermont. For many, the situation is desperate.

I wish we could say we were through the worst of it and things could now return to normal. We know that we cannot. Florida, Texas, Arizona, North

Carolina, Alabama, and Oklahoma, just to name a few, are seeing an alarming spike in cases. Health experts are ringing the alarm bell, including the Secretary of Health and Human Services, who had previously spent a lot of time trying to defend this administration's anemic response.

We all know this virus is far from vanquished. As numbers continue to rise across the Nation and new hot spots emerge, it is clear we are going to need another emergency appropriations bill to address this epidemic, and, frankly, we need it now.

At times like this, the country needs real leadership and vision. We need to get out in front of this crisis, not make all kinds of response after the fact. We know our leadership is not coming from the White House. The President has made very clear in his statements that he believes opening the economy and fighting the virus are competing actions. He gives the American people a false choice.

I believe that only if we effectively fight the virus are we then able to open the economy, whether in my State or any other State. Now, 6 weeks ago, the House of Representatives passed the Heroes Act. It is a strong proposal. It provides assistance to struggling families. It supports State and local governments. It battles the virus by sponsoring a responsible testing program. It recognizes the sacrifices being made by grocery store clerks, first responders, nurses, doctors, truckers, and more. It makes critical changes to programs such as SNAP, which supports those among us who are struggling the most.

Let's talk about what we have done. The first week or the second week or the third week or the fourth week or the fifth week or the sixth week since the House passed that bill, what has the Senate done? Nothing. Despite numerous calls from myself and Democratic leadership in the Senate, weeks have gone by and the White House and the Republican majority refuse to move forward on a bill, or even start negotiations.

In fact, the majority leader has publicly stated that he and the White House want to take "a pause" before considering any further emergency legislation related to COVID-19. The White House alternates between silence on the issue and sending contradictory messages of what it thinks needs to be done. While we wait, cases continue to climb; the death toll mounts; and people continue to struggle. You cannot tell the people who have COVID to pause and it will go away.

You cannot tell the doctors and nurses who are working around-the-clock and to the point of exhaustion to just pause. That does not work. The fact is, they are dealing with this every single day and night, 7 days a week. They would love to have a pause, but the reality is such that they cannot.

To those who say it is premature to act on another bill—well, let's look at what we already know. At the end of

July, the Federal pandemic unemployment compensation program that Congress included in the CARES Act expires. That is next month. Next month starts tomorrow. This program provides an additional \$600 per week in unemployment benefits to more than 28 million Americans. In many cases, the money is the difference between paying the rent and getting evicted. The money keeps the electricity on and food on the table. It feeds the children. At the same time, many State-initiated eviction moratoriums expire next month, which begins in just a few hours, as does the eviction moratorium for people in federally assisted housing included in the CARES Act. It is a one-two punch with the end of Federal benefits and the end of eviction protections, which will potentially displace a record number of Americans into homelessness. As eviction proceedings mount and Americans find they have no way to pay for alternative housing, the homeless shelters will almost certainly swell. But the shelters themselves are already over capacity and ill-equipped to handle an influx. We must act.

What about our struggling small businesses? The small businesses in my State of Vermont are the backbone of our economy. What about them? As of today, the Small Business Administration can no longer approve loans for the popular Paycheck Protection Program.

Parents are worried about their children. They struggle to find safe childcare. They wonder, Are schools going to open in the fall or not? And when they open, many schools will be using some form of online instruction. Over 16 million children in this country do not have internet service at home, and 12 million children do not have a home computer or laptop to use. This is the wealthiest nation in the world. We need to close this gap by providing reliable internet and broadband service to the millions of households in this country who do not have it. All kids deserve a good education, not just those from families who can afford it. Coming from a rural State, this is something I am particularly concerned about. We can't wait until the fall to figure this out; it will be too late.

I know that every Senator here has rural areas in his or her State, and in a lot of those areas there is no internet service.

We also know we need to protect our elections. Due to the pandemic, voters are using common sense, and they are choosing to vote by mail in record numbers, something we have already done in Vermont, but many States aren't prepared to meet this demand. They look at us. Every one of us will say, yes, of course we want to protect voters; of course, we want to protect voters; of course, every vote counts; of course, it is the American way to vote; of course, we want people to vote. Ha, ha, and ha. Congress has provided only a fraction of the funding needed by

States to prepare for the general election. Voters don't have to choose between exercising their constitutional right of voting or getting very ill.

Now, we know States cannot cover election costs on their own. They are cash-strapped already from responding to the coronavirus pandemic. The Wall Street Journal has estimated that State and local governments have already furloughed or eliminated 1.5 million jobs since the pandemic began. That might look like just a statistic to some, but these are teachers; these are firefighters; and these are healthcare workers. Congress, for the sake of this country, needs to enact another tranche of funding for State and local governments. We have to help them deal with lost revenue or our economy is not going to recover. It will never recover.

As revenues fall and costs to address COVID increase, Native American Tribes have also been forced to furlough workers, curtail healthcare services, and in some cases close down clinics entirely.

There are numerous other examples of urgent needs, too many to list. Due to declining revenues and incoming fees, the United States Citizenship and Immigration Services—USCIS—may be forced to cut back drastically on services and furlough at least 13,000 employees, including up to 1,700 in Vermont, by August 2. That is 4 short weeks from now. The notice to these employees went out this week, leaving these dedicated employees and their families in limbo wondering if they will have a job in August and wondering why Congress will not act to prevent it.

COVID has caused a 3-month delay in field operations for the Census, and the Department of Commerce needs additional money to ensure we get an accurate count. Our federal prisons, a hotspot for COVID, have already depleted the money we provided to them in CARES and need more if they are to prevent further outbreaks. Even the Senate has depleted the funding Congress provided in CARES to conduct deep cleaning of the Capitol and Senate and House buildings and to provide important personal protective equipment for Senators and staff.

It is also imperative for America to step up and address the pandemic abroad. We are part of the world. The COVID-related needs around the world are spiking. We cannot defeat the virus right here at home if we do not act now to assist other countries in the global fight against this pandemic as we have in the past. Senate Republicans and President Trump must demonstrate leadership. You are not going to stop this health crisis by tweets; you are going to stop it by real action.

Now, in a few short days, the Senate is going to recess for 2 weeks. If we do nothing else before the Senate goes out of session, we should do what all the experts agree is needed if we are going to defeat this virus: Create a comprehensive testing and contact tracing

program and provide the resources needed to implement it for all 50 of our States. This is how other countries have succeeded in flattening the curve and containing the spread.

Yet, in a shocking abdication of leadership, the President has thrown up his hands. He has walked away from this issue. He even said at a recent campaign rally that we should be doing less testing, not more. That is not leadership; that is politics. That is not keeping Americans safe. I want all Americans to be safe. I do not care whether they are Republicans, Democrats, or Independents. I want all Americans to be safe.

His political Press Secretary tried to say he was kidding, but he said he was not. The Federal Government recently announced it shut down numerous federally funded testing sites across the country, including seven in Texas where cases are rising. It is astonishing.

I have been in the Senate with Republican and Democratic Presidents alike, from the time of President Ford. All of these Presidents, in both parties, were willing to show leadership in serious matters, but if this President cannot or will not show leadership, then the Congress must step in and do it.

I will tell you what I learned when I came here. I never expected to become the dean of the Senate, but I think about it often. I was told by both Republican and Democratic leaders at that time that the Senate can and should be the conscience of the Nation. I have seen Republicans and Democrats come together and exercise that conscience at times when we so need it. Where is that now? Nobody owns a seat in the U.S. Senate, but we are given 6-year terms in which we should be able to think of doing the right thing and not just worry about the next tweet or the next newsbreak or what is said 5 minutes from now. We have 6-year terms so that we can sit back and do what is right. Let us be the conscience of the Nation. I have always been proud of this body when I have seen Republicans and Democrats come together and do that.

The Heroes Act passed 6 weeks ago in the House. It created the COVID-19 National Testing and Contact Tracing Initiative. It requires the Department of Health and Human Services, in coordination with State and local governments, to develop a comprehensive testing, contact tracing, surveillance, and monitoring system. It provides \$75 billion to implement it. If we want to save lives, if we want to reopen the country, and if we want to get our economy going again, we ought to at least pass this initiative. I want my family to be safe. I want my wife and my children to be safe and their children and their spouses to be safe. I want all Vermonters and everybody in all 50 of our States to be safe, and we need testing.

I am soon going to ask unanimous consent on a particular item, and I un-

derstand that Senator ALEXANDER is going to come to the floor to object, so I will withhold making that request.

There are only 100 of us. We represent over 320 million Americans, across the political spectrum. They are all races and all economic backgrounds. They are all ages. But they have 100 people who can speak for them and speak for the conscience of this Nation.

I am proud to be a U.S. Senator, but I am not proud when we don't stand up and act as the conscience of the Nation. What is the use of being one of the 100 people who represent this great country, who represent and know and hold the history of this country, who have helped shape the history of this country through treaties, through constitutional amendments, and through debates on everything? What does it do to be a Member of the 100 in this body if we cannot reflect the conscience of the Nation?

Now, as Senator ALEXANDER is not yet here, I am going to suggest the absence of a quorum, but I want to ask unanimous consent that I be the person next recognized to call off that quorum call.

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

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

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

Mr. LEAHY. Madam President, as I noted before, I was withholding a unanimous consent request until the very distinguished senior Senator was here.

So I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 140, H.R. 2740; that the Leahy substitute amendment that would provide funding for COVID testing and tracing and is at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I am glad to see my distinguished friend from Vermont of many years, and what I would like to say to him is that we, all together, appropriated a record amount of \$3 trillion—another \$3 trillion in credit—most of which, much of which has not even been spent yet, and some of which hasn't been distributed to States yet. We are in the midst of reviewing the spending of that money. I know our own committee has had five hearings this month on COVID

and its consequences, and I think the wiser course with the taxpayers' money is to wait until the \$3 trillion we have appropriated has been distributed to States, has been spent, and is carefully reviewed. In the meantime, we will work very closely with our friends on the other side to determine what else needs to be done during the month of July. So I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I yield the floor.

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

S. 4049

Mr. SANDERS. Madam President, in this unprecedented moment in American history, I think there is a crying out all across this country for us to rethink who we are as a nation and what our national priorities are.

Whether it is fighting against systemic racism and police brutality, whether it is the need to combat climate change and transform our energy system away from fossil fuel, whether it is the absurdity of being the only major country on Earth not to guarantee healthcare to all people as a human right, or whether it is the grotesque level of income and wealth inequality, where three people today own more wealth than the bottom half of our Nation, all across this country people are crying out for change—real change.

When we talk about the need for real change, it is beyond comprehension the degree to which Congress continues to ignore our bloated \$740 billion defense budget. We talk about everything. Democrats and Republicans disagree on almost everything, but when it comes to this huge budget, which has gone up by over \$100 billion since Trump has been President, there is, unfortunately, a broad consensus, and that is wrong.

Year after year, Democrats and Republicans come together with minimal debate to support an exploding Pentagon budget, which is now higher than that of the next 11 nations combined and represents some 53 percent of our discretionary spending. We are spending more on the military than the next 11 nations combined. That is Russia, China, UK, France, and you name it. That is more than all of them combined, and we are spending on the military budget over half of our discretionary spending.

Incredibly—and I know we don't talk about this too much—after adjusting for inflation, we are now spending more on the military than we did during the height of the Cold War, when we were in opposition to the Soviet Union, a major superpower, or during the wars in Vietnam and Korea. After adjusting for inflation, we are spending more today than we did during the time of the Vietnam war.

This extraordinary level of military spending comes at a time when the Department of Defense is the only agency

of our Federal Government that has not been able to pass an independent audit. It comes at a time when defense contractors are making enormous profits while paying their CEOs exorbitant compensation packages and when the so-called War on Terror will end up costing us some \$6 trillion. This is an agency that has not passed an independent audit.

I believe this is a moment in history when it would be a very good idea for the American people and my colleagues here in the Senate to remember the very profound statement made by Republican President Dwight D. Eisenhower back in 1953. I think all of us remember that Eisenhower was a four-star general who led the Allied forces to victory in Europe. He knew a little bit about the military.

Eisenhower said:

Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.

What Eisenhower said 67 years ago was true then. It is true now. If the horrific pandemic we are now experiencing has taught us anything, it is that “national security” means a lot more than building bombs, missiles, jet fighters, tanks, submarines, nuclear warheads, and other weapons of mass destruction.

“National security” also means doing everything that we can to make sure that every man, woman, and child in this country lives with dignity and security, and that includes many people and many communities around this country that have been abandoned by our government decade after decade.

Without a moment’s hesitation, we spend billions and billions on the military, while we come to work and step over people who are sleeping out on the streets and move away from communities where children are getting totally inadequate educations and where teachers are underpaid.

I believe that the time is long overdue to begin the transformation of our national priorities, and I cannot think of a better way to do that than by cutting military spending.

I have, for this bill, filed three separate amendments, and I would like to discuss them briefly.

The first amendment would reduce the military budget by 10 percent and use the \$74 billion in savings to invest in distressed communities around the country that have been ravaged by extreme poverty, mass incarceration, deindustrialization, and decades of neglect. We are proposing to transfer money from the military into distressed communities all over this country where people are suffering, where people are hurting, where people are unemployed, where people don’t have any healthcare, where infrastructure is crumbling, where people need help.

This amendment is being cosponsored by the Senators from Massachusetts—Senator MARKEY and Senator WARREN. Importantly—and I hope my colleagues hear this—this amendment has the support of more than 60 organizations throughout this country, representing millions of workers, environmentalists, and religious leaders, including Public Citizen, Union of Concerned Scientists, Physicians for Social Responsibility, Greenpeace, and the United Methodist Church.

At a time when more Americans have died from the coronavirus than were killed in World War I, when over 30 million people have lost their jobs in recent months, when tens of millions of Americans are in danger of being evicted from their homes, when education in America, from childcare to graduate school, is in desperate need of reform, when over half a million Americans are homeless, when close to 100 million people are either uninsured or underinsured, now is the time to invest in our people, in jobs, in education, in housing, and in healthcare—not in more nuclear weapons, not in more tanks, not in more guns.

Under this amendment, distressed cities and towns in every State in this country would be able to use these funds to create jobs by building affordable housing, building new schools, childcare facilities, community health centers, public hospitals, libraries, sustainable energy projects, and clean drinking water facilities.

These communities would also receive Federal funding to hire more public schoolteachers, provide nutritious meals to children and parents, and offer free tuition at public colleges, universities, or trade schools.

This is a pivotal moment in American history, and it is time to respond to those crises that we are facing by transforming our national priorities.

Do we really want to spend more—billions more—on endless wars in the Middle East, or do we want to provide decent jobs to millions of Americans who are now unemployed? Do we want to spend more money on nuclear weapons, or do we want to invest in a childcare system that is dysfunctional, in an education system where community after community lacks the funds to provide decent, quality education for their kids? Do we want to invest in affordable housing when half a million Americans are homeless and 18 million families in America are spending half of their incomes on housing?

Those are the choices that we face, and I think the American people are clear that the time is now to invest in our people, not in more weapons systems.

When we analyze the Defense Department budget, it is very interesting to note that Congress has appropriated so much money for the Defense Department that the Pentagon literally does not know what to do with it. According to the GAO, between 2013 and 2018, the Pentagon returned more than \$80 billion in funding back to the Treasury.

People sleep out on the streets, children go hungry, schools are crumbling, people have no health insurance, but we have given the Department of Defense so much money that they are actually returning some of it back to the government.

In my view, the time is long overdue for us to take a hard look not only at the size of the Pentagon budget but at the enormous amount of waste, cost overruns, fraud, and the financial mismanagement that has plagued the Department of Defense for decades.

Let us be clear. About half of the Pentagon’s budget—and people, I think, don’t know this—goes directly into the hands of private contractors, not the troops. Over the past two decades, virtually every major defense contractor in the United States has paid millions and millions of dollars in fines and settlements for misconduct and fraud, all while making huge profits on those government contracts. This is at a time when we are not very vigorous in terms of our oversight.

Despite that, since 1995, Boeing, Lockheed Martin, and United Technologies have paid over \$3 billion in fines or related settlements for fraud or misconduct—\$3 billion. That is what they have been caught doing. That is what they have been found guilty of or agreed to in a settlement. God knows what else is going on that we still don’t know about.

Yet those same three companies received around \$1 trillion in defense contracts over the past two decades alone.

Further, I find it interesting that the very same defense contractors that have been found guilty or reached settlements for fraud are also paying their CEOs excessive compensation packages.

Last year, the CEOs of Lockheed Martin and Northrup Grumman both made around \$20 million in total compensation, while around 90 percent of the companies’ revenue came from defense contracts. In other words, these companies—and I am talking about Lockheed Martin and Northrup Grumman—for all intents and purposes, are governmental agencies. Over 90 percent of their revenue comes from the taxpayers. Yet the CEOs of those companies made over 100 times more than the Secretary of Defense. It is not too surprising, therefore, that we have a revolving door where our military people end up on the boards of directors of these major defense companies.

Moreover, as the GAO has told us, there are massive cost overruns in the Defense Department’s acquisition budget that we have to address. According to GAO, the Pentagon’s \$1.8 trillion acquisition portfolio currently suffers from more than \$628 billion in cost overruns, with much of the cost growth taking place after production. In other words, they quote a price, and then they come back after they get the contract and say: Oh, we made a slight mistake; you are going to have pay

twice as much or 50 percent more, whatever it might be, for the weapons system you wanted.

GAO tells us that “many DoD programs fall short of cost, schedule, and performance expectations, meaning DoD pays more than anticipated, can buy less than expected, and, in some cases, delivers less capability to the warfighter.”

A major reason why there is so much waste, fraud, and abuse at the Pentagon is the fact that the Department of Defense remains the only Federal agency that hasn't been able to pass an independent audit. That is why I have filed an amendment with Senators GRASSLEY, WYDEN, and LEE that would require the Defense Department to pass a clean audit no later than fiscal year 2025.

When you have an agency that spends some \$700 billion, I don't think it is too much to ask that we have an independent audit of the Department of Defense.

Interestingly enough, many of us will recall what then-Secretary of Defense Donald Rumsfeld—not one of my favorite public officials—told the American people on the day before 9/11 about the serious financial mismanagement at the DOD. Here is what Donald Rumsfeld said. Needless to say, the following day was 9/11. That was the terrorist attack against the United States, so what Rumsfeld said the day before that never got a whole lot of attention. But this is what a conservative Republican Secretary of Defense said:

Our financial systems are decades old. According to some estimates, we cannot track \$2.3 trillion in transactions. We cannot share information from floor to floor in this building—

That is the Pentagon.

because it's stored on dozens of technological systems that are inaccessible or incompatible.

And yet, nearly 20 years after Donald Rumsfeld's statement, the Defense Department has still not passed a clean audit, despite the fact that the Pentagon controls assets in excess of \$2.2 trillion or, roughly, 70 percent of what the entire Federal Government owns.

The Commission on Wartime Contracting in Iraq and Afghanistan concluded in 2011 that \$31 billion to \$60 billion spent in Iraq and Afghanistan had been lost to fraud and waste.

Separately, in 2015, the Special Inspector General for Afghanistan Reconstruction reported that the Pentagon could not account for \$45 billion in funding for reconstruction projects. More recently, an audit conducted by Ernst & Young for the Defense Logistics Agency found that it could not properly account for some \$800 million in construction projects.

It is time to hold the Defense Department to the same level of accountability as the rest of the government. That is not a radical idea. And support for this concept is bipartisan. That is why I am delighted that this amendment is supported by Senators GRASS-

LEY and LEE, as well as Senator WYDEN, and we hope it will be supported by a strong majority of the Members of the body.

I believe in a strong military, but we cannot continue to give more money to the Pentagon than it needs when millions of children in our country are food insecure—there are kids all over this country, in every State in this country, who are hungry—and when we have 140 million people who cannot afford the basic necessities of life without going into debt.

Further, let us be very clear, when we are talking about the need to protect the American people, we are talking about the need to defeat our most immediate adversary right now, an adversary that has taken in recent months over 120,000 American lives, and that, of course, is the coronavirus.

When we talk about defense, when we talk about protecting the American people, we must get our priorities right and do everything we can to protect the American people from the coronavirus. I don't think nuclear weapons are going to do it. I don't think tanks are going to do it. I don't think F-35s are going to do it. But we need to do everything we can to protect the lives and the health of the American people in terms of the coronavirus.

What virtually every scientist who has studied this issue will tell us—and they just told me that this morning as a member of the HELP Committee—is that the most effective way to prevent the transmission of this deadly virus and to stop unnecessary deaths from COVID-19 is for everybody in this country to wear a mask. It is not rocket science, not very complicated, but if you wear a mask when you are in contact with other people, the likelihood that you will spread the virus or get the virus is significantly reduced.

That is why I have filed an amendment which requires the Trump administration to use the Defense Production Act to manufacture the hundreds and hundreds of millions of high-quality masks that this country needs and to deliver them to every household in America.

This is not a radical idea. It is an idea that is being implemented all across the world, in countries like South Korea, France, Turkey, Austria, and many other countries; that is, they are distributing high-quality face masks to all of their people for free or at virtually no cost. That is what I believe we have to do.

There was a study that just came out from the University of Washington very recently, which suggested that if 95 percent of the American people wore face masks when they interact with others, we could save some 30,000 lives and hundreds of billions of dollars.

I think this is a commonsense amendment. It is beyond my comprehension how in the wealthiest nation in the world, with the strongest economy, we have not been able to

produce the personal protective equipment—the masks, gowns, gloves—that our doctors and nurses and medical personnel need. We have to do that, but we also have to produce the masks that the American people need.

As everyone knows, over the past 3 months, the coronavirus has infected more than 2.5 million Americans and caused nearly 130,000 deaths. More Americans have died from the coronavirus than were killed fighting in the wars in Korea, Vietnam, Afghanistan, and Iraq combined.

Sadly, there is new evidence that this pandemic is far from over and may kill many tens of thousands more. In the past few days, new COVID-19 cases in the United States have increased dramatically—jumping to their highest level in 2 months and returning to where they were at the peak of the outbreak.

If we take bold action now, we could prevent tens of thousands of Americans from dying. That is exactly what we have to do. Unfortunately, the Trump administration continues to endanger millions of Americans by ignoring the most basic recommendations of medical professionals and recklessly downplaying the most effective tool we have to contain the pandemic; that is, simply wearing a mask.

This amendment is nothing more than listening to science and saving lives. Again, this morning, I participated in a hearing with Dr. Fauci and many others from the Trump administration. They were very clear: Masks work. Social distancing works. And we should listen to the scientists.

We are, as I mentioned earlier, at a pivotal moment in American history. We as elected officials have to respond in a transformational way. We have to stand up for people. We have to rethink the way we have done things in the past. The amendments I have offered begin the process of changing American priorities. I hope all three of those amendments will pass.

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

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Kentucky.

#### STOPPING IMPROPER PAYMENTS TO DECEASED PEOPLE ACT

Mr. PAUL. Madam President, I think it is a terrible thing that the government pays checks to dead people. The problem is that Social Security is not sharing that information with Treasury. I have a bill to do that and will ask unanimous consent for it to be joined with Senator CARPER's bill and Senator KENNEDY's bill.

At this point, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4104, introduced earlier today. I ask further 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 objection?

Mr. CARPER. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, 7 years ago, the Government Accountability Office included in its recommendations—something called the High Risk List—a way for us to stop wasting money, which was not to send checks to dead people. It was called improper payments to deceased. The GAO said there was a way to fix this, a way to stop this, and it proposed a way to stop it.

I worked with the late Tom Coburn to craft and introduce that idea from the GAO into legislation. It cleared the Homeland Security and Governmental Affairs Committee not once, not twice, not three times but, I think, four times. Since the departure of Tom Coburn, it has been cosponsored by other Republicans, including, most recently, by JOHN KENNEDY of Louisiana.

Improper payments are a huge deal for our Federal Government. The Government Accountability Office tells us that, last year, improper payments, overpayments, mistaken payments, and so forth were about \$150 billion. That is billion with a “b.” The GAO thinks we ought to do something about it, and it has been thinking we ought to have done something about it for a long time.

The person who is the leader of the Government Accountability Office is a fellow named Gene Dodaro. He has been the Comptroller General for, I think, gosh, a decade or more. I was talking to Comptroller General Gene Dodaro the other night. It was right after it was reported last week that Treasury had sent out \$1.4 billion worth of checks to people who were deceased. It actually sent out checks with the word “deceased” printed on the checks for all of these dead people, and one of the people who got a check marked “deceased” was Comptroller General Gene Dodaro’s mother who died in 2018.

I happened to be on the phone last Thursday—I was talking to somebody on my cell phone—when I got interrupted by a call from a woman in Delaware whom I knew.

She was calling to say: I just heard on MSNBC that Treasury sent \$1.4 billion worth of checks to dead people. Why don’t you do something about it?

We have been talking and thinking about doing something about it for a long time, and we are still talking about doing something about it. I think the time has come to do something about it. That is sort of where we are at this point in time.

I understand this has been discussed off the floor for a little bit, and maybe one of our colleagues has an objection to the consideration of this bill by unanimous consent. It ain’t like it hasn’t been out there for people to raise objections to it, to raise concerns. They have had 7 years in which to do that, and for 7 years, the GAO has said to please fix this part of the improper payments program. This doesn’t fix \$150 billion, but it certainly is a good start. I don’t know anybody in his right mind who would say we should send checks and continue to send checks to folks who are deceased. It just makes no sense. It didn’t make sense in 2013, when the idea was first presented on the High Risk List by the GAO, and it doesn’t make sense today.

Mr. KENNEDY. Will the Senator yield?

Mr. CARPER. I am happy to yield.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Madam President, I want to associate myself with the eloquent remarks of Senator CARPER.

I don’t need to remind everyone that we have \$25 trillion worth of taxpayer debt—not our debt, taxpayer debt. It is more than \$25 trillion. If we add in the mandatory spending—the Medicare, the Medicaid, Social Security—it is over \$100 trillion, which is the entire net worth of the American people. For the most prosperous country in all of human history, it is just barely over \$100 trillion.

As Senator CARPER said, my constituents ask all the time: Why don’t you do something about it? Why don’t you just set priorities?

Now, we have had a lot of wasteful spending—all of us in the U.S. Congress—going back years. I don’t need to remind everyone of some of the wasteful spending, but this is why people are so cynical.

In the past, this Congress, not this particular Congress, spent \$370,000 to study whether mothers love dogs as much as their kids. In the past, the U.S. Congress spent \$700,000 to restore a Buddhist temple in Vietnam. In the past, not this Congress but a past Congress spent \$400,000, which it gave to a major university—I kid you not—to study the oddity of the duck penis. Yet we just set a record. We just sent \$1.4 billion to 1.1 million people in America who are deceased when we owe \$25 trillion, and we know they are deceased.

Senator CARPER’s bill, which he has been working on for 7 years, and my bill, which I have been working on with him for the last 3½ years, will stop this. It is not a heavy lift.

I am not criticizing the Treasury Department. It did a great job of sending out about \$270 billion to 161 million people through the CARES Act, and I thank it for that, but do you know the problem? The problem is it sent \$1.4 billion to 1.1 million dead people. Why did that happen?

Here is why: We have what is called the Death Master File. If you die in

America, your State or others in your State send to the Social Security Administration the fact that you are dead. The Social Security Administration makes a list that is called the Death Master File. It is not a perfect list, but it is fairly accurate and can be better. The problem is, the Social Security Administration has taken the position for years that it can only share the Death Master File with a few other agencies.

It has said: We don’t have the authority to share it with other agencies, only with a couple of agencies.

Guess which one agency it couldn’t share the death file with—the Department of the Treasury. That is why we wasted \$1.4 billion.

It is a very simple fix, and Senator CARPER has worked on it for 7 years. Here is what our bill will do. It is really quite simple.

First of all, it tells the Social Security Administration to share the death records with everybody in the Federal Government who writes checks so we don’t send dead people money. Duh.

It will allow Federal agencies access to each other’s databases. Imagine that. They would talk to each other.

It would direct agencies to use this information to curb improper payments, and it would direct the Social Security Administration to do a better job.

Now, how simple is that? How simple is that? We are spending, right now, \$800 million a year. That is on top of the \$1.4 billion that we just wasted—took and threw it in the dirt. We threw it in the dirt. Like clockwork, every year we send \$800 million to dead people. It has all been in the papers, and it is a very easy fix, and that is what Senator CARPER’s and my bill does.

I yield the floor.

Mr. PAUL. Madam President, at this point we have a pending motion.

The PRESIDING OFFICER. There is a unanimous consent request pending. There is a reservation and the right to object.

Mr. PAUL. Madam President, I am asking, are there any objections? If there are no objections, I guess it passes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (S. 4104) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 4104

*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 “Stopping Improper Payments to Deceased People Act”.

#### SEC. 2. DISTRIBUTION OF DEATH INFORMATION FURNISHED TO OR MAINTAINED BY THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—

(1) IN GENERAL.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended—



(A) in paragraph (2)—

(i) by striking “may” and inserting “shall”; and

(ii) by inserting “, and to ensure the completeness, timeliness, and accuracy of,” after “transmitting”;

(B) by striking paragraphs (3), (4), and (5) and inserting the following:

“(3)(A) In the case of individuals with respect to whom federally funded benefits are provided by (or through) a Federal or State agency, the Commissioner of Social Security shall, to the extent feasible, provide such information through a cooperative arrangement with such agency for ensuring proper payment of those benefits with respect to such individuals if—

“(i) under such arrangement the agency agrees to such safeguards as the Commissioner determines are necessary or appropriate to protect the information from unauthorized use or disclosure;

“(ii) under such arrangement the agency provides reimbursement to the Commissioner of Social Security for the reasonable cost of carrying out such arrangement, including the reasonable costs associated with the collection and maintenance of information regarding deceased individuals furnished to the Commissioner pursuant to paragraph (1); and

“(iii) such arrangement does not conflict with the duties of the Commissioner of Social Security under paragraph (1).

“(B) The Commissioner of Social Security shall, to the extent feasible, provide for the use of information regarding all deceased individuals furnished to or maintained by the Commissioner under this subsection, through a cooperative arrangement in order for a Federal agency to carry out any of the following purposes, if the requirements of clauses (i), (ii), and (iii) of subparagraph (A) are met:

“(i) Under such arrangement, the agency operating the Do Not Pay working system established under section 5 of the Improper Payments Elimination and Recovery Improvement Act of 2012 may compare death information disclosed by the Commissioner with personally identifiable information reviewed through the working system, and may redisclose such comparison of information, as appropriate, to any Federal or State agency authorized to use the working system.

“(ii) The tax administration duties of the agency.

“(iii) Oversight activities of the Inspector General of an agency that is provided information regarding all deceased individuals pursuant to this subsection.

“(iv) Civil or criminal enforcement activities that are authorized by law.

“(C) With respect to the reimbursement to the Commissioner of Social Security for the reasonable cost of carrying out a cooperative arrangement described in subparagraph (A) between the Commissioner of Social Security and an agency, the Commissioner shall—

“(i) establish a defined calculation method for purposes of calculating the reasonable cost of carrying out the arrangement that does not take into account any services, information, or unrelated payments provided by the agency to the Commissioner; and

“(ii) reimbursement payments shall be accounted for and recorded separately from other transactions.

“(4) The Commissioner of Social Security may enter into similar arrangements with States to provide information regarding all deceased individuals furnished to or maintained by the Commissioner under this subsection for use by States in programs wholly funded by the States, or for use in the administration of a benefit pension plan or re-

tirement system for employees of a State or a political subdivision thereof, if the requirements of clauses (i), (ii), and (iii) of paragraph (3)(A) are met. For purposes of this paragraph, the terms retirement system and political subdivision have the meanings given such terms in section 218(b).

“(5) The Commissioner of Social Security may use or provide for the use of information regarding all deceased individuals furnished to or maintained by the Commissioner under this subsection for statistical purposes and research activities by Federal and State agencies (including research activities conducted under a contract or a cooperative arrangement (as such terms are defined for purposes of sections 6303 and 6305, respectively, of title 31, United States Code) with such an agency) if the requirements of clauses (i) and (ii) of paragraph (3)(A) are met.”; and

(C) in paragraph (8)(A)(i), by striking “subparagraphs (A) and (B) of paragraph (3)” and inserting “clauses (i), (ii), and (iii) of paragraph (3)(A)”.

(2) REPEAL.—Effective on the date that is 5 years after the date of enactment of this Act, the amendments made by this subsection to paragraphs (3), (4), (5), and (8) of section 205(r) of the Social Security Act (42 U.S.C. 405(r)) are repealed, and the provisions of section 205(r) of the Social Security Act (42 U.S.C. 405(r)) so amended are restored and revived as if such amendments had not been enacted.

(b) AMENDMENTS TO INTERNAL REVENUE CODE.—

(1) IN GENERAL.—Section 6103(d)(4) of the Internal Revenue Code of 1986 is amended—

(A) in subparagraphs (A) and (B), by striking “Secretary of Health and Human Services” each place it appears and inserting “Commissioner of Social Security”; and

(B) in subparagraph (B)(ii), by striking “such Secretary” and all that follows through “deceased individuals.” and inserting “such Commissioner pursuant to such contract, except that such contract may provide that such information is only to be used by the Social Security Administration (or any other Federal agency) for purposes authorized in the Social Security Act or this title.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect 180 days after the date of enactment of this Act.

(c) REPORT TO CONGRESS ON ALTERNATIVE SOURCES OF DEATH DATA.—

(1) REQUIREMENTS.—The Commissioner of Social Security, in coordination with the Secretary of the Treasury, shall conduct a review of potential alternative sources of death data maintained by the non-Federal sources, including sources maintained by State agencies or associations of State agencies, for use by Federal agencies and programs. The review shall include analyses of—

(A) the accuracy and completeness of such data;

(B) interoperability of such data;

(C) the extent to which there is efficient accessibility of such data by Federal agencies;

(D) the cost to Federal agencies of accessing and maintaining such data;

(E) the security of such data;

(F) the reliability of such data; and

(G) a comparison of the potential alternate sources of death data to the death data distributed by the Commissioner of Social Security.

(2) REPORT.—Not later than 4 years after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the results of the review and analyses required under paragraph (1). The report shall include a recommendation by the Director of the Of-

fice of Management and Budget regarding whether to extend the agency access to death data distributed by the Commissioner of Social Security provided under the amendments made by subsection (a)(1) beyond the date on which such amendments are to be repealed under subsection (a)(2).

### SEC. 3. IMPROVING THE USE OF DATA BY GOVERNMENT AGENCIES TO CURB IMPROPER PAYMENTS.

The Improper Payments Elimination and Recovery Improvement Act of 2012 (31 U.S.C. 3321 note) is amended by adding at the end the following:

#### “SEC. 8. IMPROVING THE USE OF DEATH DATA BY GOVERNMENT AGENCIES.

“(a) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—

“(1) GUIDANCE TO AGENCIES.—Not later than 1 year after the date of enactment of this section, and in consultation with the Council of Inspectors General on Integrity and Efficiency and the heads of other relevant Federal, State, and local agencies, and Indian tribes and tribal organizations, the Director of the Office of Management and Budget shall issue guidance for each agency or component of an agency that operates or maintains a database of information relating to beneficiaries, annuity recipients, or any purpose described in section 205(r)(3)(B) of the Social Security Act (42 U.S.C. 405(r)(3)(B)) for which improved data matching with databases relating to the death of an individual (in this section referred to as death databases) would be relevant and necessary regarding implementation of this section to provide such agencies or components access to the death databases no later than 1 year after such date of enactment.

“(2) PLAN TO ASSIST STATES AND LOCAL AGENCIES AND INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary of Health and Human Services and the Secretary of the Treasury shall jointly develop a plan to assist States and local agencies, and Indian tribes and tribal organizations, in providing electronically to the Federal Government records relating to the death of individuals, which may include recommendations to Congress for any statutory changes or financial assistance to States and local agencies and Indian tribes and tribal organizations that are necessary to ensure States and local agencies and Indian tribes and tribal organizations can provide such records electronically. The plan may include recommendations for the authorization of appropriations or other funding to carry out the plan.

“(b) REPORTS.—

“(1) REPORT TO CONGRESS ON IMPROVING DATA MATCHING REGARDING PAYMENTS TO DECEASED INDIVIDUALS.—Not later than 1 year after the date of enactment of this section, the Secretary of the Treasury, in consultation with the heads of other relevant Federal agencies, and in consultation with States and local agencies, Indian tribes and tribal organizations, shall submit to Congress a plan to improve how States and local agencies and Indian tribes and tribal organizations that provide benefits under a federally funded program will improve data matching with the Federal Government with respect to the death of individuals who are recipients of such benefits.

“(2) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this section, and for each of the 4 succeeding years, the Secretary of the Treasury shall submit to Congress a report regarding the implementation of this section. The first report submitted under this paragraph shall include the recommendations of the Secretary required under subsection (a)(2).



“(c) DEFINITIONS.—In this section, the terms Indian tribe and tribal organization have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).”.

**SEC. 4. PLAN FOR ENSURING THE ACCURACY AND COMPLETENESS OF DEATH DATA MAINTAINED AND DISTRIBUTED BY THE SOCIAL SECURITY ADMINISTRATION.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security shall submit to Congress a plan, which shall include an estimate of the cost of implementing the policies and procedures described in such plan, to improve the accuracy and completeness of the death data (including, where feasible and cost-effective, data regarding individuals who are not eligible for or receiving benefits under titles II or XVI of the Social Security Act) maintained and distributed by the Social Security Administration.

(b) CONTENT OF PLAN.—In developing the plan required under subsection (a), the Commissioner of Social Security shall consider whether to include the following elements:

(1) Procedures for—

(A) identifying individuals who are extremely elderly, as determined by the Commissioner, but for whom no record of death exists in the records of the Social Security Administration;

(B) verifying the information contained in the records of the Social Security Administration with respect to individuals described in subparagraph (A) and correcting any inaccuracies; and

(C) where appropriate, disclosing corrections made to the records of the Social Security Administration.

(2) Improved policies and procedures for identifying and correcting erroneous death records, including policies and procedures for—

(A) identifying individuals listed as dead who are actually alive;

(B) identifying individuals listed as alive who are actually dead; and

(C) allowing individuals or survivors of deceased individuals to notify the Social Security Administration of potential errors.

(3) Improved policies and procedures to identify and correct discrepancies in the records of the Social Security Administration, including social security number records.

(4) A process for employing statistical analysis of the death data maintained and distributed by the Social Security Administration to determine an estimate of the number of erroneous records.

(5) Recommendations for legislation, as necessary.

**SEC. 5. REPORT ON INFORMATION SECURITY.**

Not later than 90 days after the date of the enactment of this Act, the Commissioner of Social Security shall submit a report to the Committees on Ways and Means, Oversight and Reform, and Homeland Security of the House of Representatives, and the Committees on Finance and Homeland Security and Governmental Affairs of the Senate that—

(1) identifies all information systems of the Social Security Administration containing sensitive information; and

(2) describes the measures the Commissioner is taking to secure and protect such information systems.

**SEC. 6. LIMITED ACCESS TO DEATH INFORMATION MAINTAINED BY THE SOCIAL SECURITY ADMINISTRATION FOR RECOVERY OF ERRONEOUS REBATE PAYMENTS.**

(a) IN GENERAL.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)), as amended by section 2, is further amended by adding at the end the following new paragraph:

“(10)(A) Notwithstanding any provision or requirement under paragraph (3), not later than 30 days after the date of enactment of this paragraph, the Commissioner of Social Security shall provide the Secretary with access to any records or information maintained by the Commissioner of Social Security pursuant to paragraph (1), provided that—

“(i) such records and information are used by the Secretary solely for purposes of carrying out subsection (h) of section 6428 of the Internal Revenue Code of 1986; and

“(ii) the Secretary agrees to establish safeguards to assure the maintenance of the confidentiality of any records or information disclosed.

“(B) In this paragraph, the term ‘Secretary’ means the Secretary of the Treasury or the Secretary’s delegate.”.

(b) RECOVERY OF REBATE PAYMENTS TO DECEASED INDIVIDUALS.—Section 6428 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsection (h) as subsection (i), and

(2) by inserting after subsection (g) the following new subsection:

“(h) RECOVERY OF REBATE PAYMENTS TO DECEASED INDIVIDUALS.—In the case of any individual who is shown on the records or information disclosed to the Secretary under section 205(r)(10) of the Social Security Act as being deceased before January 1, 2020, if the Secretary has distributed a payment to such individual pursuant to subsection (f), the Secretary shall, to the extent practicable, carry out any measures as are deemed appropriate to suspend, cancel, and recover such payment.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

Mr. PAUL. Thank you.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I would now like to yield to Senator CARPER. I think I have the floor.

The PRESIDING OFFICER. The Senator has been recognized.

Mr. KENNEDY. I would like to yield to Senator CARPER, who I believe will have a motion with respect to our bill, which I call the Stop Paying Dead People Act.

I believe I still have the floor.

The PRESIDING OFFICER. The Senator does have the floor.

Mr. KENNEDY. I would like to yield, if he wishes the time, to Senator CARPER to make a motion. If he is not prepared to make a motion, I am.

The PRESIDING OFFICER (Mr. BOOZMAN). Is there objection to the yielding?

The Senator from Delaware.

Mr. CARPER. Senator WYDEN has some concerns about the legislation. Would he just take a couple minutes and explain what those are?

Again, I think my friend knows that it is something we have worked on for 7 years—same concept reported out of committee unanimously, repeatedly, and we are still waiting to get it done.

Let me yield to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, parliamentary inquiry: Has this bill passed now on UC?

The PRESIDING OFFICER. Which bill are you referring to?

The Paul bill passed, S. 4104.

Mr. WYDEN. The Paul bill passed that my colleagues are discussing.

The PRESIDING OFFICER. S. 4104 has passed.

Mr. WYDEN. All right. Well, I will just tell my colleagues—and I made it clear I was on my way here—I think that this is a flawed approach to a very serious problem, and the reason I feel this way, as the ranking Democrat on the Finance Committee, is this gives Social Security more responsibilities without any additional resources, and it comes at a time when I think there are going to be real challenges for Social Security as it tries to pay benefits.

Around here you always have a chance to take another crack at it. I was on my way over here to offer to work with my colleagues—the Senator from Louisiana, the Senator from Delaware—but apparently it was so important that I couldn’t come over here and make that offer, and I think the Senate will regret this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I want to respond to that because the Senator from Oregon knows how much I admire him. But my understanding, after talking with his chief of staff—and as I said, Senator CARPER has been working on this for 7 years. I have been working on it for 3½ years.

We hotlined this bill, I think, last Thursday. We had no objections. Well, actually, I take that back. We had a couple of objections, and we worked them all out.

Then we got down here today at 3:25 to start, and we found out that Senator WYDEN had an objection, so we tried to reach Senator WYDEN. We couldn’t. We talked to his chief of staff. I was listening to the call. He said that Senator WYDEN wasn’t available. He didn’t know when he would be available. We tried to do it tomorrow, but we weren’t sure. That is why we—Senator CARPER and I—proceeded.

I am more than willing to sit down and work with Senator WYDEN. He knows that. We are working on a number of other bills together. But I want to reiterate the urgency of this. The American people are laughing at us. They are laughing at us. We sent out 1.1 million checks. Do you know what the check said? “John Doe, deceased.” It said: “John Doe, deceased.” The time has come to do something about it.

Now, something just passed. I am going to ask for a ruling from the Chair to find out what passed.

The PRESIDING OFFICER. S. 4104.

Mr. KENNEDY. Was that Senator PAUL’s bill?

The PRESIDING OFFICER. Yes.

Mr. KENNEDY. Combined with Senator CARPER’s bill and my bill?

The PRESIDING OFFICER. Let me just read this:

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4104, introduced earlier today. I further ask 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.

So that was the entirety of the request.

The title is “to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay Initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes.”

Mr. KENNEDY. So if I might ask, does that mean that both bills together have passed?

The PRESIDING OFFICER. I am not sure what is in the bills, but I would assume that that is the case.

We did not have the paperwork beforehand.

Mr. KENNEDY. Mr. President, excuse me. My understanding is that Senator PAUL’s bill and the Carper-Kennedy bill were merged together, so we had two bills.

Is my understanding correct?

The PRESIDING OFFICER. To be honest, the Chair cannot answer that.

Mr. KENNEDY. I believe the RECORD will reflect that is correct, that Senator PAUL—I am not asking you to comment on the accuracy of what I am about to say, but I believe the RECORD will reflect that Senator PAUL’s bill was merged with the Carper-Kennedy bill and that those bills have passed as one bill.

Now, having said that, if Senator WYDEN or anybody else would like to sit down with Senator CARPER and me and make some improvements to the bill, I am more than happy to do this and to do that.

I will not speak for my good friend and mentor Senator CARPER, but I know he would share in my feelings, and I would extend that courtesy to Senator WYDEN and to any other Senator who would like to make some changes.

Let me reiterate again: This is a serious problem. We hotlined this bill on Thursday. We have worked out many difficult issues, and we found out that there was another Senator who couldn’t be available—he said, 5 minutes ago—and that is why we proceeded. But I am willing to unproceed to work with RON or anybody else who wants to improve this bill. But improving this bill, for me, doesn’t mean—I have only been here 3 or 4 years, but I have learned—I have learned the hard way—that sometimes negotiations can last years.

Do you know what? I have said it before: Doing nothing is hard. You never know when you are finished, and we need to do something on this.

I am embarrassed to go home. I feel like putting on a bag in the airplane when I get out so that my constituents will not see me. We sent out \$1.4 billion of taxpayer money to 1.1 million dead

people, and all we had to do was pass a simple bill that says to people at Social Security: Share your death file with the rest of your colleagues. What is controversial about that?

Mr. CARPER. Will the gentleman yield?

Mr. KENNEDY. Certainly.

Mr. CARPER. I think the concern raised by Senator WYDEN is if the Social Security Administration is going to be sharing this information not just with the IRS and a handful of agencies, there is going to be some cost involved in that sharing. That is a legitimate concern. Speaking for myself—and my guess is speaking for my friend from Louisiana—if there is an additional cost incurred by the Social Security Administration, I am sure it is going to be a lot less than \$1.4 billion that we have just wasted in sending out these \$1,200 checks over the last several months.

I will pledge—and will invite my friend from Louisiana to join me—to assure Senator WYDEN that we will work with him and his staff and the folks at the Social Security Administration to make sure that the Social Security Administration is made whole if the legislation that we have just apparently adopted here—if it actually is adopted and signed into law, we will make the Social Security Administration whole. That is a very fair thing to ask of us, and we should do that.

Mr. KENNEDY. Will the Senator yield?

Mr. CARPER. I would be happy to.

Mr. KENNEDY. Senator, do I understand correctly that one of Senator WYDEN’s problems or issues is the cost?

Mr. CARPER. The cost that might be incurred by the Social Security Administration because they would be asked to share this information more widely among Federal agencies than they do today.

Mr. KENNEDY. Well, will the Senator yield for 30 seconds?

Then I would suggest, Senator CARPER, through the Presiding Officer, that we sit down with Senator WYDEN and try to address these very legitimate concerns.

For the moment, I happen to be chairman of the Financial Services and General Government Subcommittee in Appropriations, and it may be that we can address those concerns there, and I would be more than happy to.

But I am equally happy to report to the American people that the U.S. Senate finally did something to stop paying dead people hard-earned taxpayer money, and I want to give most of the credit to Senator CARPER because he is a patient man. He has been working on this for 7 years. He is a more patient man than I am.

I yield the floor.

Mr. CARPER. Mr. President, I thank my colleague for his work, his efforts, and his tenacity.

I yield the floor.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—Continued

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—S. 4033

Ms. KLOBUCHAR. Mr. President, I come to the floor today to discuss the threats facing our upcoming elections—threats from the coronavirus and threats posed by foreign adversaries—and to once again urge my Republican colleagues to immediately take up legislation to address these threats.

As ranking member of the Rules Committee, I am proud to be speaking on the floor today with my Democratic colleagues—including Senators BLUMENTHAL, WARNER, DURBIN, COONS, and WYDEN—who will speak during the next hour on the need to protect our elections and make voting safe and easy throughout this pandemic and beyond. And that is safe and easy for Democrats, for Republicans, for Independents, for members of any party or anyone who wants to vote. This is not a partisan issue. Voting in our democracy is not a partisan issue. Everyone who wants to vote should be able to vote for whomever they want to vote for.

Today there are primaries happening in Colorado and Utah—two of the five States that vote almost entirely by mail—as well as Oklahoma.

As cases of coronavirus in this country rise, it is vital that all voters be able to cast their ballots from home, to cast their ballots by mail—a system that Colorado and Utah know to be safe and secure. We have heard Senator ROMNEY speak out strongly in defense of vote-by-mail and how it works in Utah. We have heard elected officials in Colorado, both Democrats and Republicans—these two States that have primaries today—say that their system works, that their democracies work.

This week we are also working to pass the National Defense Authorization Act. Colleagues, let me be clear. If we are concerned about defending our country, then we must protect our democracy, and if our elections are not safe, then our democracy is not secure. Election security is national security.

We shouldn’t spend more on military bands—I love military bands, but we shouldn’t spend more on military bands than we do on securing our elections on a Federal level—especially now, when we have foreign adversaries that the intelligence officials in the Trump administration have long said were emboldened by the last election—as in Russia—and will try to do this again.

We should not be spending more on military bands than securing our election on a Federal level when, in fact, we have a situation where a pandemic has made it unsafe for people to vote, especially seniors and people with pre-existing conditions, especially our veterans.

The Government Accountability Office conducted a study and found that between 2012 and 2016, the U.S. military spent \$1.5 billion on military bands. Since our elections were attacked by Russia in 2016, Congress has given \$805 million to modernize our election systems and protect them from future attacks. That is about 6 percent of the cost of a new aircraft carrier. That was given to the States after the biggest attack on our elections in modern history. We now know they tried to get into every single State. They tried to hack. In Illinois, they got as close as the voter information.

What must we do? Now we face the immediate threat of COVID-19 as well as the threat we have known has been out there for years. I fought hard with Senator COONS and others to help secure \$400 million, and I appreciate the work of my colleague Senator BLUNT, the chairman of the Rules Committee, in helping us to secure that funding, as well as Senator SHELBY and Senator LEAHY. We know that is not everything we need.

Election officials are using the money from the \$805 million in election security funding that I already mentioned—which is supposed to be used to replace old election equipment and produce a paper record, but now we know that election officials in States that are already strapped for cash and facing enormous debts are having to buy protective masks, cleaning supplies, and are trying to figure out how they are going to keep polling locations open and safe versus postage and envelopes.

Last week I was glad to appear here with my friend Senator BLUNT. He has said that he is open to working with us on funding as well as making some corrections from the last bit of money that was sent out. He is also going to be holding a hearing in our committee on elections, which I truly appreciate during this time of pandemic.

As I said, elections are a matter of national security, and during a global pandemic, they are a matter of public health and safety. Contrary to what the President has been saying, I would rather put ballots in an envelope than put voters in the hospital. Yet our President keeps questioning the security of vote-by-mail. Yet we have Republican Senators like Senator ROMNEY who said security in their States works quite well.

Our job now is to realize that 25 percent of the people have been voting by mail in the last few Federal elections, and we want to greatly increase that number. We know that not everyone will vote by mail. We know part of the solution is having poll workers who are not as susceptible to the virus, who are in safe conditions. We know part of the solution is keeping the polls open as long as possible, early in States, like my State, which keeps the polls open weeks before an election so then voters don't congregate as much. We also know a big part of the solution is mak-

ing voting by mail available to everyone.

We have seen what has happened when people can't vote safely. No one will forget the images of those voters in line in Milwaukee, in garbage bags and homemade masks, just waiting to exercise their right to vote. No one will forget the numbers—that dozens and dozens of them contracted the coronavirus and that, in fact, poll workers got sick from that day.

No one will forget the image recently in Georgia of people waiting and waiting—of a woman who had marched with Dr. King, now in her eighties, getting there at 6 a.m., waiting, and then actually staying because she wanted to make sure her friends would be able to vote.

We have seen the President's tweets about voting by mail. These tweets are a direct hit on our democracy. They degrade the integrity of our voting system, and people shouldn't fall for it. We know that these States that have been holding elections that are mostly by mail—Utah, Oregon, Colorado, Hawaii, and Washington—have done a good job. Some of those States are blue States, some are purple States, and some are red States. Again, just like the virus, it doesn't know if it is hitting someone who is a Democrat or Republican. Vote-by-mail—it works regardless of what someone's political affiliation is.

So it has really concerned me, what the President has been saying. As the New York Times editorial board noted, States that use vote-by-mail essentially have zero fraud. Oregon, the pioneer in this area, has sent out more than 100 million ballots since 2000 and has documented only about a dozen cases of proven fraud. Rounded to the seventh decimal point, that is 0.0000001 percent of all votes cast.

To top it off, while those voters were standing in line in garbage bags and homemade masks in Wisconsin in the rain, the President was voting in the luxury of 1600 Pennsylvania Avenue with his own mail-in ballot that he obtained from Palm Beach, FL. That is what he did. Everyone should have that same right.

So what do we do in the midst of this pandemic? We need to make sure that no voter has to choose between their health and exercising their right to vote. That is why I am urging my colleagues to support legislation with Senator WYDEN that is now cosponsored by 36 other Senators, the National Disaster and Emergency Ballot Act, to help election officials meet this pandemic head-on.

What does it do? Well, it has the funding. I am so pleased that my colleague Senator BLUNT has said he is willing to work with us and work with me on that funding as we work to negotiate COVID-related provisions, I hope, in the next few weeks.

Our legislation does more. It starts with guaranteeing every American the option to vote by mail. Sixteen States

require voters to provide an excuse if they want to cast a ballot by mail. I will note that during a pandemic, 13 of these States are allowing all voters to cast a ballot by mail without needing to provide an excuse. They have done it because Governors have waived things, because legislatures have done their job. But it still remains with three States—three States still have those provisions in place. Why, during the midst of a national pandemic that isn't hitting just one State—it is not about just Vermont or Wisconsin or Hawaii; it is about every single State—why would we not at least have a floor requirement that people be able to vote without an excuse?

Why would some States still require a notary? Yes, that is in place. Six States have a provision that you either have to have a notary or two witnesses in order to get a mail-in ballot. Yes, some of these States have waived that. That is a good thing. But why wouldn't we just simply, since they all have not waived it, put in place some simple requirements that everyone knows will guarantee them their right to be able to obtain a ballot?

The bottom line is that it should be easy to vote and not hard to vote.

We are not alone in this fight. Our legislation has been endorsed by more than a dozen organizations, including the group founded by former First Lady Michelle Obama, When We All Vote; the Leadership Conference on Civil and Human Rights; the Lawyers' Committee on Civil Rights; Voto Latino; the National Urban League; and Common Cause.

I think the key here, though, as we head into—I know my friend is going to object to the legislation as is, but I think the key, as we move ahead the next few weeks, is for everyone to step back and talk to your secretaries of state and talk to your Governors. You are going to find that both Democratic and Republican Governors are saying: Look, we are already strapped for cash. We had no idea the pandemic was coming our way. We didn't plan ahead in our budgets last year. We need some help in our State to be able to mail in all the ballots so people will be able to vote.

At the very least, I hope that is what comes out of this.

Last, I will tell you, the American people are ahead of this body right now. Three polls released in the last couple of months show that an overwhelming majority of voters—over 80 percent—favor measures to make voting safe and easy in November by expanding early and mail-in voting. Seventy-four percent of voters want their Senators to support legislation to implement voting reform, including a majority of Republican voters in those States. That is across party lines. That is why I hope my colleagues will join us, and we can get this done.

So, Mr. President, as in legislative session, I ask unanimous consent that the Rules Committee be discharged

from further consideration of S. 4033, the National Disaster and Emergency Ballot Act of 2020, and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri.

Mr. BLUNT. Mr. President, reserving the right to object, I could make this really simple by just saying: Look at everything I said last week about this same bill, but I know that Senator KLOBUCHAR is here in good faith trying to be sure we call attention to this issue.

She and I are working together on the Joint Committee for the Presidential Inauguration that we formed just today. Six people were appointed to that bipartisan committee. I was pleased to have her nomination to be the chairman of that event again. We find ways to work together.

I think on this bill, there is really nothing simple about this bill. It is not a bill that just allows the other three States somehow to meet the standard that all but three States have now moved toward—not exactly as this bill would have them, but, as my friend just pointed out, 13 of the 16 States have changed their provisions, some just for this election. Some will look at it, and they will decide whether they did it exactly right or they need to further modify it. Others will make that maybe a permanent part of their process.

I am of the view that this is one of the things States and local governments really do well.

We will have a hearing next month—Senator KLOBUCHAR and I have worked together to talk about what that hearing will look like—where I hope we will have at least one local election official, some State election officials, and some people concerned about the civil rights aspects of voting. That hearing will also get into the challenges that States face and particularly the challenges that States and communities face if they try to change too much too quickly.

I think both Senator KLOBUCHAR and I were pleased to see Georgia, for instance, change their voting system to where they have a voting system—they were one of the handful of States that still had a voting system left that didn't have an audit trail—didn't have a paper audit trail. Well, they changed the system, but they changed it, and I don't know that they had many options. They had gotten behind on this issue, in my view. They changed it on primary election day. It was probably too big an election to try an entirely new system you are not used to, just like some of the changes in this bill. While I might not be for them, I can certainly argue, even if I were for them, this is not something you want

to try to change at this moment. Legislators have met; States have acted; and 13 of the 16 have changed their laws to accommodate the moment we are in. The three that haven't will have to be answerable for their decision not to do that.

Not only are we going to have a hearing to talk about this, Senator KLOBUCHAR and I have talked about funding on these issues for some time. As she pointed out, we put in over \$800 million and made it available to the States. I will also point out that a lot of that money is still not spent. But I am prepared not only to look at more money for the States to use as they see fit for elections this year but also to even consider whatever kind of matching requirement we have to see if that matching requirement is reasonable.

We continue to work toward an election that produces a result that people have confidence in and is done in a way that everybody that wants to vote gets to vote. I continue to feel strongly, and let me, once again, quote President Obama that the diversity of our system is really one of the strengths of the system.

For months, Democrats had legislation very similar to this to federalize the election system because we needed more ballot security. Now we have elections, but the new reason is, well, we have a pandemic. But the goal appears to be always the same—to federalize the election process.

That would have meant that in Nashville, when they had a tornado, hours before the polls were to open on Super Tuesday, the local officials wouldn't have had nearly the flexibility they had to immediately change polling locations, put out the notice they thought was appropriate, and extend voting hours. Nobody in Washington, DC, had to give permission for commonsense decisions that apparently everybody in Tennessee thought were the best things to do.

So, with great appreciation for my friend's dedication to this issue, with certainly a willingness to be sure that money is not an obstacle in States being able to have successful elections this year in areas where we can help—now, we are going to look at what we can do to help financially within the matrix of the elections that a State and local communities in that State have determined should be their election structure. In most cases, it is an election structure that has served them well in the past, that people fully understand, but, still, the need to accommodate the health needs of people who normally were election workers or people who have a great record of being voters or people who are voting for the first time will be part of what we need to discuss. We can do that without a Federal takeover of the election system. With that, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank Chairman BLUNT for his leader-

ship on the Rules Committee and on the inauguration. We have a big group and are working together well on that. I look forward to our hearing.

We, obviously, don't agree about this legislation, but I truly appreciate the olive branch and his willingness to talk about funding at this critical time for our States and our democracy. I look forward to doing that with my many colleagues in the next few weeks.

Now I would like to turn this over to one of our great leaders, my colleague from Illinois, Senator DURBIN.

Mr. DURBIN. Thank you, Senator KLOBUCHAR. No one should have to risk their life to cast a vote. That is why it is so important to have safe opportunities to allow Americans to participate in a democracy and to fulfill their right in November.

Thankfully, in Illinois, Gov. J.B. Pritzker recently signed legislation expanding safe voting opportunities for all Illinois voters. Under the new law, about 5 million voters with active registrations will automatically receive an application to vote by mail for the 2020 election.

Voting by mail and voting safely at home is a necessary option in the midst of a global pandemic that has already killed more than 126,000 Americans and a total of more than half a million around the world. Despite the deceptive and sometimes deceitful narrative being pushed by some, voting by mail is a secure option.

As the Brennan Center for Justice explained in a recent analysis, "Since [the year] 2000 more than 250 million votes have been cast through mailed-out ballots, in all 50 States, according to the Vote at Home Institute. . . . Despite this dramatic increase in mail voting over time, fraud rates remain infinitesimally small."

However, some voters still prefer to vote in person. That is why it is important that States offer that option, with safety procedures to protect them. Under the new law in our State, Illinoisans can vote in person if they wish. They can vote early as well. To protect voters and poll workers, the law requires all election authorities to comply with guidance from the Illinois Department of Public Health on early voting. Election authorities in Illinois also may establish curbside voting options. Election day will be designated a State holiday in 2020 to ensure more safe polling places will be available.

Why is it so hard for those who are legally entitled to vote in America—what does it say about a democracy when the key to that democracy of voting by those legally entitled is such a burden and hardship?

These upgrades I have talked about are expensive. That is why the Federal Government needs to help. The CARES Act took a first step. I thank Senator KLOBUCHAR for her role in including provisions that provided \$400 million to help States prepare for the 2020 election cycle. Illinois received about \$14 million. Another \$3.6 billion is needed

in the next package to help all States increase the ability to vote by mail, expand early voting and online registration, and increase the safety of voting in person. The President of the United States votes by mail. What does that tell us? Is he participating in a questionable political procedure? I don't think so.

The House-passed Heroes Act, a few weeks ago, included that money, and I am committed to working with my colleagues to ensure those critical funds are included in any COVID-19 relief package that we may consider.

I am also proud to sponsor Senator KLOBUCHAR's Natural Disaster and Emergency Ballot Act, which would also provide necessary funding and safeguards to protect voters. I was disappointed to see my Republican friends block this important legislation on the floor this afternoon. In the middle of this global health crisis, Americans need to know what the Federal Government is doing, and they need to know that we are doing everything we can to ensure that voters will be able to have their voices heard at the ballot box in November.

If you start with the premise that both political parties don't want anyone who is unentitled or cannot legally cast a vote to do so, you have to ask the basic question, Why does one major political party look for ways to delay, limit, and put hardships on voters and the other believes that an expanded electorate reflects America? It should be encouraged.

Federal funding and guidance is clearly needed. Look at the chaos we have seen in the last few weeks. Is this America when, in Georgia, voters waited more than 6 hours to cast a ballot due to long lines and voting machine failures? Is this America in the State of Wisconsin when thousands of voters didn't receive their requested absentee ballots, leading voters to decide between casting a ballot and protecting their health? Last month, a State official said that 71 people—71—people were exposed and infected by COVID-19 after voting in person and working at the polls in Wisconsin during the primary election. In Kentucky, we saw images of voters banging on the windows of Louisville's only polling location when the doors were locked after traffic at the site prevented a significant number from being able to get in line in time.

These situations are appalling, unacceptable, and downright embarrassing in a democracy. It is time for us to come together and protect the fundamental right to vote, as well as the health and safety of all eligible Americans who seek to exercise it.

I yield the floor.

Ms. KLOBUCHAR. Mr. President, I thank my colleague from Illinois. Next, we will hear from Senator WARNER, who is the ranking member of the Intelligence Committee and a leader in taking on election interference from Russia and other foreign adversaries.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank, first of all, as I see him leave the floor, the Senator from Illinois, for his very strong statement. I am going to echo a lot of the same things. I thank him for his continued leadership. And, of course, I know we are going to hear from Senator COONS shortly and Senator BLUMENTHAL, but a lot of the efforts go to Senator KLOBUCHAR with her leadership on the Senate Rules Committee.

These issues around election security go back to the first bipartisan effort immediately after 2016, the Honest Ads Act. It is unfortunate that we are now heading into the election—126 days, I believe, left—and this body has still not voted on a single stand-alone election bill, even though we have seen the Russian interference of 2016 and even though we know that Russia and other countries are back. I think history will judge those who prevented those votes from happening if we see the kind of potential disruption this fall that we saw in 2016.

Today, I am here to join Senator KLOBUCHAR and Senator BLUMENTHAL, as well, to make sure that everybody has the right to vote in November and that they are able to do it in a safe and secure way. As Senator DURBIN said, from Wisconsin to Georgia, to Kentucky, we are seeing a dangerous trend where too many voters are having to choose between their safety and their right to vote. My fear is that as we head into November without a plan and without a strategy for protecting the right to vote and ensuring equal access to the ballot box, we could see levels of voter suppression not seen since the Jim Crow era.

Now, we all know we have enormous challenges with COVID-19, and we have to make sure that our polling places don't become vectors for spreading the virus. The way we do that is not by restricting access to the ballot box, not in the United States of America. That is not how the world's greatest democracy should meet this challenge.

If we are going to preserve the integrity of our elections and the trust of the American people, it is essential that States and the Federal Government adapt to the challenges of this pandemic and actually expand access to the ballot box. In short, we need to make it easier and safer for Americans to exercise their right to vote.

The good news is, we don't have to reinvent the wheel. A number of States—red States, blue States, purple States—have adopted a range of convenient voting procedures that work quite well. Some of these procedures including ample early voting opportunities and no-excuse absentee ballots, all of which reduce the risk but also make sure we continue to be able to increase access.

In my home State of Virginia, due to recent legislative changes, we have curbside voting for seniors and people

with disabilities, and we have expanded the no-excuse absentee ballot. Unfortunately, despite all these effective and secure tools at our disposal, we have also seen States implement restrictions in the name of safety that have disenfranchised far too many Americans.

In Wisconsin's April primary, for example, Milwaukee reduced its number of polling places from 180 to just 5. We saw similar moves recently in Georgia and Kentucky. We know whom those restrictions disenfranchise. It is the poor; it is the elderly; it is workers just getting off their shift; and, disproportionately, it is Black and Latino voters who face the brunt of these restrictions. The truth is, this is not right. I think we all know that.

We have a moral obligation to make sure our tools to counter COVID-19 are not used to intimidate and suppress voters. Just last week, Senator KLOBUCHAR and I sent letters raising the warning that bad actors could use testing, immunity, and protective equipment as a pretense to turn away voters or increase the difficulty of reaching the ballot box on election day.

Ideally, our election officials could come together around a national strategy of preparing every polling place and precinct for administering our elections during a pandemic.

Unfortunately, there are those, including the President, who have tried to politicize this issue. In fact, we have seen the President spreading utter misinformation about mail-in voting.

The President seems to have forgotten that he has voted by mail in not simply the last election but in the last three elections. What he fundamentally fails to understand is that the right to vote belongs to the voters, not to the politicians. It is our job to make sure that Americans can exercise their rights in a way that is safe and secure.

That is why Congress must rise to the occasion and ensure Americans can vote safely and securely. The time is now to start serious preparations on contingencies to protect our elections from both the pandemic and those who take advantage of it.

I am a sponsor of the bill that Senator KLOBUCHAR has tried to UC tonight, and I am disappointed that it was blocked from passing, but I look forward to continuing to work with her and all of my other colleagues to make sure we get this job done.

I yield the floor.

The PRESIDING OFFICER (Mr. CASIDY). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, two other colleagues are here in support of this bill: Senator BLUMENTHAL from the State of Connecticut, who is such a leader when it comes to civil rights and is a member of the Judiciary Committee; and Senator COONS, who is actually one of the leaders of the subcommittee that helped to finance the last expenditure for elections during the pandemic and is working with us, through his role on the Appropriations

Committee, to help the States get the money that they need.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am so honored and proud to join my colleague from Minnesota, who has been such a champion on this issue in all kinds of constitutional weather. She has been a leader for all seasons on this issue, tireless and steadfast in her advocacy. And my colleagues who are here today with us are strong allies and partners, and I am really proud and honored to join them today.

The name of this act is the Natural Disaster and Emergency Ballot Act. We are in a disaster for our democracy if we do not act, if we fail to take the initiative within days, literally, to protect the ballot.

You know, sometimes I think about voters in other countries who literally brave death to vote. In one or more countries their hands are marked so that they can be identified as having voted, but also, they could be identified by opponents of those rights and potentially punished for voting.

Here in this country, there are no such obstacles in the way of physical harm, until now. Now we face the threat of an epidemic which can deter people from coming to the polls, but it has simply added to an ongoing threat from suppression that has existed for years and years and years in some parts of the country.

We need to do everything now to protect voters. It is a shared responsibility—Federal and State. In the Federal Government, we know that this right is in peril. Look at what has happened in Wisconsin and in Georgia: the lines, the closed ballot places, the other kinds of confusion and deterrence that have been created.

In Kentucky's recent primary, fewer than 200 polling places were open instead of the 3,700 usually there in a typical election year. That is unacceptable. But that State is hardly alone, and we will see that pattern repeated unless we act soon.

In the last decade, 25 States—literally, 25 States—have enacted new voting restrictions, including strict photo ID requirements, cutting back on the availability of early voting, and registration restrictions. These constraints should be of paramount concern.

The Supreme Court has gutted the Voting Rights Act, allowing States with long histories of voting discrimination to make it harder for voters of color to cast ballots. Coronavirus has added an additional layer of voter suppression, which will further result in mass disenfranchisement.

A secure and resilient electoral process is critical to our national interest. It should be a matter of pride to all of us, and we should all be ashamed and embarrassed that a free, fair, safe, secure, and accessible process may be made impossible either by health threats or suppression threats.

States should allow no-excuse, mail-in, absentee voting, expand voting periods, and improve the safety of in-person voting. The money that is necessary to assure free, fair, accessible balloting—that \$3.6 billion—ought to be a matter of bipartisan acceptance.

Connecticut is known as the Constitution State, but Connecticut has work to do, and its State legislature will, in fact, do that work—hopefully, this month, in July—by expanding mail-in balloting. Those kinds of changes in State law may be necessary across the country, but here we can make it possible, on our watch, to assure that obstacles to fair and full voting are removed.

We simply can't continue to be unprepared. The fight for voting rights remains more critical than ever before. It is a matter of integrity and credibility for our democracy. As we look around the world, we should be leading by example, not by suppression and obstacle.

We need solutions now to protect Americans' health, but the health of our democracy depends on this measure.

I am proud to join my colleagues. I urge that we have bipartisan support for it and that it be expanded.

I yield the floor to my colleague from Delaware, who has been, also, a great advocate in this cause.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I want to thank my colleagues from Connecticut, from Virginia, and in particular my colleague from Minnesota, who has done such a great job—not just today but as the ranking member of the Rules Committee—in fighting for expanding the right to vote in the context of this pandemic.

My colleague from Minnesota has stood to ask for unanimous consent for the enactment of the Natural Disaster and Emergency Ballot Act, which is a broad and bold framework to ensure access to the ballot in every State in the United States in the midst of this ongoing pandemic.

We are just 4 months from the election—126 days to be exact—and as day after day the number of infections has risen, it is clear that this pandemic is far from over. So far, 125,000 Americans have died and 2.5 million have been infected. It is completely reasonable for millions of Americans who are senior citizens, who have preexisting conditions, and who have particular vulnerabilities to be concerned about the risk they might take if they go to a polling place to vote.

Today is primary day in Colorado, in Oklahoma, and in Utah, and we have seen in primary days just passed in Kentucky, in Georgia, and in Wisconsin, example after example where the State officials involved did not have the resources to hold elections where everyone could safely participate in a pandemic and hadn't worked out the plans.

In Georgia, a State long known for voter suppression efforts over decades past, voters waited in line for hours and hours. I was inspired by their passion, their persistence to exercise their right to vote, and concerned, disheartened—even angered—by the fact that no preparations were made sufficient to meet the moment.

In Wisconsin, dozens—more than 50—voters and poll workers tested positive for COVID-19 after exercising their right to vote, one of the most fundamental rights in our democracy.

Across the country we have heard from election officials who have struggled with the infrastructure that is ill-equipped to handle this pandemic.

So, as my colleagues have already said, we should come together to advance this legislation, legislation I introduced with the Senator from Minnesota and the Senator from Oregon, which is a series of commonsense solutions to this obvious challenge.

It would expand early, in-person voting; no-excuse, absentee vote-by-mail; and reimburse States for the additional costs involved in administering an election during a pandemic. It would ensure American voters aren't faced with that untenable choice: risk their health to vote in person or stay home and not vote at all.

Today is June 30. It is also the last day of the Delaware General Assembly, and like several other States, Delaware has passed legislation to provide for no-fault absentee voting in this pandemic, but they lack the resources to fully deliver on this solution.

That is why, in the Appropriations subcommittee where I am the most senior Democrat, I have fought alongside my Democratic colleagues to advocate for money in this next COVID relief package—\$3.6 billion—which is what experts across the country say States need for printing ballots, for postage, for new high-speed scanners, for secure drop boxes, for personal protective equipment, and so much more.

I appreciate that the Senator from Missouri who came to the floor to object did say that he would support additional funding, and I look forward to working with my colleague from Minnesota to help ensure that that is actually secured, but we have to do more than just provide financial resources.

We have to provide this bill. We have to provide the legal framework. We have to provide a clear and confident path forward to voting.

Let me close by reminding everyone in this Chamber that voting by mail, voting absentee under exigent circumstances, is nothing new. Our troops back in the Civil War voted by mail so that they could continue to participate in free and fair elections even as they were fighting for the very existence of this Republic.

In every election, hundreds of thousands of American troops, diplomats, and development professionals safely and securely cast their votes from



around the world—election after election. There is no reason we can't do that now.

So let me close by thanking my wonderful colleague from the State of Minnesota, who has been such a passionate, effective, and engaged advocate on this issue.

I call on my Republican colleagues. Let's step up. Let's get this done. Let's ensure that the American people can safely exercise their right to vote this November.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from Delaware for all the work he has done and his focus on what is going to be right in front of us, and that is additional help to States both with their needs—their medical needs and other economic needs—but also their democracy needs coming out of this pandemic.

When Hawaii was hit at Pearl Harbor, we did not expect Hawaii to defend itself. When this pandemic hits, it doesn't just hit one State. It hits our entire country. That is why we argue for Federal Government involvement.

With us—last but not least—is the other lead on this bill, and that is Senator RON WYDEN, who has been a longtime advocate, based in the forward-thinking State from which he comes, the State of Oregon, on vote-by-mail.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank you. I thank Senator KLOBUCHAR. I thank Senator COONS, an absolutely invaluable member of this alliance, ensuring that we are going to be able to get the resources for this.

My mother would say, if she looked around, "Dear, you're running with the right crowd." It is a pleasure to be able to team up with both of you.

I want to put this in some kind of context to begin because my colleagues have all done such a good job. I also got a chance to listen to the Senator from Virginia, Senator WARNER. He and I serve on the Intelligence Committee. I can't get into classified information, but certainly we are very much aware of some of the challenges to protecting the integrity of the votes of our citizens from a national security standpoint.

I just want to start with a kind of basic, commonsense proposition. When you do something like making sure, in 2020, that citizens don't have to have a notary to vote, what you are doing is just common sense, and that is what expanded in-person voting is all about. That is what you do when you support voters with disabilities. That is what you do when you make it easier for communities where there are people of modest income, communities of color, to vote.

It has been a pleasure to be able to work with Senator KLOBUCHAR in particular, who is passionately committed to adding those kinds of priorities.

I would only say that when you add these kinds of commonsense steps to

enhance the ability of Americans to vote safely, only Donald Trump and Majority Leader MCCONNELL could call it a liberal conspiracy. This is just basic common sense in government 101.

I am particularly concerned because all of us know what is coming. In other words, we have been out here talking about these priorities now for months. We saw it in Wisconsin. We saw it in Georgia. We now know what is coming. If anything, we get additional news every day about what the challenge is.

I don't know whether anybody has touched on it this afternoon, but just today, Dr. Tony Fauci said he would not be surprised to soon see 100,000 new coronavirus cases a day.

The Presiding Officer of the Senate is a physician, and he knows this well. He comes from a State that has faced a lot of challenges. Who are the people who are most vulnerable? It is seniors. It is people who are over the age of 60.

What I would say to my colleagues is, when I introduced the first bill to vote by mail—and that was a full 20 years ago—to give everybody in America the chance to vote the Oregon way—they wouldn't have to vote the Oregon way, but they would all have a chance to vote by mail, a ballot. We knew that this would be a big breakthrough in terms of our special system of government. Our military has always looked to innovative ways to make sure that our courageous men and women in uniform would have a chance to be counted in every election. We knew 20 years ago that vote-by-mail would be an important innovation because we had been doing it for years and years in Oregon.

All the arguments that have been thrown out recently—these arguments about fraud—our late secretary of state, Dennis Richardson, who was very conservative, before he passed—he passed shortly after Donald Trump took office—he wrote the President, Donald Trump, and said: This fraud issue is nonexistent in Oregon. Every election, there are virtually no instances, but a lot of people believe they got a chance to be counted, and they got a chance to do it in a way that was convenient for them.

There are a lot of challenges, certainly, today with the coronavirus. What we do with vote-by-mail, as my colleagues have been talking about, is we need to make it easier to empower voters to vote the way they would like to be able to vote—safely and at home.

Right now, voters are worried about infection. Sixty-six percent recently said they were concerned about going to polling places—and for good reason.

We just had our primary in Oregon, and nobody had to worry about infection in the State of Oregon. We voted safely in the middle of a pandemic—no long lines, no interactions with older people and multiple poll workers, often putting several people at risk of the coronavirus, not just one person. Yes, if you have the possibility of touching a machine used by hundreds of people,

there is certainly reason to be worried. Since 66 percent of poll workers are over the age of 60, many of them are staying home to avoid getting sick.

I think my colleagues on the other side of the Chamber know at least some of what I have said this afternoon. I believe they know what is coming this fall because we have already seen a kind of snapshot of it over the last couple of months in terms of the challenge of voting during the era of the coronavirus.

In 2016, we saw what happened when a foreign power tried to interfere with our election. The concerns of 2016 are now magnified in 2020. I put forward the Resilient Elections During Quarantines and Natural Disasters Act, and I would like to think we have been trying to get the facts out to Senators on both sides of the aisle for years now.

It was a pleasure to team up with Senator KLOBUCHAR on the Natural Disaster and Emergency Ballot Act and with Senator COONS, as he was our point person in securing the funds that are a prerequisite to doing this job right. In other words, you have to have funds, and you have to have the reforms.

We don't really think that it is a revolutionary proposition that what you ought to do is everything possible to make sure that every eligible American can vote safely in a pandemic.

Nobody I know in this Chamber is offering the proposition that the Federal Government should just run elections. What we are trying to do is give States and local governments clear guidance about the best way to keep elections running during the pandemic and the resources in order to use that guidance, as Senator KLOBUCHAR and I have talked about—two sides of the same coin—not running the election but giving good facts and clear guidance about how to prevent the pandemic and the dollars to make it possible to carry it out.

If a million members of the military, five U.S. States, and tens of millions of Americans across the country can vote by mail every election, then every voter ought to be able to vote by mail.

It is now online, and I hope my colleagues will look at the wonderful discussions "60 Minutes" had about vote-by-mail in Oregon just a couple of days ago with our secretary of state, Bev Clarno. She, too, is a Republican. There are real bipartisan roots on this.

I am the first U.S. Senator ever to be elected by mail. I am a Democrat. The second U.S. Senator to be elected by mail, our former colleague Gordon Smith, was a Republican. You see Democrats, and you see Republicans. You watch "60 Minutes." You hear from our secretary of state, who is a longtime Republican. You heard what I had to say about the late Dennis Richardson, who I would venture to say was just about as conservative as any Member of the Republican caucus. We are going to keep doing everything we can to get the facts out and make sure that



people understand these arguments about, for example, fraud. We have to say, so people really see how strongly we feel about it.

A few years ago, a poll worker tampered with two ballots. We put that person in jail for 90 days and fined him \$13,000, and they were barred from ever working in an election again. That is the way to show you are serious about making sure you are sending a strong message about the integrity of every person's vote, addressing the safety questions, and avoiding the proliferation of insecure, overpriced electronic election equipment—something that the voting machine lobby has been pedaling for years and years. Those, again, are not partisan kinds of positions; they are just plain common sense.

I realize that Donald Trump and MITCH MCCONNELL are going to keep doing everything they can to block vote-by-mail on legislation, but I believe that when we really get into negotiating the nuts and bolts of the coronavirus package in the Senate when we come back, I believe, particularly because Senators are going to be home, they are going to hear from voters, and voters are going to say: Don't put our health at risk. Give us the ability to vote in a safe way.

That is what we have tried to do.

I will just say to my colleagues, there really is no plan B. The choice is either vote by mail or through the expanded options that we are offering in our bill, or huge numbers of Americans will not be able to vote at all.

We are better than this, and it is time for Senators to look again.

As I said, there is no plan B here, colleagues. The choice is to take advantage of our options for citizens to be able to vote safely, or huge numbers of Americans will not be able to vote at all.

I think, to close for our side, the lead sponsor, the senior Democrat in the Rules Committee, may have something else to say. As a Senator who has worked on this, as I say, for two full decades, I knew that we were going to face challenges along the way. Back when we started, it was kind of a debate among political scientists. Now it is fundamentally a question of keeping our citizens safe as they exercise the franchise. I think it is very fitting that Senator KLOBUCHAR close for our side.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I want to thank Senator WYDEN for his longtime leadership on this issue. I want to thank all of my colleagues. I want to actually thank Mr. BLUNT, who did object to our bill but is willing to work with us on the funding.

As I said, to sum up, we would rather put ballots in the envelopes than voters in the hospital. It is that simple.

NOMINATION OF MAJOR GENERAL JON JENSEN

Mr. President, I appreciate the kindness of my colleague from the great State of Nebraska.

I am going to briefly address one matter, and that is to express my sup-

port for the nomination of MG Jon Jensen of Minnesota to become the Director of the Army National Guard.

Major General Jensen has served in the Army National Guard for more than three decades. He currently serves as an adjunct general of the Minnesota National Guard—a position he has held since November of 2017. As adjunct general, Major General Jensen oversees more than 13,000 soldiers and air men and women in Minnesota.

His record of service and extensive experience in Minnesota and across the world makes him an excellent choice to lead the men and women of the Army National Guard across the country.

We are grateful for Major General Jensen's leadership and service and proud to see a fellow Minnesotan nominated to become the Director of the Army National Guard. I urge my colleagues to join me in supporting his confirmation.

Major General Jensen has led the Minnesota National Guard in unprecedented times, including in the State's response to the coronavirus pandemic. In recent months, our Guard members, as they have in so many States, have provided planning and logistics support and transportation assistance, while also helping to conduct coronavirus tests.

Under Major General Jensen's leadership, the Minnesota National Guard has been critical in our response to natural disasters, including flooding in our State that caused significant challenges for so many farmers in Minnesota during last year's harvest.

In addition to his work in our State, the major general has been a national leader in working with the National Guard in other States to expand partnerships with the Federal Government.

He began his military career in 1982 as an enlisted combat medic, and in August 1989, was commissioned as a second lieutenant in the U.S. Army.

He continued his training in Georgia, and his career eventually took him to assignments in Georgia, Kansas, and Iowa. But then he had major assignments in Italy and Bosnia, Herzegovina, Iraq, and in Kuwait.

His outstanding service is demonstrated by the list of decorations and awards he has earned over his career, including the Legion of Merit, Bronze Star, Meritorious Service Medal, and Army Commendation Medal.

In addition to serving as adjutant general, Major General Jensen has held numerous leadership positions within the Guard, including as commander of the 34th Infantry Division, director of Joint Staff, and assistant adjutant general.

I had the honor of attending the change of command ceremony where he became adjutant general of our Guard. Now I hope to have the honor of seeing him confirmed to help lead the brave citizen soldiers of the Army National Guard nationwide.

I have no doubt that our Nation will benefit from his leadership and from

his decades of experience and his commitment to guardsmen and their families, including supporting families through multiple deployments, as well as in my State.

I think we know that dual role of the National Guard has been tested so much in recent decades, including their work, basically, fighting on the front-line over the last decade and then their work here at home through many natural disasters, as well as the current pandemic.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

S. 4049

Mrs. FISCHER. Mr. President, I rise today to speak in support of the defense authorization bill for fiscal year 2021.

I want to start off by thanking the chairman and ranking member of the Senate Armed Services Committee. I am grateful for their hard work, their leadership in crafting this bill, conducting a productive markup, and managing the floor process. We came together on this committee during these difficult times, and we passed a strong bipartisan bill, one that supports our servicemembers and provides for the defense of this Nation.

I have said it many times before: Our warfighters are our greatest asset. The brave men and women who serve deserve our utmost respect, support, and gratitude.

This year's bill authorizes a 3-percent pay raise for all members of the uniformed service. It reauthorizes over 30 types of bonuses and special pays and increases incentive pay for healthcare professionals.

The bill also prioritizes support for military families through childcare and spouse employment opportunities. We need to ensure that our warfighters can stay focused on executing their mission and maintaining readiness. This is only possible if they know their families, especially their spouses and children, are taken care of.

As countries like Russia and China rapidly modernize, we face a growing need for intelligence, surveillance, and reconnaissance capabilities despite having a limited fleet of resources.

Over and over again, I have heard from combatant commanders who reiterate the need for ISR. They also note the significant shortfall in supply versus a demand the Department of Defense has called "insatiable." This is a problem I know well, as I am proud to have the honor of representing the Air Force's 55th Wing, the No. 1 provider of large fixed-wing ISR in the Nation.

To continue enhancing the capabilities of the 55th Wing, this bill would authorize nearly \$200 million in funding for the continued modernization and upgrading of the RC-135 aircraft. This bill ensures that the platform remains a capable part of the Air Force's ISR system for decades to come. The RC-135 is a core component at the Air Force's ISR system and will be for the foreseeable future.

But as we enter newly contested environments, we need to think creatively about integrating platforms like the RC-135 into new ISR networks. I included language in this year's NDAA that would require an assessment of the overall ISR's shortfall based on combatant commander demand, with details about the planned integration of the RC-135 aircraft into next-generation networks like ABMS.

This provision would task the Department of Defense with exploring the conversion of retiring KC-135 aircraft into the highly sought after RC-135 to grow that ISR capability.

Unfortunately, we also face a broader issue with the size and the age of our Nation's Air Force, which is why I included language encouraging growth to meet the Air Force We Need target of 386 operational squadrons.

Offutt Air Force Base in Nebraska Houses the Air Force's fleet of E-4B aircraft, which serves as the National Airborne Operations Center and plays a key role in our nuclear command, control, and communications architecture. The NAOC provides a highly survivable platform from which to direct U.S. forces, execute emergency war orders, and coordinate actions by civil authorities.

The E-4B fleet, which first entered service in 1974, is aging rapidly and sustainment efforts have grown increasingly difficult and costly. The path forward for recapitalizing this vital strategic capability remains unclear. So I included language in this bill that would encourage the swift recapitalization of this important capability.

Nebraska is also the proud home of the world-class University of Nebraska Medical Center, which is among the Nation's leading specialized medical care and biocontainment units. This made UNMC the logical choice to be the first U.S. location to receive the COVID-19 patients for quarantine and testing. The first clinical trial of a drug to combat coronavirus was conducted there as well.

COVID-19 has placed an exceptional strain on the Nation's healthcare infrastructure, and we need to address our limited capacity to respond to major events. For that reason, I championed language in the NDAA that would authorize \$5 million to implement a pilot program on civilian and military partnerships to enhance the interoperability and medical surge capacity of the National Disaster Medical System. This program would improve future Federal responses to pandemics and to other threats while giving institutions with an established expertise in these areas, like UNMC, an opportunity to participate.

Additionally, the Senate NDAA bill makes targeted investments to begin addressing the disruptions caused by the COVID-19 pandemic, including \$46 million for coronavirus vaccine research and production, and the bill encourages faster adoption of telehealth services.

We are all aware of the increasing effort by China and Russia to expand their influence, which has underscored the need to work with our partners and allies around the world. Engagement, development, training, and education with partner military forces is crucial to successfully strengthening alliances and attracting new partners, and it is important that we cement new ties in places where we have a lighter presence.

The State Partnership Program, a Department of Defense program that encourages cooperation between National Guard units and partner militaries, is an excellent example of this. To encourage its continued development, I included language in this year's NDAA highlighting the SPP's success in cultivating positive relationships with partner forces.

Nebraska has two such partnerships: a shared one with the Czech Republic and a newly penned partnership with Rwanda.

This mil-to-mil training program allows National Guard units to conduct exercises and education with developing nations, cultivating partnerships that are vital to our success around the world. I also serve as chair of the Strategic Forces Subcommittee, which oversees the Department's nuclear forces and the U.S. Strategic Command, or STRATCOM, which is located in my State of Nebraska.

It also has jurisdiction over national security space and missile defense programs, as well as the Department of Energy's defense activities.

Across the subcommittee's jurisdiction, we reduced funding for underperforming programs in order to better support the priorities of our war fighters.

For example, my subcommittee authorized an additional \$76.8 million to begin development of a land-based missile defense capability for Guam. Not only is this a top priority for the INDOPACOM commander, but it is the single largest new activity undertaken as part of the Pacific Deterrence Initiative.

The subcommittee also authorized an increase of \$120 million in order to accelerate the development of the space-based Hypersonic and Ballistic Tracking Space Sensor at the Missile Defense Agency. Despite repeated testimony from DOD witnesses about the significance of this program, year after year, budget requests fail to fully fund it. While I am proud of the subcommittee's work to keep this program moving forward, I hope that next year the Department will take the initiative and fully fund this essential program.

To meet additional missile defense priorities, this bill also provides \$128 million to increase procurement of SM-3 IIA missiles and an additional \$162 million to continue the development of the Homeland Defense Radar-Hawaii, a key unfunded priority of the INDOPACOM commander.

The bill also authorizes an increase of \$319.6 million to procure an eighth

THAAD battery. As threats continue to increase, the need for THAAD's unique defense capabilities continues to grow.

Most importantly, this year's bill authorizes full funding for the continued modernization of our nuclear deterrent. This includes critical programs such as the Ground Based Strategic Deterrent, which will replace our aging ballistic missile force, and the next-generation nuclear cruise missile, the long range standoff weapon.

It also invests heavily in the modernization of the National Nuclear Security Administration's nuclear complex, a third of which dates to the Manhattan Project and early Cold War era.

I would like to take a moment to remind my colleagues of why maintaining our modernization schedule is so very important. While still effective, our nuclear deterrent is aging. Every leg of our nuclear triad has been extended far beyond its originally planned service life, and we have reached a point where further life extensions are simply not possible. These systems must be replaced.

To this end, the previous administration began the development of a number of programs to recapitalize our nuclear deterrent, including a new ICBM, a new submarine, and a new bomber. Yet these replacements are expected to be delivered just as the current systems are aging out, and as many STRATCOM Commanders have testified, there is no margin for error in this schedule.

Take, for example, the *Ohio*-class submarines. Through life extensions, the submarines will be in service for 42 years—longer than any other submarine in our Navy's history. As the current STRATCOM Commander, ADM Charles Richard, who is a submariner by trade, eloquently explained during his confirmation hearing that it is simply not possible to keep them in service any longer.

However, as a result of previous decisions to delay the development of the *Ohio*'s replacement, these submarines will be retiring before the next generation—the *Columbia* class—is ready for service. Let me say that again. The submarines that form one-third of our nuclear triad will begin retiring before their replacements are ready.

STRATCOM believes it can mitigate the risks associated with that schedule, but this reflects the high level of risk that has already been accepted in our planning. It also explains exactly why officials in both the Trump and the Obama administrations have repeatedly emphasized that there is no margin for additional delay.

Admiral Richard testified earlier this year: "I cannot overemphasize the need to modernize our nuclear forces and recapitalize the supporting infrastructure to ensure we can maintain this deterrent in the future."

This is why fully funding these programs and maintaining our current modernization schedule is so important. We must continue preparing to

meet and defeat the adversaries of tomorrow.

In closing, I again stress that the Senate's NDAA bill gives our men and women in uniform the resources they need. More than this, it provides for their and their families' futures through much needed pay raises, employment opportunities, and other programs. This bill is good for the nuclear and strategic forces that protect our country. This bill is good for our Nation. This bill is the product of bipartisan consensus. Nearly all of my Republican and Democratic colleagues on the Committee on Armed Services voted for it.

Let's provide for the defense of our Nation and the men and women of our Armed Forces by voting for the bill. I ask my colleagues to join me in supporting its swift passage.

I yield the floor.

The PRESIDING OFFICER (Ms. MCSALLY). The Senator from Utah.

JUNE MEDICAL SERVICES V. RUSSO

Mr. LEE. Madam President, I come to the floor wanting to discuss a case called June Medical Services v. Russo. This was a decision announced by the Supreme Court of the United States yesterday.

This is a decision that hasn't gotten as much attention as many cases that go before the Supreme Court. It is, nonetheless, a significant decision, and it is a decision that, I believe, is deeply flawed and betrays many of the legal and constitutional principles that the Supreme Court of the United States purports to apply and is supposed to be bound by as it decides cases and controversies properly brought before its jurisdiction.

The June Medical Services case involved the constitutionality of a statute enacted by the Louisiana Legislature, known as Act 620. The legislation in question required any doctor performing abortions within Louisiana to hold active admitting privileges at a hospital within 30 miles of the location of the abortion clinic in question. The Act then defined what it meant to have acting admitting privileges, and it did so in terms of a reference to the ability to admit a patient and to provide diagnostic and surgical services to such patient. It is understandable why the State of Louisiana or any State might want to consider adopting such legislation.

I want to be very clear at the outset that this case did not involve any legislation prohibiting abortion. In fact, there is nothing about Act 620 that made abortions illegal in Louisiana nor is there anything about Act 620 that would have made it practically impossible or really difficult for people to obtain an abortion. That is not what it did. It simply acknowledged the fact that an abortion is a type of surgical medical procedure and, in taking into account the fact that it is a medical procedure, is sometimes fraught with medical peril that can sometimes result in people getting hurt and people

having to go to the hospital and that it might be helpful in those circumstances to have the person who performed the procedure have admitting privileges at a hospital within 30 miles of the abortion clinic.

The constitutionality of the law was challenged in a lawsuit brought by five abortion clinics and four abortion providers in Louisiana. Now, they challenged the law in Federal district court, and they did so before the act even took effect, arguing that it was unconstitutional because it imposed an undue burden on their patients' right to obtain abortions. The abortion clinics and the medical providers at issue—the doctors and the clinics that challenged it—were quite significantly not arguing that these were their own constitutional rights that were being impaired. They were, instead, arguing that they had standing, that they had the ability to stand in the shoes of those who were among their patients, those whom they served.

So I would like to talk about three critical features of this decision and why I think the decision was wrong in all three respects.

First, let's talk about this standing issue that I alluded to just a moment ago. The concept of standing is rooted in article III of the Constitution. Article III is the part of the Constitution that establishes the judicial branch and sets up the Supreme Court and such inferior courts as Congress might choose to create. Significantly, neither article III nor any other provision of the Constitution gives the courts the authority to make law, to decide policy, or even, for that matter, to announce what the law is or says or should say at any moment unless, of course, there is a case or a controversy before the court.

What that means is that a court cannot issue an advisory opinion. In our Federal court system, the courts have the power to decide actual conflicts, disputes, cases, or controversies between one or more parties who happen to disagree as to the meaning of a particular provision of Federal statutory or constitutional law. Without that type of case or controversy, the court lacks jurisdiction. So, even though this isn't a concept that nonlawyers employ in day-to-day conversation, it is something that lawyers in America and judges, particularly Federal judges and lawyers who practice before Federal courts, are familiar with.

The concept of standing acknowledges that, with very few exceptions not relevant in this context, a party may not sue on behalf of or in order to address an injury sustained by a third party. In order to have standing in Federal court, you have to have an injury in fact—that is concrete and particularized, that is sustained by the plaintiff, that is fairly traceable to the conduct of the defendant—and the conduct at issue must be capable of being remedied by a judicial order within the court's jurisdiction. Without those ele-

ments being present, you can't have standing. Without standing, you can't have a case or a controversy, and the court has no jurisdiction.

It is well established that, within the Federal court system, this standing inquiry is what we call part of the court's judiciary doctrine, meaning it is a threshold inquiry that determines jurisdiction. As a result, it can be raised at any moment by any party. It can be, and sometimes will be, addressed by the court acting *sua sponte*, meaning, regardless of whether any of the parties raises it. It cannot be waived. As a result, at any stage of the litigation—whether at the trial court, at the appellate court, or at the Supreme Court of the United States—it can be raised by any party or any member of the judiciary sitting in that case.

It is significant that in this 5-to-4 ruling, in an oddly configured plurality opinion of four Justices—Justices Ginsburg, Breyer, Kagan, and Sotomayor—being united in a single plurality opinion and joined by Chief Justice Roberts in a concurring opinion, they cobbled together a conclusion that it was just fine for the court to act in this circumstance, notwithstanding the fact that the doctors and the abortion clinics in this case were not even arguing that their own constitutional rights were being impaired. This is significant. This is stunning, in fact. They are asserting the constitutional rights and the alleged injuries of third parties.

Now, in other circumstances, one might imagine a scenario in which you might have someone coming before the court, claiming to be the executor of somebody's estate or, perhaps, the legal guardian of a juvenile or of a person who had been deemed incapacitated. In those circumstances, that person has standing, but the standing belongs to the person suffering the injury. It is just allowed to be asserted by the third person standing in that person's place. That is not what we had here. Neither in the complaint nor in any of the moving papers did any of the plaintiffs argue—that is the clinics and the abortion providers in question—that its own constitutional rights were being impaired. They instead asserted impairment of the rights of third parties not before the court, of would-be patients whom they might have.

The lack of standing in this case is apparent, and the lack of standing was glossed over by this cobbled-together combination of the four-member plurality and Chief Justice Roberts. The plurality glossed over it and, in part, suggested that the standing issue might not have mattered because, perhaps, it was not an argument that was properly raised before the district court. Yet any first-year law student in any American law school, let alone a Federal judge or a Supreme Court Justice, knows that standing isn't waivable. It is a threshold jurisdictional question, and, as such, it cannot

be waived. It is never waived. It is always a live, relevant, legitimate question, one that can be raised *sua sponte* by the Court itself.

In his dissent, Justice Alito acknowledged this point and explained it well with the following words:

Neither waiver nor *stare decisis* can justify this holding, which clashes with our general rule on third-party standing. And the idea that a regulated party can invoke the right of a third party for the purpose of attacking legislation enacted to protect the third party is stunning. Given the apparent conflict of interest, that concept would be rejected out of hand in a case not involving abortion.

The conflict of interest to which Justice Alito is referring refers to the fact that you have got here, on the one hand, a State regulating a particular act—here, abortion providers, clinics, and physicians who perform abortions. That entity, like any other entity that is otherwise going to be regulated, has an interest in being not regulated.

It makes it easier, perhaps cheaper, perhaps more lucrative for that entity, for those providers, to be in that business if they are less regulated. It makes it easier for them to do what they do and perhaps more profitable if they don't have to have admitting privileges at a hospital within 30 miles of the location of the abortion clinic.

That is very different than the potential interest of their patients. Their patients have exactly the opposite interest. Their patients have the interest in making sure that the abortion provider provides for a safe, healthy environment in which adequate care can be provided to the patient, such that as complications arise, the doctor can take the patient to a hospital and, with those admitting privileges, can go about setting in order the course of treatment that needs to be pursued.

And so Justice Alito's point was simply that, in this circumstance, you have a completely different set of interests, some that are being advanced by abortion providers, some that the State holds, and some that the patient holds. They are separate; they are distinct; and here, really, they are at odds with each other.

So Justice Alito went on to explain:

This case features a blatant conflict of interest between an abortion provider and its patients. Like any other regulated entity, an abortion provider has a financial interest in avoiding burdensome regulations such as Act 620's admitting privileges requirement. . . . Women seeking abortions, on the other hand, have an interest in the preservation of regulations that protect their health. The conflict inherent in such a situation is glaring.

So with this circumstance, the plaintiffs did not have standing. They didn't even assert the prerogative of asserting the rights of themselves. They didn't claim that they themselves had injuries that were constitutionally cognizable in court.

They instead said that they were asserting them on behalf of an injury that would be suffered, and had not yet arisen, on the part of their patients, and that is a problem.

So the Supreme Court, as far as I can tell, based on the time that I have spent reviewing the decision, the Supreme Court abandoned its ordinary standards and applied a different standard here so as to make it easier for this group of plaintiffs to raise a constitutional challenge.

Madam President, I see the majority leader has entered the Chamber, and I ask unanimous consent for permission to be able to continue my remarks after the majority leader has conducted his business, as if without interruption.

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

The majority leader.

Mr. McCONNELL. Madam President, I thank my friend from Utah. I will be brief.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 718.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Russell Vought, of Virginia, to be Director of the Office of Management and Budget.

#### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

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

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Russell Vought, of Virginia, to be Director of the Office of Management and Budget.

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.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—Continued

The PRESIDING OFFICER. The Senator from Utah.

#### JUNE MEDICAL SERVICES V. RUSSO

Mr. LEE. Madam President, that was the first error that I think deserves to be mentioned in this context—the error apparent in the fact that the Supreme Court ignored the fact that the plaintiffs before the Court lacked standing. They just glossed over this issue. Why? Well, because it involves abortion, and I guess abortion is different.

The explanation provided by the plurality and by the Chief Justice—understanding that in order to form a majority, sometimes you have to cobble together a concurring opinion with a plurality opinion, and that is what happened here.

Their analysis on the standing issue in this case simply doesn't wash. It doesn't add up. In fact, I believe it defies what every first-year law student is taught in American law schools. It doesn't work.

Secondly, this draws attention to another problem with the Court's jurisprudence in this area. When abortion is treated differently than other things, it leads to a fair amount of tail-chasing by the Court because the Court has stepped in—starting with *Roe v. Wade* and continuing with *Casey* and the other cases since then on this topic—the Court has stepped in essentially as a superlegislative body, and it has attempted to set out a rule saying that you can't undermine what the Court has declared to be a right to access abortion.

So let's set aside, for a moment, that question of what we would be looking at if we were dealing with a law prohibiting abortion, but this isn't that. Again, this was a law, Act 620, adopted by the Louisiana State Legislature that simply required that doctors and clinics performing abortions be run by doctors having admitting privileges at a hospital within 30 miles.

It is not an abortion ban. It is just a public health and safety regulation of the same sort that you might see in effect with respect to surgical centers or other outpatient treatment clinics throughout that State.

And so, nonetheless, you have got *Roe v. Wade* and its progeny in which the Supreme Court has stepped in, basically, as a superlegislative body saying you can't impose too heavy of a burden on a woman's access to or ability to obtain an abortion.

The problem with that is there is nothing in the Constitution that says that. There is nothing in the Constitution that makes this a Federal issue. There is nothing in the Constitution that takes what is essentially a legislative judgment; namely, the legality or

lack thereof of a particular medical procedure and makes it a question not only of Federal constitutional law but of Federal constitutional law that can be written and then addressed and then allowed to evolve solely within the hermetically sealed chamber of the Supreme Court of the United States.

This is what produces this kind of tail-chasing. This is what produces this nonsense, and it is also, by the way, what produces a whole lot of the political vitriol and venom surrounding the Federal judiciary.

Why? Well, because they exercised will instead of judgment. What do I mean by that? Well, in Federalist No. 78, Alexander Hamilton referred to the difference between what lawmakers do and what judges do. In the legislative branch, they exercise what Hamilton referred to as “will,” meaning they decide what the law should be. They adopt policy. They say: We think the law should say x, and they have the ability to do that. Under our system of government, article I gives the law-making power, the power to engage in exercises of will, to the legislative branch.

Judgment, by contrast, is what is wielded by the judicial branch. Judgment asks not what should be but what is and, most notably, what has been. It looks, as it were, in the rearview mirror, looking at what the law said as of a particular moment in time.

So it is the job of the jurist not to say what the law should be but, instead, to say what the law is and only when the question of what the law is comes properly before the court’s jurisdiction in cases or controversies between multiple litigants properly before the court’s jurisdiction.

And so Hamilton explained in Federalist 78 that there is a difference between will and judgment and that you don’t ever want the judicial branch exercising will.

Well, why? Because, among other things, it is not their job. Judges are appointed in our Federal system for life so long as they are on good behavior. They are not subject to elections, ever. You don’t get elected to get on the court; you don’t get elected to stay on the court. You are on there for life.

Why? Well, because your job is a relatively limited one. It looks only in the rearview mirror. Your job is not to set policy but to interpret in very narrow circumstances.

In this circumstance, in *Roe v. Wade* and its progeny, the Supreme Court stepped in and exercised will. As a result, they have taken decisions away from lawmakers—State and Federal lawmakers alike—for decades.

This has had the predictable result of making a lot of people unhappy at every point along the political continuum—every single point.

Why? Well, because they exercise will instead of judgment. They exercise legislative jurisdiction rather than judicial discretion.

Justice Thomas, in his dissenting opinion in *June Medical Services v.*

*Russo*, said, referring to *Roe v. Wade* and its progeny:

[T]hose decisions created the right to abortion out of whole cloth, without a shred of support from the Constitution’s text. Our abortion precedents are grievously wrong and should be overruled.

Justice Thomas wrote in a separate passage, explaining that “*Roe* is grievously wrong for many reasons, but the most fundamental is that its core holding—that the Constitution protects a woman’s right to abort her unborn child—finds no support in the text of the 14th Amendment.”

So we see that the Court was wrong in pretending that the plaintiffs in that case, not patients, not women who wanted to seek abortions but couldn’t, but doctors and clinics who have an interest potentially adverse to their own patients who didn’t want to be regulated, were allowed to assert standing as if it were their constitutional injury that were at stake, and it was not. The Court went on to compound the problem by continuing to apply the statutory, effectively legislative, proscriptive framework of *Roe* and its progeny, which itself finds no support—not in the Constitution, not in Federal statute, not in 400 years of Anglo-American judicial precedent, not in common law. They just made it up, and they said it is important. We, therefore, deem it to be part of the Constitution. These are the first two errors.

There is a third error I want to call out from the Supreme Court’s unfortunate and very wrong ruling in *June Medical Services v. Russo*. The third category of error that is built into this decision relates to the standard by which a court deems something unconstitutional. Separate and apart from the standing issue, separate and apart from the fact that *Roe* was a made-up doctrine, there is also a problem in that the Court didn’t approach this constitutional question the same way that it is supposed to address all other constitutional questions.

Under a well-worn line of cases, including a case called *United States v. Salerno*, the Supreme Court, with only very rare exceptions—not relevant, not present here—does not declare a statute facially unconstitutional unless that statute is alleged and proven to have been unconstitutional in all of its potential applications.

Let’s break that down into more common language. You can’t just walk into court and say that a particular law is categorically unconstitutional; you have to wait until that law is unconstitutionally applied to you. That is called an as-applied challenge. As-applied challenges are the norm, the rule, and they are the default. In almost all cases, that is how you get something deemed unconstitutional, is through an as-applied challenge; that is, the Court doesn’t just strike it down in its entirety.

But it is striking down the law in its entirety that the Court did here—that the Court was asked to do here and

that the Court, in fact, did here under circumstances in which the law had not even yet been implemented and had never been enforced—not once. They didn’t even wait to see if it could be or would be or might be implemented in a manner consistent with the text and history and structure of the U.S. Constitution. They just walked in and said: The whole thing is unconstitutional. Get rid of it.

Why is that a problem? It does matter. It matters because ours is a system of rules and laws. It is based on the constitutional text. Yes, precedent factors into it, but precedent can’t be the inexorable command.

In any event, precedent here went the other way with respect to the standard by which you deem something unconstitutional in all of its applications.

As Justice Gorsuch explained in his separate dissent, “In effect, the standard for facial challenges has been flipped on its head: Rather than requiring that a law be unconstitutional in all of its applications to fall, today’s decision requires that Louisiana’s law be constitutional in all of its applications [in order] to stand.”

In other words, as Justice Gorsuch explained, they applied a completely different set of rules here. Why? Well, simply because this involves abortion, and abortion is different. Somehow abortion—withstanding the fact that it makes no appearance in the Constitution—somehow abortion is treated differently. Now abortion is treated differently even in this separate line of cases, even in this separate line of precedents dealing with facial challenges versus as-applied challenges.

If, in fact, the Supreme Court is going to stick to *stare decisis*, the principle invoked over and over and over again in that frankly awful decision yesterday, for which the Court should be ashamed, *stare decisis* is the principle that basically says: We as a court, once we have decided something one way, are going to continue to follow that precedent most of the time unless we really really don’t want to.

That is, in essence, what *stare decisis* means. They invoked *stare decisis* over and over and over again in that case and said that is just how it had to be because, well, *stare decisis* requires that.

Well, they didn’t follow *stare decisis*. They didn’t follow their own precedent when it comes to their standing docket. They didn’t follow their own precedent. They didn’t adhere to *stare decisis* when it comes to *United States vs. Salerno*. They utterly ignored the fact that this is a case in which the statute invalidated by the Supreme Court of the United States yesterday is capable of being applied in a fully constitutional manner.

By the way, they made a number of assertions about the factual record of the case and about the effect of Louisiana’s Act 620 that are simply wrong.

They invalidated this law by saying: Look, the Louisiana Legislature claims that this Act 620 was put in place in order to protect women's health. We don't really think that is the case. We don't think they have met that standard here.

First of all, in doing that, they ignored precedent applicable in literally every other scenario in which they defer substantially to the determinations of a legislative body in deciding whether the law that they are passing in fact will have the effect that they want, especially in an area like public health and safety. They ignored the fact that they had abundant testimony before the Louisiana Legislature supporting the basis for what they were doing.

In Justice Gorsuch's dissent, he referred to multiple pieces of information before the legislature. He pointed out that one woman testified that while she was in an abortion clinic after having a procedure and she was hemorrhaging, her abortion provider told her: You are on your own. Get out.

Eventually, the woman went to the hospital, where an emergency room physician removed fetal body parts that the abortion provider had recklessly left in her body.

Another patient who complained of severe pain following her abortion was told simply to go home and lie down.

In another case, a clinic physician allowed a patient to bleed for 3 hours even though a clinic employee testified that the physician would not let her call 911 because of a possible media involvement. In the end, that employee at that clinic called 911 anyway, and emergency room personnel, upon the arrival of that patient, discovered that the patient had a perforated uterus and, as a result, needed a hysterectomy.

A different physician, speaking to the Louisiana State Legislature in connection with their deliberations on Act 620, explained that she routinely treats abortion complications in the emergency room when the physician who performed the abortion lacks admitting privileges. In the experience of that physician, "The situation puts a woman's health at an unnecessary unacceptable risk that results from a delay of care and a lack of continuity of care."

It was on this basis that the Louisiana State Legislature concluded that having admitting privileges would help to contain these risks and help protect women because a physician—the same physician who performed that procedure, if he or she has admitting privileges in a hospital within 30 miles of the abortion clinic in question, would be the physician in the very best position to treat that patient.

So, yes, could reasonable minds reach different conclusions as to the exact set of regulations applicable to an abortion clinic or any other type of healthcare clinic? You bet. There are a lot of ways to get at the same issue.

There are a lot of ways to protect human health and safety. It is not the job of the Supreme Court of the United States to decide exactly how those laws are written in Louisiana. And make no mistake—that is what the Supreme Court did here. They might as well have removed their robes and pretended simply to be lawmakers. What they are doing is that blatant, and it is very wrong.

There is, moreover, a connection between this logical disconnect that I refer to and the fact that the standing analysis that I alluded to earlier shows something else that the Supreme Court did wrong. This shows that the very same concerns that the Louisiana Legislature had on behalf of the patients—the would-be victims of medical malpractice at many of these abortion clinics—are concerns that were not present before the Court. They were not represented among the plaintiffs in that case. That is yet another reason why the Supreme Court of the United States acted lawlessly, in a shameful manner, in the June Medical Services case.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Texas.

S. 4049

Mr. CORNYN. Mr. President, this weekend, the American people will celebrate 244 years since our Nation's independence. Over these last two and a half centuries, our country has faced and defeated many enemies who have sought to undermine the very foundation of our way of life. They sought to take away our freedom, undermine our values, and destroy our way of life. They also in the process sought to instill fear, hate, and perpetrate violence. But each time, our country has prevailed.

It is really a miracle, if you look back at our Nation's history, that we made it through a civil war, two world wars, and we find ourselves still the beacon of liberty that attracts so many people from around the world who want to live here and become Americans and pursue their dreams here. All of that starts with our security.

As we celebrate our independence and generations of men and women who fought to protect it, we are now engaged in fulfilling our most important responsibility, and that is to provide for the common defense. We do that by advancing the National Defense Authorization Act.

This bill is an annual exercise and is part of Congress's commitment to give our men and women in uniform the support they need to defeat those threats and to prepare for ones that will inevitably come tomorrow. We have done this for the last 59 years. Believe it or not, we have been consistent and done this for the past 59 years. I can't think of any other area where Congress has been so consistent. In doing so, we have managed to overcome our differences and pass this legislation, as we should. This is how we determine how our soldiers, sailors,

airmen, and marines are paid; how our alliances are to be strengthened; and how our military facilities are to be modernized and maintained. As the threat continues to evolve, it is how we ensure that we are the best there is.

In 2018, the national defense strategy was crafted to recognize the reality of the global threats we were facing then and we still face today and outline a comprehensive strategy to maintain what Ronald Reagan coined as "peace through strength." The past two Defense bills have supported the implementation of that national defense strategy, and this legislation will continue to build on the progress we have made.

Given the state of our world, preserving our military readiness has never been more important. Both China and Russia have become much more aggressive in their attempts to disrupt the global order. North Korea continues to provoke the United States and our allies with its nuclear aspirations. Iran's hostile and unpredictable actions continue to threaten democracies around the world. Our adversaries are investing in their capabilities in an effort to surpass ours, and in some areas, sadly, they are succeeding.

Simply put, America no longer enjoys the competitive edge we once had on our competitors and adversaries. We can't allow that status quo to be maintained. We must change it, and that is where the NDAA comes in.

This legislation makes tremendous strides in maintaining that technological advantage, in modernizing our weapons, building resilience, and regaining a credible military deterrent. What keeps us safe is our deterrent. We need any foe to realize that if they engage the United States in military conflict, they will be defeated. The moment they believe that they can take us on and gain some advantage, they will do it. That is the nature of the world we live in. So the deterrent value of what we are doing here this week could not be more important.

All told, the defense authorization bill will support \$740 billion for our national defense. That is the single biggest ticket item in our Federal spending. It will mark a significant step forward in our efforts to modernize and strengthen our military. But this bill is about more than maintaining our powerful national defense; it is empowering the men and women behind it. America's 2.1 million servicemembers have made a commitment that most of us have not made, and that is to volunteer to serve in the defense of our Nation and in so doing, joining the ranks of America's heroes who have defended our country throughout our history. They make sacrifices each and every day, not because it is good for them but because it is good for all of us. We owe it to them to support them in any way we possibly can, both on duty and off.

This legislation provides for a modest 3-percent pay raise and additional support for our families. Since we have an



all-volunteer military, it is frequently said that it is the individual servicemember who volunteers, but it is the family that determines whether we will retain them in military service. So this bill provides for military spouse employment opportunities and childcare.

I offered one amendment to the bill that would extend this support to help military parents during a time of tragedy. It would change a policy that was brought to my attention by Maj. Matthew Checketts, who is an Active-Duty airman at Joint Base San Antonio-Lackland.

Major Checketts and his wife Jessica spent much of last year preparing for the arrival of their newest family member, a little girl named Elaine. Elaine would be their sixth child, joining a squad of boys who were eager to have a little sister.

When Elaine arrived last fall, Major Checketts was given 21 days of parental leave to spend time with his family, but then they experienced an unimaginable tragedy. Their beautiful daughter passed away. Instead of getting to know their newest family member, the Checketts family was facing a hardship every parent prays they will never have to endure.

For many military families, that loss is made even more difficult because of a Department of Defense policy which ends a servicemember's preapproved parental leave upon the death of a child. There is no time to grieve and no time to regroup. That means no time to be with your grieving family or somehow process this immeasurable loss. The policy of the Department of Defense currently requires servicemembers to leave their family and return to work when that child dies.

In Major Checketts' case, his commander allowed him to take his preapproved leave so he could stay with his family, but not every servicemember will get that same consideration. That is why Senator DUCKWORTH and I introduced the Elaine M. Checketts Military Families Act, named after Elaine. This legislation would amend current leave policy for servicemembers so their preapproved parental leave is not terminated upon the tragic event of a child's death.

This is actually in line with other civilian Federal employees, and there is no reason why servicemembers should be treated differently. The grief of losing a child should not be aggravated or compounded by having to face the grief thousands of miles away from your family.

So, as we begin to debate this year's Defense authorization bill, let's keep at the forefront of our conversation the men and women who are heroically offering themselves, and, indeed, their very lives, on some occasions, to protect against the threats to our country. Let's work in good faith to get this bipartisan bill passed soon.

Let me commend Senator INHOFE, the chairman of the Armed Services Committee, and Senator REED, the

ranking member, for their leadership on this bill, as well as all the members of the Senate Armed Services Committee. I particularly appreciate their maintaining the tradition of strong bipartisanism that has historically guided this legislation.

As we get closer and closer to the Fourth of July, let us remember all of America's Armed Forces, what they have all given to protect our freedoms, and let's make sure we do our job both here in Washington, with a strong Defense authorization bill, and at home, with our demonstration of support and expressions of gratitude and appreciation.

The PRESIDING OFFICER. The Senator from Washington.

UNANIMOUS CONSENT REQUEST—S. 4112

Mrs. MURRAY. Mr. President, I thank my colleagues who will be joining me this evening—Senator BALDWIN, Senator HASSAN, and Senator SCHUMER—to advocate for much needed action to protect workers, to provide relief to State and local governments, and to bolster our public health system.

I rise to speak about the steps we need to take to invest in childcare and education. COVID-19 has upended childcare and schools in a way that truly is unprecedented. It has created chaos across our education system.

Since we passed the CARES Act over 3 months ago now, Senate Republicans have not done anything to address the countless challenges that our childcare providers, our educators, our schools, and, of course, our students and families are facing. Instead, they have chosen to pretend that this crisis is over and that we should just return to business as usual, which for them means most often voting on partisan judges and not much else.

As my Republican colleagues continue to delay any response, urging Democrats to pump the brakes and "wait and see," we are hearing from parents who aren't sure if they can go back to work because their childcare provider closed. We are hearing from teachers who aren't sure if they will even have a job to return to in the fall. We are hearing from college students who might be forced to drop out because they desperately need financial assistance during this economic downturn.

We don't need to wait and see to know we need to provide relief immediately. In our childcare system alone, we are now at risk of losing millions of childcare slots because providers across the country are struggling to keep their doors open.

As Senate Republicans are burying their heads in the sand on this, our K-12 schools are now facing some of the biggest cuts to State and local revenue we have seen in a long time, all while struggling with the increased cost of dealing with how to reopen safely and to continue to provide quality education during a pandemic. We know this crisis is hitting, especially hard,

students of color, students from low-income families, students who are experiencing homelessness, students with disabilities, and many other students who are marginalized in our education system.

Our higher education system is under serious financial pressure as colleges across our country, especially our Nation's HBCUs and our Tribal colleges and our minority-serving institutions, struggle with the consequences of this pandemic. Many students have been forced to drop out of higher education because they lost their job or they can't meet their basic needs. To address all of these problems, we need a massive investment in our childcare system, in our schools, and in our students and families now.

This is why, today, I am introducing the Coronavirus Child Care and Education Relief Act. This bill creates a Child Care Stabilization Fund, which will provide grants to make sure providers can stay open and that working families get the tuition relief they need. It will provide K-12 schools with the funds they desperately need to help students with increased academic and social emotional supports to address learning loss, to put in place public health measures to make our schools safer for students and educators, to make sure specific funding goes to support students with disabilities, and to address the other growing inequities for students of color and many others.

The bill will also make a \$132 billion investment in our higher education system to provide emergency financial aid grants to students for expenses like food and housing, childcare, technology supplies, and to help our colleges to confront the increased cost and financial pressures they are now facing during this COVID-19 pandemic.

Additionally, this bill will reverse Secretary DeVos's cruel attempts to prevent millions of students, including our undocumented students and DACA recipients, from receiving emergency aid, block her from giving special favors to colleges that don't need taxpayer dollars, and stop her from taking funding that was meant for public schools to advance her privatization agenda.

There is a long road ahead to fully address the education and childcare crisis, but this bill is an important step for childcare providers, our students, our families, and our educators. Our schools cannot wait any longer.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4112, the Coronavirus Child Care and Education Relief Act introduced earlier today. I further ask that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Mr. President, before my colleague from Utah wishes to object, may I say a few words?



The PRESIDING OFFICER. The Democratic leader of the Senate.

Mr. SCHUMER. Mr. President, I thank the Senator from Washington State for introducing this legislation, which I am proud to cosponsor.

Education is the future foundation of our success in America. It has always been. When a crisis occurs, we have to stand by those who educate our kids, and, most importantly, our kids themselves, whether they be in preschool, whether they be in K-12, or whether they be in higher education.

There are so many different ways that this crisis has affected our schools, and, frankly, if our schools can't open in September, millions of Americans who want to go back to work and who could go back to work will not be able to because they have to be home taking care of their kids. There is a need to really step up to the plate in a real way and improve education over the long run, but at the same time not let it deteriorate because the coronavirus has so affected our schools in so many different ways.

I would hope that this body would pass this measure. It is vital—vital—to get our economy going, vital to resume the education of our kids, vital to make sure that classrooms can function in a healthy way, and vital to providing the kind of childcare that people need as well.

I hope that my colleagues, again, would support this legislation. It is so important. If America is going to have a great future—and I hope and pray and believe we will—we are going to have to have the best schools in the country, and if we are a country that lets a pandemic hurt our schools badly so they will take years to recover, woe is us.

So I thank my colleague from Washington State for introducing this measure. I am for it. Even if there is objection here, we will be coming back to this issue because it is so, so important for the future of our country. I appreciate the gentleman from Utah yielding, and I appreciate the good works of my colleagues who have put together this legislation.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, we received this 125-page bill yesterday evening. I have great appreciation and respect for my colleague, the Senator from Washington, and yet I can't look at this 125-page bill we saw for the first time yesterday evening without thinking that hardly enough time has passed since this legislation was introduced to even read the bill, let alone to mark it up in committee or bring it up on the Senate floor and have it passed here.

Even though Congress has acted to provide emergency assistance in response to the current global pandemic, this legislation includes significant additional spending for a number of programs that have not been debated in the Senate. This bill would also create at least one new program, and I say "at

least," because, again, we are still trying to figure out what is in it. It creates at least one new program, the Community College and Industry Partnership Grants Program. I am sure this would do a number of good things, but, again, this thing is not ready for prime time. This program is, as far as I can tell, largely duplicative of existing programs. This legislation would provide \$2 billion for it anyway.

A bill of this length and a bill that provides for billions of dollars in new spending should not—I would hope would never—be passed this quickly. The Senate should take the time to thoroughly weigh the changes proposed in this legislation. Therefore, on behalf of Senator ALEXANDER and myself, I object.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am sorry that the Senator has objected this evening. This is an issue that is critical to every family in this country. We all want our economy to open. I assure everyone that if people can't get childcare, they cannot go back to work. Our schools are going to be looking immediately into how they are going to be opening. Without the additional resources they need, they will not be able to do it. Our kids and our families are worth this bill.

I know that several colleagues will be speaking here tonight on this, but I want the Senate to know that these are priorities that we are going to be fighting for. I urge the Senate to bring up the next COVID package. I am willing to work with everybody on it, to hear what everybody has to say, but our kids, our families, and the future of this country has to have our support at this critical time.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Mr. President, I rise today to join Senator MURRAY and my Democratic colleagues in calling for substantial additional funding for childcare and education as our country continues to grapple with the COVID-19 pandemic.

In New Hampshire and across the country, this pandemic has turned families' lives upside-down. As classrooms shifted to living rooms, many parents have had to take on new roles, balancing teaching their children with their own day-to-day work. Other parents, including those who are on the frontlines of responding to this crisis, have had to figure out new childcare arrangements to ensure that their children are cared for while they go to work. Teachers and educators have had to adapt and find new, innovative ways to meet the needs of all students.

With cases rising across this country, there is significant uncertainty facing families and educators who are trying to navigate what our systems of education and childcare are going to look like in the coming months.

The legislation being offered by Senator MURRAY today would be a strong

step forward in helping families and educators prepare for the road ahead, and, as with all preparation, timing matters. Delaying necessary actions doesn't address the new challenges educators and families face; it just makes it harder for them to get their jobs done.

The Coronavirus Childcare and Education Relief Act, which am I proud to cosponsor, is a comprehensive bill that would help meet the needs of students and childcare centers, K-12 schools, and institutions of higher education.

Among its many provisions, this bill makes significant investments in childcare. Childcare centers have already been hit hard by lost revenue during the pandemic, and now they face added costs in implementing new health and safety policies to mitigate the risk of spreading COVID-19. This legislation would provide them with much needed relief.

In addition, this legislation would bolster emergency funding for K-12 schools. This funding would help address challenges with students who have fallen behind. It would help schools institute public health protocols, and it would give schools more resources to ensure that all students—all students—get a quality education, whether it is in person, remotely, or a combination of both.

As we have worked to ensure that schools can effectively educate all students during this pandemic, I have also been focused on preventing students who experience disabilities from being overlooked. Before COVID-19, students with disabilities were already more vulnerable to disruptions in their education since the additional resources they need are often scarce. This pandemic has exacerbated the challenges students with disabilities face, and many have lost meaningful access to the critical services that make their education possible.

We know that large numbers of students will require remedial help when they return to school, and these challenges will be particularly acute for students with disabilities. To address this, Senator MURPHY and I have been calling for additional dedicated funding through the Individuals with Disabilities Education Act, and I am pleased that this legislation meets those calls, providing \$12 billion in funding to help ensure that students with disabilities receive the same educational opportunities as do their peers.

Finally, to address the challenges facing institutions of higher education, this bill provides colleges and universities with critical emergency funding, helping strengthen emergency financial aid for students as well as bolstering support to help these institutions follow public health guidelines. It also provides key funding for community colleges as well as career and technical education programs.

This upcoming school year will look different than any other we have ever seen before, and we must be prepared

so that students do not fall further behind. The legislation that Senate Democrats have brought forth today will give schools and families some needed certainty, and this certainty is critical for the planning that needs to happen now. Delay in this moment is irresponsible.

I am grateful to the Senator from Washington for her leadership on this bill and on all the efforts that we make to strengthen education for all of America's children.

I urge my Republican colleagues to support this bill, to join with us to make sure that, as we grapple with this pandemic, we can all help our students thrive and our families get back to work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

UNANIMOUS CONSENT REQUEST—S. 3677

Ms. BALDWIN. Mr. President, I want to also join in commending Senators MURRAY, SCHUMER, and HASSAN. I am proud to be a part of this effort to make sure that children, from early childhood education to lifelong learning, are able to continue and not fall behind. It is critical that we act on this legislation.

I rise to speak to another measure that has gone undebated in this body. It underlies the reopening of our economy, including K-12 education and many other activities. In fact, I started working on this legislation with Senator DUCKWORTH when it was only essential workers who were reporting to work every day, but now, as we reopen, it is so required.

As our Nation battles an ongoing and deadly pandemic, thousands of American workers have been on the job from the start, keeping our economy running and keeping people safe. They are healthcare workers, food service and grocery store workers, warehouse workers, transportation workers, and all those working on the frontlines every day to confront this pandemic.

Today, even as coronavirus cases continue to rise, many States have already reopened businesses and restaurants, calling more and more people back to work to serve their community. More than 125,000 Americans, including tens of thousands of frontline workers, have died, and these numbers are rising every single day. Yet there is no Federal enforceable standard in place to protect American workers from getting infected with or spreading COVID-19.

I have heard from a nurse in Wisconsin who is having to ration personal protective equipment, or PPE, and wear the same mask for 3 weeks or longer.

I have heard from a grocery store worker in Racine who says their store still lacks basic protections like protective plexiglass partitions.

I have heard from a meatpacking plant worker in Green Bay, WI, who still has to stand shoulder to shoulder with colleagues on the plant floor rather than standing 6 feet apart.

The lack of basic protections are putting Wisconsin workers at risk.

I have repeatedly called on the Trump administration to take action. The Department of Labor and OSHA, the agency in charge of protecting workplace safety and health, need to establish protections that aren't voluntary guidance but are mandatory standards.

OSHA has the authority to issue an emergency temporary standard if employees are exposed to grave danger from new hazards, but this administration has done nothing but recommend voluntary guidelines to workplaces. Voluntary recommendations are not binding, and OSHA currently has no enforceable standard to protect workers from airborne infectious diseases, leaving the Nation's workers at an elevated risk of exposure to the coronavirus. Voluntary compliance is not enough when hundreds of thousands of American lives are on the line.

Now, some businesses are voluntarily making the necessary investments to keep their workers safe, but without a mandatory Federal requirement, businesses doing the right thing are left at a comparative disadvantage.

We cannot combat this pandemic if we do not take immediate action to protect workers.

Months ago, as I said, I introduced legislation with Senator DUCKWORTH to protect U.S. workers from COVID-19 in response to disturbing and widespread reports of unsafe workplaces leading to preventable illnesses and deaths.

The COVID-19 Every Worker Protection Act would require the Occupational Safety and Health Administration to issue emergency temporary standards that establish a legal obligation for all workplaces to implement comprehensive infectious disease exposure control plans and keep workers safe during the COVID-19 pandemic.

This legislation passed the House of Representatives more than 6 weeks ago as part of the HEROES Act, but Leader MCCONNELL has buried this bill in his legislative graveyard.

This legislation is the single best way to require all workplaces to protect the health and safety of their workers and to prevent additional outbreaks and further spread of the coronavirus. It is not enough just to say "thank you" and label our frontline workers heroes. We need to create a safe workplace so that these heroes can continue to do their heroic work.

Congress can take immediate action right now to require workplaces and employers to put enforceable standards in place to protect their workers. We can and we should do more in this country to do right by our workers. That is why I am asking right now for unanimous consent to pass my COVID-19 Every Worker Protection Act.

I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 3677, the COVID-19 Every Worker Protection

Act of 2020; 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 with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, reasonable efforts to protect those working on the frontlines in the middle of a public health crisis should certainly be applied.

There are many individuals across the country steadfastly fulfilling their occupational duties to care for and otherwise help those who have the coronavirus. It is important that those individuals take precautions for their safety and for the safety of other people who happen to be around them. However, the bill under consideration, the bill that is the subject of this unanimous consent request, poses several problems.

First of all, it does not respect the fact that States, localities, and businesses are far better suited than the Federal Government to determine what safety standards might be needed. Instead, the legislation forces State governments to adjust their current plans to protect workers to meet standards determined by some administrative bureaucracy in Washington.

This action is burdensome, and a one-size-fits-all approach to protecting healthcare workers on the frontlines will not work. The reason it will not work is that our frontlines differ across the Nation. States must be permitted the flexibility to enact their own standards based on the needs of each State.

Further, the temporary protection standards for the bill are not truly temporary. They are described as such, but they are not, as the bill calls for permanent standards to be made based on the initially temporary standards to be determined by OSHA.

Finally, the bill broadly subjects all employees at risk of occupational exposure to the emergency standards to be promulgated by OSHA. This means that potentially every worker in every industry could be subjected to these requirements even though each industry has its own unique challenges that need to be addressed. So this broad-brush approach could limit the ability of certain individuals to work during this time even though they might actually be in a good position to do so safely.

It is critically important for our healthcare workers to be protected in a time of crisis, but the most effective way to accomplish that is by continuing to allow States, localities, healthcare facilities, and businesses to set safety standards and to ensure that those who can safely work have the ability to do so. Therefore, on behalf of Senator ALEXANDER and myself, I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I am very disappointed. I think this is one of the most critical actions that our country could take in the face of this pandemic that has created so much havoc in our economy and has also has taken too many precious souls from us.

I would state this on examination of this bill: It is not, in fact, a one-size-fits-all. If there is any agency anywhere that has the wherewithal to promulgate an emergency temporary standard, and, ultimately, after 24 months a permanent standard, it is the Department of Labor and its Occupational Safety and Health Administration.

The failure of leadership that this administration—as in OSHA—is not doing its job is unfathomable to me. But I believe that it sits in the best position to issue an emergency temporary standard and protect our workers and customers and students and patients who necessarily interact with these workers. I am disappointed. But, again, we will continue to press this issue until every worker does have these protections.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

#### PROTESTS

Mr. LEE. Mr. President, it is with sadness, concern, and deep disappointment that I come to the floor to acknowledge something very unfortunate that happened just last night in my own hometown of Provo, UT. A group of people were gathered in downtown Provo to protest, to express concern over matters important to them.

At one moment, a car approached University Avenue, preparing to turn right on to Center Street. As that car approached, the car was surrounded by people who were engaged in acts of protests. The car tried to pull through the intersection very slowly, being cautious, and not to move into anyone.

The protesters continued to gather around the car. In the middle of all of this, the driver of that car was shot—was shot—by one of the protesters who was armed, who, according to the video that I saw, looked right into the vehicle and shot into the passenger side window with a gun.

According to eyewitness accounts, after the driver then pulled away from the intersection, trying to get away, the person with the gun fired yet again as the driver was driving away. Moments later, the driver arrived at Utah Valley Regional Medical Center, seeking medical attention. My thoughts and prayers are with that victim and the victim's family.

I am saddened that we have to be having this conversation at all, but it is something that has come to so many communities around America. These are protests, in some cases, turning into riots that have visited communities—urban and rural and suburban alike.

In many instances, people have come to those protests in order to vocalize concerns that they have with their government—concerns, perhaps, about law enforcement policy or personnel. In some cases, some protests have been carried out without violence and without incident.

A few weeks ago, I came to the floor of the U.S. Senate to talk about one such gathering in Ogden, UT, where people gathered to express their objections to what happened to George Floyd in Minneapolis about a month ago. They did so in the immediate wake of the killing of a police officer in Ogden. They dual-tracked their expressions of emotion and of concern, expressing support and appreciation to the fallen officer who had given his life enforcing the law and trying to protect his fellow Utahns, his fellow American, his fellow residents of Ogden, while at the same time protesting against what happened to George Floyd in Minneapolis.

They protested in a way that reflected well on this country, on the city of Ogden, and on the State of Utah. They left with not a scrap of trash left in the streets. Perhaps far more importantly, they left the scene without having harmed anyone or anything, without destroying property.

Yes, the American people have the right peaceably to assemble and to express their views without fear of retribution from their government. But, no, that does not encompass the right to harm other people, and, no, that does not encompass the right to engage in acts of lawlessness, whether for the purpose of destroying property or life simply because one is concerned about something.

This violence has to stop. This isn't who we are. It is important also to remember that whenever we voice concern about something in government, we remember that you can't expand government without strengthening government—the same government entity that provides law enforcement officers, the same government entity that collects taxes, that runs any government program. So we do have to keep in mind exactly what it is that we want.

There are many instances that I have observed as a lawyer, as a former prosecutor, and as a citizen in which police authority has been abused. I unequivocally condemn all such abuses. That is the very reason we have a Constitution in place to limit the power of government, of individual officials running them—government entities.

When you send law enforcement in to address a particular situation, you are not doing that for the purpose of persuasion; you do it for the purpose of force. That is the one tool that government has that is uniquely government's. It has the power of force. It is official, collective force. That is what government is.

I hope and I expect that our conversations about this will focus on how

force is used by government—where it ought to be entrusted in government, where it shouldn't. I hope, also, we can look to any of the true underlying causes of some of these abuses.

I hope and expect that we can address why on Earth was it that the man who killed George Floyd apparently had 17 complaints filed against him without formal disciplinary action ever having been taken against him. Why and how did this happen? What sort of cabal was it that was protecting him from discipline?

I hope and expect that we can have those conversations, but I hope and expect that we as a country can come together in condemning violence—lawless violence in all of its forms. Whether it is against persons or property or a combination of the two, we are better than that. Don't dress it up in the flag. It doesn't belong there. Don't dress it up in the First Amendment. The First Amendment protects our right peaceably to vocalize our concerns, peaceably to assemble—not lawlessly and, certainly, not violently.

If this can happen in Provo, it can happen anywhere. You don't want it to happen in your community, not in any community. I hope and expect that in the coming days we can come together as a Senate and adopt sense of the Senate legislation unequivocally condemning violence undertaken in a lawless fashion. Regardless of the motivation of those involved in it, it is wrong, and it must never be tolerated—not in this country, not on our watch.

I yield the floor.

The PRESIDING OFFICER (Mr. BARRASSO). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### UNANIMOUS CONSENT REQUEST—S. 3768

Mr. CASEY. Mr. President, we are going to be talking tonight about nursing homes in the context of the COVID-19 disease.

I will start with the numbers, which I think most Americans, unfortunately, know by now. Every day we see the number of cases and the number of deaths. I don't know exactly the number today, but it was somewhere around 127,000 deaths.

Yet a number they may not know are the numbers when it comes to nursing homes. More than 54,000 residents of nursing homes or workers have died—more than 54,000. They account for more than 40 percent of all the deaths in the USA.

To say this is unacceptable in no way begins to describe the gravity of this, the tragedy, and the failure by the administration to deal with it and to have a strategy to get that number down.

I hope the administration and I hope Members of Congress would commit themselves today to say that when we come back here 3 months from now, 4

months from now, 5 months from now, that we are not again saying 54,000 more people died in nursing homes. I hope there will be an effort made by the majority in the Senate to make sure we are working together with the administration to get that number down.

I don't sense that the administration has any kind of a strategy here at all because if there were a strategy, that number would never be as high as it is.

I will have more to say later, but there is something we can do in the Senate and that is to pass legislation to do a couple of things. No. 1 is to focus dollars on the problem.

In this case, we have nursing homes across the country that never implemented the kind of practices that would help them to reduce the number of deaths in nursing homes. We know there are best practices that work. We know that when a nursing home is given the resources to separate those with COVID-19 from those who don't have it, so-called cohorting—it is a phrase we should become familiar with, “cohorting”—if that happens in a long-term care setting, the death number will go down for sure, and the case number will go down, but not enough places are doing that.

We should help them do that. I have legislation to do just that. We also know there are best practices with regard to investing in strategies that will surge medical support for nursing homes to get more professionals to be brought to bear on a problem in a nursing home. There is a lot we can do. I will have more to say about it in a moment, but I know we want to get to a unanimous consent request.

This is not going to be good enough for us to just curse the darkness and say how bad this is and how unacceptable it is. We have to act. That means the Senate has to pass legislation which includes dollars—funding—so we can have better practices in our nursing homes. I hope those who will say that is not what we should do have a good plan, a good strategy.

Let me start with a unanimous consent because I know we have to get that done here.

Mr. President, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration and the Senate proceed to the immediate consideration of S. 3768, the Nursing Home COVID-19 Protection and Prevention Act of 2020. 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 objection?

The Senator from Wisconsin.

Mr. JOHNSON. Reserving the right to object.

Mr. President, the fact is, the Senate has acted. We acted very generously. In the CARES Act, we passed \$100 billion. In the CARES Act 3.5—phase 3.5—we

passed \$75 billion for a total of \$175 billion for the Provider Relief Fund. That fund allowed reimbursement and financial assistance to skilled nursing facilities and nursing homes.

To date, about \$76.9 billion—44 percent of that \$175 billion—has actually been expended, and \$4.9 billion has been expended on skilled nursing facilities and nursing homes, which means we have \$98.1 billion left.

Fifty-six percent of that \$175 billion has not been spent, and HHS has a great deal of latitude in terms of how to direct that. If more needs to go to skilled nursing facilities and nursing homes, HHS has \$98.1 billion to spend.

Before we authorize another \$20 billion and try to pass that by unanimous consent, I say we need to take a very close look at what we have already spent—close to \$77 billion—and then either redirect, repurpose, or just utilize it as was intended, the \$98.1 billion that remains to be spent.

I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—S. 2779

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, first, let me talk a little about the Luke and Alex School Safety Act.

The Luke and Alex School Safety Act of 2020 is named in memory of Luke Hoyer and Alex Schachter, who tragically lost their young lives on February 14, 2018, in the attack at Marjorie Stoneman Douglas High School in Parkland, FL. Luke's parents, Tom and Gena Hoyer, and Alex's father, Max Schachter, turned their tragedy into positive action by dedicating their lives to promoting noncontroversial, commonsense school safety measures so that others don't have to experience tragedies like they have.

Both Tom and Max testified before my committee on July 25, 2019, and presented their recommendations for improving school safety. One of their recommendations was to create a Federal clearinghouse of school safety best practices that schools, teachers, and parents can use as a tool to improve a school's safety posture in a way that best suits that school's community and needs.

Our committee turned this commonsense recommendation into the Luke and Alex School Safety Act of 2020 and passed it unanimously, with bipartisan support, on November 6, 2019. Even though the bill had only cleared our committee, the Department of Homeland Security agreed that it was such a good idea that it actually created and launched this clearinghouse in February of 2020. I ask unanimous consent to codify this clearinghouse within the DHS to ensure it will be continually updated to be useful and relevant for schools and teachers and parents well into the future.

By the way, I just quickly printed out the current web page here. What is on it is just very common sense. It

reads: “Find Resources to Create a Safer School.” It has the latest news and a coronavirus update. Then it has a number of different parts to the site. You can go on School Safety Tips, like bullying and cyberbullying, threat assessment and reporting, school security personnel, physical security, training, exercises and drills, mental health, school climate, emergency planning and recovery.

Again, this is completely noncontroversial. It is just a clearinghouse of best practices that every school in America can go to and cut through the clutter and, hopefully, find very practical solutions to improve the safety within their schools and, again, hopefully prevent tragedies like those that, unfortunately, befell the folks in Parkland, FL.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 402, S. 2779. I ask unanimous consent that the committee-reported amendments be withdrawn; that the Johnson substitute amendment at the desk be considered and agreed to; that the bill, as amended, 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 objection?

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, in reserving the right to object, I don't have a problem—nor do, I am sure, a number of Senators—with Senator JOHNSON's bill. I am objecting on behalf of the Democratic Senators so we can start a conversation about helping all of the air traffic controllers in this country receive 12 weeks of paid parental leave, starting on September 30, 2020.

We did a great thing here in the Senate for other Federal employees last year in the National Defense Authorization Act that the President signed, but these air traffic controllers were accidentally left out. I think—and I am sure this is true of many who agree with me—that if the chairman would take a look at Senator SCHATZ's bill to fix that, these hard-working moms and dads would be very appreciative.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, if I could ask the Senator from Pennsylvania, I am not quite sure what that fix has to do with the school safety bill. They are completely unrelated. By the way, I talked to Senator LANKFORD earlier, and I know he also has a bill to fix that and is trying to get that into the NDAA this year. Again, it seems like there is bipartisan support for that as well.

To me, it doesn't make any sense whatsoever to hold up and not pass a bill that is completely unobjectionable and noncontroversial and that really could marginally improve school safety simply because we have not fixed what

we kind of botched the last time around even though there is bipartisan support to actually fix it. So I guess I am kind of scratching my head and not understanding that objection.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I think the reference was to Senator SCHATZ's bill, and I am just asking, on behalf of the Democratic Senator, if the chairman would take a look at that bill.

Mr. JOHNSON. Yes, I am happy to take a look at that as I am willing to take look at the Lankford bill and get that in the NDAA. So, perhaps, maybe, if that gets included and gets fixed, we can come back at a later date and pass this by unanimous consent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### CORONAVIRUS

Mr. WHITEHOUSE. Mr. President, I come to the floor to talk about the problem for which Senator CASEY asked unanimous consent, which is of the terrible plague of deaths in nursing homes across the country.

We just heard the chairman say that he is not sure what the air traffic controllers have to do with his proposal on school safety. I am not sure what his proposal on school safety has to do with nursing homes. We came here to talk about nursing homes.

There are over 30,000 residents of nursing homes in this country who have been killed by the COVID virus. If Senator CASEY's numbers are accurate, that is another 20,000 of stats. It is one in four deaths from COVID-19 in the United States. Out of the 1.3 million Americans residing in nursing or intermediate care settings, 30,000-plus have passed away, and in some States, it is much worse.

Senator HASSAN is here from New Hampshire, and she will talk about her State. Senator CASEY is here from Pennsylvania.

In Rhode Island, 60 percent of our deaths have occurred in long-term care facilities. I know it is not just us but that it is going on around the country. One in five nursing homes nationwide has reported a COVID-related death, and as the disease explodes across parts of California, explodes across Florida, and explodes across Arizona, you know that this disease will have many more opportunities to attack many more Americans in many more nursing homes.

So our bill is a really sensible one: resources to nursing homes for staffing, for testing, for personal protective equipment, to support the expense of doing sensible things like cohorting—putting the COVID patients together to help contain the spread of the illness—and having surge teams available for the really dread situation in which the COVID sweeps through a facility with such ferocity that you can't get people to come and work there because they all have to be isolated and quarantined. You need special measures, special

equipment, specially trained people—folks beyond the ordinary employee base of the facility—to come in and deal with that explosion, with things like just best practices—identifying them, promulgating them—practices that will keep residents and staff safe.

I am very disappointed that our Nursing Home COVID-19 Protection and Prevention Act has been objected to by the Senate majority. If the majority's notion is that we are doing so well that we can ignore this, that all we need to do is take a very close look at the funding that has already gone out, and that this is another victory we can declare—mission accomplished; we are doing a wonderful job, Brownie; this is great—no, not with 30,000 fatalities and climbing.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Mr. President, I thank my colleague from Rhode Island and my other colleagues on the floor for their comments.

I rise to join Senator CASEY and our colleagues in calling for additional action to protect nursing home residents amid the COVID-19 pandemic.

I begin by thanking the Senator from Pennsylvania for his leadership on this issue. I note that the senior Senator from New Hampshire is here, and I know that she will be addressing this issue as well and has been fighting for action to protect people all across our State and across our country who reside and work in nursing homes.

Nowhere is this pandemic being felt more acutely in this country than in nursing homes. Across the United States, 43 percent of COVID-19 deaths have been linked to nursing homes, and in New Hampshire, roughly, 80 percent of our State's deaths from this virus have been in nursing homes and long-term care facilities. The grief of losing a loved one, compounded with the fact that families could not be at their sides, is unimaginable. I know that frontline staff are working as hard as they can to keep their patients and residents safe, but in talking with them, it is clear that these essential workers need more support.

In particular, frontline staff tell me they still do not have sufficient supplies of personal protective equipment. Months into this pandemic, there is still no robust Federal strategy to support the residents and employees of nursing homes. That is inexcusable.

With respect to the argument that I have heard some of my Republican colleagues make—that we have already passed the CARES Act and that it had money to go toward nursing homes—it doesn't address this issue. If the previous bill were sufficient, we wouldn't still be seeing this rate of death in our nursing homes. We need to address the pandemic based on the goals we set and the results we want, not just on how hard we think we have worked or how much money we think we have spent.

The bill that Senator CASEY has put forward today would make a signifi-

cant difference for nursing homes in New Hampshire and across the country. The Nursing Home COVID-19 Protection and Prevention Act, which I am proud to cosponsor, would help save lives and improve safety among residents and employees in nursing homes.

Specifically, this bill would provide \$20 billion in emergency funding for nursing homes, intermediate care facilities, and psychiatric hospitals to support costs related to staffing, testing, PPE, and other essential needs. It would also require the Department of Health and Human Services to collect and publish data and analysis on COVID-19 cases and deaths in these facilities, which would give us a clearer picture of the situation we are facing. In addition, I will continue working to ensure that we are doing all that we can to keep residents and employees of nursing homes safe.

Last week, I joined with Senators Casey, Warren, and Schumer in calling for answers from the Federal Emergency Management Agency, FEMA, about nursing home and long-term care facility access to personal protective equipment—what we commonly know now as PPE—following reports that FEMA was shipping insufficient and defective personal protective equipment to these facilities. These reports are deeply alarming. Equipment arriving with mold on it cannot continue.

As we continue to address this pandemic, the challenges facing nursing homes must be a top priority. Delaying vital assistance to these facilities will have dire consequences for people in New Hampshire and all across our country. I urge my Republican colleagues to support this legislation. I urge them to come to the table and work with the Democrats to strengthen the Federal response to this pandemic.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to join my colleagues on the floor in support of legislation that would address what is happening in our long-term care facilities across this country as a result of the coronavirus.

I applaud Senator CASEY for his leadership on this legislation and am pleased to be able to join in cosponsoring the bill, along with my colleague from New Hampshire, Senator HASSAN; Senator WHITEHOUSE, who was here; and Senator BLUMENTHAL. We are all here because this country is not doing enough to support long-term care facilities and nursing homes in America.

Before I talk more about the legislation, I begin by expressing my outrage at the fact that this administration has directed the Department of Justice to weigh in to try and overturn the Affordable Care Act at a time when we have millions of Americans who are vulnerable during the coronavirus pandemic. As of today, 2.5 million Americans—nearly 6,000 patients in New

Hampshire—have been infected with the coronavirus.

Nationally, more than 125,000 Americans have died. In New Hampshire, nearly 400 Granite Staters have died from complications from the virus. Yet what this administration is doing is trying to strike down the Affordable Care Act and take away healthcare coverage from 23 million Americans, including over 90,000 residents of New Hampshire.

That means, if they are successful, that we will have millions of Americans with preexisting conditions who will lose protections that they rely on. We will return to the days when insurers can deny coverage to people with preexisting conditions or charge them higher premiums based on their health status. Insurers will, once again, be able to put caps on the dollar value of health services that can be covered in a year or a lifetime.

At a time when unemployment has risen to levels that we have not seen since the Great Depression, this administration is asking the Court to strike down the Affordable Care Act's Medicaid expansion provisions which, in New Hampshire, has been the most significant factor in ensuring that people who are struggling with substance use disorders are able to get treatment.

This Senate should not stand silently by while the administration tries to tear down the Affordable Care Act at a time when people are most in need of assurances that they can get healthcare coverage.

We need to come together to address what needs to change about the Affordable Care Act to make it better, but we need to do that together because if this administration is successful in striking down the Affordable Care Act, they don't have a plan of what is going to replace it.

During this global pandemic, it is not enough just to protect the Affordable Care Act from ongoing sabotage. We have also got to do more to support frontline healthcare providers, especially in nursing homes and long-term care facilities that are caring for vulnerable seniors, and that is what this legislation that we are speaking to is all about.

In the Granite State, we know just how dire the needs of nursing facilities have become, as nursing home residents account for approximately 80 percent of the coronavirus deaths in New Hampshire.

I want to just reemphasize what Senator HASSAN said. Eighty percent of the coronavirus deaths in New Hampshire—we have the highest rate in the Nation of deaths in long-term care facilities, and yet we have nursing facility staff in the State who tell me they are stretched thin due to increased costs from the coronavirus response. They have reduced revenue because they have had to postpone stays in long-term care facilities for patients who need physical rehabilitation.

It is critical that the Senate take action to provide more support to these

facilities so they can afford the additional staffing, the testing supplies, the personal protective equipment that will be needed to keep our seniors safe.

That is why I strongly support Senator CASEY's bill that will provide \$20 million in new aid to nursing facilities to help them confront this pandemic head-on.

This bill needs to be a central component of any future round of coronavirus response legislation here in the Senate. Our communities are demanding action to respond to the ongoing impact that the virus is having on the public health and on our economy.

As I said last week on the Senate floor, it is long past time for this body to join together and get serious about another coronavirus response bill.

The really impressive thing about what we have done to date in response to this pandemic is the fact that we have worked together to get four really significant packages of legislation done. Yet now it has been 6 weeks since the House passed its coronavirus response package, known as the Heroes Act. During that time, there has been no action here in the Senate to take up the Senate response to the coronavirus. That needs to end.

I mean, even today we heard the Governor of New Hampshire—the Republican Governor, Chris Sununu—announce that in New Hampshire our State expects to experience a budget shortfall of nearly \$540 million. That is about a 20-percent drop in State revenues. That is going to have a huge impact in New Hampshire, not just on healthcare but on so many investments that the State needs to make in our schools, in responses for first responders, in roads and water systems and critical infrastructure. Everyone in the State, from town administrators to the Republican Governor, all are describing the tough choices that they are going to have to make if Federal assistance doesn't arrive soon.

Of course, that extends to our nursing home facilities—to the many businesses and organizations in New Hampshire and across this country that need more help.

So I urge our colleagues to support Senator CASEY's legislation. Let's get assistance to those facilities that are so much in need and come together and demand that we get another coronavirus response package of legislation so that people know help is, once again, on the way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to follow my colleagues Senators Shaheen and Hassan from New Hampshire and Senator WHITEHOUSE of my neighboring State of Rhode Island—great advocates and steadfast champions of our elderly, our nursing home and assisted living facilities, and, most important, my wonderful friend and colleague, Senator CASEY of Pennsylvania, who has been such a

tremendous champion as the ranking member on the Aging Committee, where I am also privileged to serve.

I have been reading about the 1918, 1919 pandemic which killed Americans and people all around the world with such terror and such relentless cruelty, and it hit particularly hard young people in the prime of their life, in their twenties and early thirties, most especially members of the military who were bunched together and confined on bases or on troop ships on their way to the war. Almost as many American troops died of disease during World War I as they did of wounds they suffered in combat.

Today's pandemic is different. It has hit particularly hard our elderly, and they too have been struck with vicious cruelty because, in many instances, they are confined to facilities or living spaces where they are together, and the disease is transmitted so efficiently.

Today, we have less excuse than the public officials a century ago. They had no idea what this organism looked like, how it lived, what it did, or how it was transmitted. We know. We have pictures of it. They are on the news every night, and we know that transmission is accelerated and exacerbated when people live together in close confinement without the kind of staff and protective gear and treatment and therapeutics and preventive measures that, hopefully, we will develop through research that is ongoing right now.

They had no cure, and they had no prevention back then. We are working to develop it now, but we know, in the meantime, steps can be taken to protect our elderly, especially our elderly who live in nursing homes and assisted living facilities.

We have no excuse, none, for the death rates we have seen in those facilities. In fact, at the height of this pandemic in Connecticut, 70 percent—literally, 7 in 10—deaths were among people in nursing homes and other senior care facilities. That percentage was among the highest in the country. It wasn't the 80 percent of New Hampshire, but 70-plus percent was among the highest.

This death rate nationally is a national scandal and disgrace because we knew enough, and we certainly now know enough to prevent these kinds of deaths.

Now, the numbers of COVID cases and deaths have slowed down in Connecticut as a result of social distancing and mandatory mask wearing, but the pain is still felt in nursing homes. Just last week, another 20 nursing home residents died, and in that same week, 64 nursing home staff contracted COVID-19.

In fact, although we talk about the residents of nursing homes, the staff—the doctors, the nurses, the clinicians, the caregivers, the maintenance workers—were also among the most heavily impacted. Working in a nursing home is not a picnic. Working in a nursing



home is tough physically and emotionally, and it was made all the more so by this pandemic.

That is why I am supporting, avidly, the Heroes Fund, part of the Heroes Act, which would provide hazardous duty pay to those frontline workers who have been on the job reporting for duty despite the risk and the extraordinary emotional and physical toll it has taken on them and their families.

That hazardous duty pay is a reward. It is a recognition for what they have done in service to not only their patients and clients but also to society in Connecticut as a whole. They deserve it, and we need to provide it to retain them and to recruit others, the same as we do for police and fire and first responders—others who work in grocery stores, supermarkets, delivering, postal workers—the unsung heroes of this pandemic.

None has been more courageous and perhaps less appreciated in the way they deserve than those strong and courageous workers in nursing homes in Connecticut and elsewhere. I know, from having talked to them—many of them in Zoom calls, personally, in meetings, on the telephone—they grieved for those losses. They genuinely felt the pain and suffering that they saw. The losses the families suffered were their losses, too, and when their facilities endured a higher than expected rate of fatality, they grieved along with brothers and sisters, sons and daughters, friends, family, and others. They experienced the kind of physical isolation and sometimes emotional isolation that those patients endured when they were separated from their loved ones, cut off from human contact.

So we need to focus—we have an obligation to do so—on our nursing homes because of the fatalities and the other suffering that is endured there. We need to learn from some of the best practices that were finally put into place in Connecticut, such as expert strike teams that focused on testing, the larger numbers of personal protective equipment—masks, gowns, other kinds of equipment necessary to protect the staff as well as the residents—and sometimes cohorting, which has worked in some circumstances, so that the infected are separated from others.

I am proud to support Senator CASEY in fighting for the Nursing Home COVID-19 Protection and Prevention Act, which would provide \$20 billion in emergency funding specifically targeted toward protecting nursing home residents as well as individuals in intermediate-care facilities and others in psychiatric hospitals.

This legislation is not a luxury or convenience; it is a necessity. If you care about those extraordinarily vulnerable individuals who cannot care for themselves—that is why they are in these facilities—then we must pass this legislation. If we have any measure of self-respect as well as regard for those brave individuals who work there and

the loved individuals who live there, we must take this step.

I have also introduced legislation with Senator BOOKER—the Quality Care for Nursing Home Residents and Workers During COVID-19 Act—that would immediately address the egregious number of nursing home deaths happening in Connecticut and throughout the country by implementing much needed reforms. These reforms and practices are part of the work that must be done, especially for the families of the over 2,500 nursing home residents who lost their lives.

I am pleased that Connecticut has committed itself to a full probe of how COVID-19 impacted nursing homes, how it killed, but Connecticut should not need to go it alone. No State should need to go it alone. This kind of measure puts the full weight of the Federal Government in funding and best practices and reforms behind States like Connecticut that want to do better and feel we must do better. We all bear that responsibility. It is common to all of us. It is on us, and these two measures are a way to fulfill that responsibility.

We should not leave the Capitol for a 2-week recess while nursing home residents remain vulnerable. We should not abdicate our responsibility while those residents in the care of assisted living facilities remain susceptible, and they are continuing to be susceptible. We need greater preparedness in every way, most especially where we know the most vulnerable are right now, and that is our nursing homes and assisted living facilities.

As this administration continues to attack the Affordable Care Act in the Supreme Court of the United States and elsewhere in abhorrent defiance of the need for more healthcare, not less, in the midst of a pandemic, we can send a message to the country that we will stand strong for better healthcare. We will protect senior citizens in nursing homes.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, as we conclude the hour in the next 10 or 15 minutes, let me start my remarks by thanking my colleagues who joined us tonight. I thank Senator WHITEHOUSE, who has worked with us on this legislation from the very beginning, on introduction, and so many who are cosponsors on the legislation—Senator HASSAN from New Hampshire and Senator SHAHEEN, the senior Senator from New Hampshire. I thank her for being here and for her comments about this legislation. I also thank Senator BLUMENTHAL.

I wanted to start just for a few minutes before we conclude with this chart. This is a chart depicting a map of the United States that is dated June 27 from the New York Times. The summary reads: “In at least 24 states, a majority of deaths are linked to nursing homes.”

Of course, I mentioned at the outset the deaths, as of a few hours ago, of more than 54,000 people, when you add up the residents and the workers, comprising 40 percent of the deaths nationwide.

You can see when you break it down by State, my home State of Pennsylvania is at 68 percent—a majority of the deaths—linked to nursing homes. States just to the south, where there is Virginia at 61, Maryland at 61, Ohio at 57, but even further south, North Carolina is at 57. Then you go out into the middle of the country, and in North Dakota, 64 percent of the deaths were linked to nursing homes; Minnesota, 77 percent. There are not many that are below 30 percent—only a few. Those are the numbers, but of course the numbers don't tell the story.

We need a plan for this. This is not the America we should accept. This isn't America, where we just throw up our hands and say this virus is so terrible, so aggressive, and the COVID-19 disease is so destructive—the results from the virus—that we are going to accept another 54,000-plus deaths in the United States of America and not have an action plan.

There is no action plan right now. The Centers for Medicare and Medicaid Services and other parts of the Federal Government have only recently started to speak to this issue, but there is no plan. Unless we have legislation that the majority not too long ago in this hour just objected to—a big part of the solution is to invest in proven strategies, best practices like cohorting, where you separate COVID-19 residents in nursing homes from residents who do not have the disease—that works; we know that works because it has worked in real time in lots of places in the country—as well as the other investments we can make in surge capacity to add professional help in the form of more doctors, more nurses, and more certified nursing assistants when a nursing home is being overrun.

No one here is saying that the Federal Government is the only entity responsible for this. Nursing homes have to do more, and governments at all levels have to do more. But the Federal Government is the payer and the level of government that comes up with rules and regulations and law that governs what happens in a long-term care setting.

So this bill, S. 3768, which has now been objected to by the majority—and I am still waiting all these weeks and months now for the majority to come up with their nursing home strategy to get the death and case numbers down. We are still waiting for that.

This bill, S. 3768, would provide \$20 billion in emergency funding. When you consider all that has been invested in so many other priorities, the least we can do is to invest in proven strategies for our nursing homes. It would provide support for personal protective equipment for nursing home workers who are doing that heroic work every

day. Some of the funding would go for testing, as I mentioned, cohorting, surge teams, and so much else.

The bill is supported by the AARP, the Alzheimer's Association, and 25 other organizations representing seniors, people with disabilities, nursing homes, and other providers.

This is what we need to pass now to have a strategy in place because we cannot wait for the administration because they seem to have no sense of urgency with regard to this problem. This is an American problem that was created here in response to a virus. No one would argue that the American people cannot come up with a strategy to get the death numbers and case numbers down.

Who are we talking about here? We are talking about two groups of Americans, right? The residents and the workers. The residents—we are talking about those residents in nursing homes. These are Americans who fought our wars. These are Americans who worked in our factories and Americans who raised families year after year, decade after decade. These are Americans who built the great American middle class. These are the Americans who built this country, and they gave each of us life and love and a strong foundation personally but also in terms of the strength of our country. The least we can do—the very least this Senate can do is to make sure we at least have a strategy.

Are we just going to throw up our hands and just say there is nothing the most powerful institutions in the world can do to reduce the number of nursing home deaths? As I said before, we don't want to be standing here 3 months from now, 6 months from now, talking about another 54,000 or 55,000 nursing home deaths. Is that really America?

We are still waiting for the administration. We are told that by one estimate, 12 to 18 nursing home residents have died per hour, every hour over the last several months—12 to 18 nursing home residents dying every hour. So we can't and should never allow another hour to pass without action.

The majority has allocated a lot of time for nominations the last 2 months or more, a lot of time for other issues, but not time for COVID-19 strategies to reduce long-term care deaths in nursing homes. So the time now is not for debating nominations for agencies; the time is long overdue for us to take action to deal with this American tragedy of deaths of residents in nursing homes and deaths of workers.

While we are talking about those workers, they do heroic work every day. They go in to do this work, expose themselves to the virus, expose their families to the virus, and they do back-breaking work, often for pay that isn't commensurate with the nature and sacrifice and the dignity of their work. So they are heroic.

If there were ever a group of front-of-the-frontline workers—these are not just frontline workers; they are at the

very front of the line. We should make sure they have protections in the nursing homes to do their work but also pandemic premium pay, as we call it, and so much else.

I ask a parliamentary inquiry: How much time is remaining?

The PRESIDING OFFICER. There is no order on time.

Mr. CASEY. Mr. President, I have just a few more minutes, and I will be done.

I won't go through the details of this report, but I want to note for the Senate two things. No. 1, we will be introducing—I will, and Senator PETERS, the ranking member of the Homeland Security and Governmental Affairs Committee, and Senator WYDEN, the ranking member of the Finance Committee—the three of us and our offices will be releasing a report about nursing homes. The report is entitled "COVID-19 and Nursing Homes: How the Trump Administration Failed Residents and Workers." This is a chronicle of deadly delay and a chronicle of a lack of real urgency on behalf of the administration.

I hope the administration is reaching that point of urgency and is going to deliver to the American people a plan to get the death numbers down, to get the case numbers down in nursing homes. We haven't seen that sense of urgency. This report includes nine findings and nine recommendations, so no one can ever accuse us of just cursing the darkness of this tragedy without bringing the light of solutions to this issue.

There is more that I could say, but just for the record, as I conclude, I ask unanimous consent that the written comments that my office received from two constituents with concern about their loved ones in nursing homes be entered into the RECORD.

Just for the record, I will read the names of the family members: Thomas and Barbara Taylor of Coatsville, PA.

The Presiding Officer is a native of Redding and knows what I am talking about when I mention these names.

Joette Peters of Manheim, PA, is also a part of this, as well as Amy Lowenthal, who had a relative. Her dad, David, was a geriatrician in Philadelphia. Her comments are about that.

I ask unanimous consent that these written comments from constituents be printed in the RECORD.

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

THOMAS AND BARBARA TAYLOR—COATESVILLE, PENNSYLVANIA

I'd like to share information from Thomas and Barbara Taylor, a couple from Coatsville, Pennsylvania.

My office first heard from Mr. Taylor in early April.

Mr. Taylor is a hospice nurse who now serves as the Chief Operating Officer of a company.

He understands the challenges of caring for a vulnerable population.

And, he knows how important it is to treat people at the end of their life with dignity.

Mr. Taylor reached out to my office after he learned that his sister-in-law, Juanita, age 72, passed away from COVID in her nursing home in Lancaster County.

His mother is also a resident of this facility and recovered from COVID at age 85.

When Thomas and Barbara spoke to my team, they were dismayed that more is not being done at the federal level to ensure transparency with residents and their family.

Mrs. Taylor followed up with my office in writing.

She explained that her sister, Juanita, began showing signs of COVID at the end of March.

Juanita had a cough, a slight fever, did not have an appetite and required oxygen to help with breathing.

At this time, it became painfully clear that the Trump Administration had failed to stockpile the supplies needed to test Americans.

And, still, the President refused to use the Defense Production Act to procure the supplies necessary.

Even after multiple requests that her sister be tested, in Barbara's words "begging" doctors, Barbara was told that her sister did "not have the symptoms" or "meet the criteria" required to be tested.

For the next few days, Barbara and Thomas were kept in the dark.

Then, any family's worst nightmare occurred.

Barbara called the nursing home and spoke to a nurse on the floor.

When Barbara asked about her sister, the nurse said, "Your sister is not here."

Barbara pressed for more information.

The nurse told Barbara, "Juanita died about an hour ago. Didn't anybody call you?"

This was the first Barbara had heard this news. The Taylors were "horrified by the unexpected news."

The lack of transparency and human decency is inexcusable and immoral.

Nursing homes must do better. Residents, families and workers deserve better.

As the report that we will be releasing tomorrow states, the Trump Administration provided no leadership.

Nursing homes did not have the supplies necessary to protect residents and workers.

There was a testing shortage across the country. And there continues to be no testing strategy.

Many facilities experienced staffing shortages, which may be the reason why no one bothered to call the Taylors.

We must do more to protect Mr. Taylor's mother who is still at that same nursing home, but also all other nursing home residents across the country.

We need more funding for surge teams to deal with COVID right now, and more funding to implement best practices, like cohorting, separating residents who have COVID from those who do not.

We cannot stop working. We cannot stop legislating. We cannot stop appropriating dollars to help our seniors and people with disabilities.

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

As Barbara wrote, "My sister Juanita had dementia and could not speak for herself. I was her voice and eyes. I couldn't see her at the time. Please allow me to speak for her and others who have no voice."

We have a sacred responsibility to heed this call to action from the Taylors and so many others.

JOETTE PETERS—MANHEIM, PENNSYLVANIA

My team also spoke with Mrs. Joette Peters from Manheim, Pennsylvania.

Mrs. Peters' parents, Harold and Helen, have been married for 67 years.

For the past 11 years, Harold and Helen have been residents of a nearby retirement community.

As they grew older, they required differing levels of care. They decided to reside in rooms across the hall from each other.

However, like the greatest love affairs, even that separation could not keep them apart.

According to Mrs. Peters, before COVID, "[t]hey spent the majority of their waking hours together."

Their love knew no bounds.

Now, COVID is keeping them apart from each other, their daughter and their extended family.

Mrs. Peters explained that in the middle of lunch, her parents were told the facility would be going into "lock down" and Helen would need to leave immediately.

Since then, Helen and Harold have only been able to see each other and their daughter through a sliding glass door.

They have tried to visit with each other virtually, but that has its own challenges.

We know from experts that social isolation for seniors can have the same health impact as smoking 15 cigarettes a day.

This very topic was the focus of a recent hearing in the Aging Committee.

Nursing homes and other long-term care facilities need resources in order to safely reopen.

They need dollars for PPE. They need dollars for testing. And they need dollars for their workforce.

My bill would provide nursing homes with those resources.

It would give Harold and Helen the chance to be together. And, it would give their daughter and family peace of mind.

AMY LOWENTHAL—LATE FATHER: DAVID LOWENTHAL, GERIATRICIAN IN PHILADELPHIA

My office also heard from Amy Lowenthal. Amy's father, Dr. David Lowenthal, was a nephrologist and professor who was trained as a doctor at Temple University and practiced medicine in Philadelphia.

Amy was told that he was the first resident in his nursing home to test positive for COVID-19.

In explaining the care and treatment that her father received after the diagnosis, she told my office about the incredible kindness of the nursing home's workers.

Call after call, looking in on her father, Amy and her sisters said that nurses and doctors "took the time to talk to her and answer her questions."

"The COVID ward staff were patient, empathic, and acted like my father was the only patient on the ward."

In the last hours of his life, Amy heard from a hospice nurse asking if she would like to FaceTime with her father one last time.

She "thanked the nurse profusely for reaching out." And when they connected, the nurse was holding her father's hand and playing classical music for him.

According to Amy, the nurse said, "This breaks my heart. If it were my dad, I would hope someone would do the same for me."

As Amy described, she never knew the name of the nurse. She never saw her face through the PPE, but Amy said that she will remember that nurse for the rest of her life. "She gave me the gift of one more moment with my Dad. And, it would be my last."

Amy concluded her correspondence with this "I often wonder what my Dad, a lifelong physician and teacher, would have thought of this last chapter of his life. But I do know for sure that he would have been so grateful to those frontline workers who provided warmth and comfort to his family during his last days."

We are all eternally grateful to the frontline workers who are caring for our loved ones.

They deserve more than our praise.

They deserve protection. They deserve testing. They deserve premium pay.

The bill that I am hoping the Senate will pass will provide resources for all of that.

Mr. CASEY. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Maryland.

#### EXTENDING THE AUTHORITY FOR COMMITMENTS FOR THE PAY-CHECK PROTECTION PROGRAM

Mr. CARDIN. Mr. President, shortly, I am going to make a UC request. I am not going to do it now because we are still working out some of the specific details, and Senator SCOTT will be on the floor when I do that, but let me just explain while I am on the floor.

My colleague Senator SHAHEEN, a key member of the Small Business Committee and one of the negotiators on the small business package, is on the floor, and we are joined by Senator SCHUMER, who has been a real champion in making sure we get help to America's small businesses. I want to acknowledge the work of Senator COONS, who I expect will be on the floor a little later. One of our key cosponsors in the next round of aid is Senator ROSEN.

I want to acknowledge the cosponsors of the unanimous consent request legislation, including myself and Senator SCHUMER, Senator SHAHEEN, Senator COONS, Senator ROSEN, and Senator COLLINS.

I also want to acknowledge that this is bipartisan. I talked to Senator RUBIO, and he has informed me that this has cleared the hotline, so we are hopeful that we will get this UC done today.

As we are waiting for the paperwork to get to us, let me just explain what the UC does before I make the UC request.

The authority of the Small Business Administration to approve any more Paycheck Protection Program loans expires at midnight tonight. With the deadline we established when we passed the CARES Act in March—that was a reasonable assumption in March. We thought that by the end of June, our economy would be back on track and we would not need to have additional applications after that date.

Well, a lot has changed since March of this year, and we recognized that when we passed the bipartisan Flexibility Act. It changed the time period for use of PPP funds from 8 weeks to up to 24 weeks and changed the allocation that Treasury had established of using 75 percent of the funds for payroll to 60 percent of the funds for payroll. We recognize that times have changed.

The PPP program is extremely popular. As of 5 o'clock tonight, \$520.6 billion of forgivable loans have been issued under the PPP program to

4,856,647 small businesses. Quite frankly, these are small businesses that very well may not have been here today but for the PPP program. We kept them alive, and we have saved jobs. The Labor Department's May estimate of 2.5 million jobs added—a large number as a result of the PPP funds.

Small businesses need additional help. They need additional help. Times have changed. We know, for example, that in the State of Texas and Florida, we are seeing a record number of infections just now. The need is still there. We have mandatory closures of bars in those States. We certainly didn't anticipate that when we passed the legislation last March. Small businesses need additional help. We don't want to close the door on the PPP program.

The good news is that we have \$130 billion remaining in the coffers for the PPP program. So the resources are there, the need is there, and we just need to change the date. So the UC I am going to be making in a few moments would change the deadline for filing for a PPP loan from June 30 to August 8. We picked August 8 because that is the end of the next work period. We certainly hope that by then, we are going to have the next stimulus package signed by the President of the United States.

I must tell you, we need to do more than just extend this date; we need round two of help for small businesses. I am very pleased that I have had the help of Senator SHAHEEN and Senator COONS. We filed legislation that targets the next round. The first round was to get money out quicker to save small businesses. The second round needs to be targeted to those small businesses that really need the help. That is why our legislation targets it to small businesses under 100 workers and those that have economic needs that can be demonstrated and helping particularly the underserved, underbanked community.

I was very pleased that this type of a second round was acknowledged by Secretary Mnuchin at an oversight hearing before the Small Business and Entrepreneurship Committee. There have been good-faith negotiations with Senator RUBIO. We worked on this bipartisan issue. I think we can get it done today.

I am disappointed, though, that we are going to go into the recess scheduled for the end of this week. We are not coming back until July 20, and small businesses are going to run out of money during that period of time. The small businesses that have used up their PPP money and need additional help are not going to get our attention until we come back July 20. That is wrong.

We should have taken up this bill by now. The House passed the Heroes Act months ago. We should have been taking this up now. As I said, small businesses have exhausted a lot of their PPP funds, and we need to act.

Tonight, we will have the opportunity to extend the June 30 deadline

by the UC request. I am pleased that we are likely to be able to get that done. The last day that we anticipate, the end of the work period—the next work period—we will have time to work together, act together, and hopefully pass additional bipartisan help for small businesses in this country. Small businesses are the growth engine, job creator, innovator, and we need to act, and we need to act tonight.

With that in mind, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4116, introduced earlier today. I further 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 objection?

Mr. SCOTT of Florida. Mr. President.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, reserving the right to object. I want to thank my colleague for bringing up this important bill today. This crisis is unprecedented, and leaders across the Nation have taken steps to address the virus and the devastation it has caused both to the health of Americans and to our economy.

The Paycheck Protection Program has helped so many businesses in Florida and across the Nation to stay afloat during this unimaginable time. As we continue to reopen our economy and get Americans back to work, we have to continue looking for ways to help our small businesses that are hurting, and extending the Paycheck Protection Program is one way to do that.

My focus has always been on how we get this money to those who truly need it. We have heard all the stories—stories of big businesses with thousands of employees that found loopholes to qualify for these loans, universities with massive endowments accepting these loans, and even small businesses taking these loans when they haven't seen a downturn in their revenue.

Under my colleague's proposal, companies that are not being harmed at all by the coronavirus crisis will have the ability to receive taxpayer-funded loans that can be forgiven.

This program needs to be reformed so money isn't being taken out of the hands of those who really need it. I have offered an amendment to my colleague's bill today that will prohibit businesses that have not seen a downturn in their revenues to the COVID-19—during the coronavirus pandemic from being eligible for a Paycheck Protection Program loan going forward. My amendment would not be retroactive; it would only apply to those businesses applying for a loan going forward.

It is incumbent on us to create accountability in the Paycheck Protection Program, and I encourage my colleague to accept this commonsense

amendment to help those businesses hurt by this crisis.

I ask that Senator CARDIN modify his request and instead the Senate proceed to the immediate consideration of S. 4116, introduced earlier today, but that my amendment at the desk be agreed to; further, that the bill, as amended, be considered read a third time and passed; that the motion to reconsider be considered made and laid upon the table.

Mr. CARDIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. CARDIN. Mr. President, reserving the right to object to modifying the amendment, under my reservation, let me first thank the Senator from Florida. I agree with his concerns, and that is why we are looking at additional help for small businesses.

The legislation that I filed with Senator SHAHEEN and Senator COONS includes a needs-based approach to the next round of PPP loans because we are going to need to do more.

Secretary Mnuchin acknowledged that we are going to have to do more, but he also acknowledges that we can target that aid.

The first round was aimed at getting money out quickly, and we could not have gotten money out quickly if we had underwriting standards that required the needs-based as in the Senator's amendment.

So here is the dilemma that the Senator is offering. We are not looking at this PPP-2 program. This is the original program that we want to keep alive as we negotiate the next round.

So if the Senator's amendment were adopted, you could have a bar owner in Maryland who has been closed, who has been able to get the PPP program, but now you have a bar owner in Florida who just recently got notice that they have to close and wants to apply for a PPP loan and is not going to be able to get it in a timely way because they are going to have to establish—maybe prospectively—the loss of revenue after guidelines are given, et cetera.

That is not fair. It is not fair to treat one small business of one State differently than we treat a small business in another State.

The second point I would point out to the Senator is this: As we have looked at the evolution of the PPP program, the late applications, those that are filing now, they are invariably the smallest of the small businesses, the ones in the greatest need. So why would we want to change the rules for those that had the greatest need when we didn't do it on the original round?

So I would just urge my colleague: Let's work together. I assure you that we want to do this in the next round. I am disappointed we are not doing it this week before we adjourn, but that is a decision made not to bring up the next stimulus package at this point. I would urge my colleague to recognize that this would create an administra-

tive burden, an inequity, and it is not really germane to what we are trying to do in moving forward with the second round of the PPP program.

With that, I would object to modifying my unanimous consent request.

The PRESIDING OFFICER. Objection is heard on the modification.

Is there an objection to the original request?

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, first, I want to thank Senator CARDIN for worrying about the businesses. I think the Senator is absolutely right. I think we all can acknowledge that in the original bill, it could have been done better. So some of the businesses that got it shouldn't have probably gotten it in the beginning, and we could have targeted more for some of the smaller businesses.

I thank Senator CARDIN for what he is doing. I am not going to stand in the way of this. I look forward to working with him to try to make sure that the money goes to people who actually need it and that it doesn't go to people who haven't actually had a downturn in their business.

We don't have unlimited resources up here, as we all know. I just want to make sure the money is spent well.

So I am not going to stand in the way.

I yield the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (S. 4116) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4116

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

**SECTION 1. EXTENDING AUTHORITY FOR COMMITMENTS FOR THE PAYCHECK PROTECTION PROGRAM AND SEPARATING AMOUNTS AUTHORIZED FOR OTHER 7(A) LOANS.**

Section 1102(b) of title I of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) is amended to read as follows:

“(b) COMMITMENTS FOR PPP AND OTHER 7(A) LOANS.—

“(1) PPP LOANS.—During the period beginning on February 15, 2020 and ending on August 8, 2020, the amount authorized for commitments under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) shall be \$659,000,000,000.

“(2) OTHER 7(A) LOANS.—During fiscal year 2020, the amount authorized for commitments for section 7(a) of the Small Business Act (15 U.S.C. 636(a)) under the heading ‘BUSINESS LOANS PROGRAM ACCOUNT’ under the heading ‘SMALL BUSINESS ADMINISTRATION’ under title V of the Consolidated Appropriations Act, 2020 (Public Law 116-93; 133 Stat. 2475) shall apply with respect to any commitments under such section 7(a) other than under paragraph (36) of such section 7(a).”.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me thank my friend from Florida for allowing this to go forward. I think we do share the same objective. We want

to make sure the money gets out, and we also want to make sure that those who really need it get the funds.

I assure the Senator, I would be happy that we could bring up the second round this week, but let's make sure we work together with your colleague from Florida, Senator RUBIO. We have been in constant contact, and we hope to have a bill ready.

I want to acknowledge on the floor Senator SCHUMER, who has been our leader on our side to make sure that we really target the help for the small businesses that really need it.

I see on the floor Senator COLLINS, who was part of the negotiating team that was able to come up with the PPP program—incredible contributions. Senator SHAHEEN was also part of that negotiating team—with Senator RUBIO—that came up with the PPP program, and I thank you for your support on this unanimous consent request.

Senator COONS, as I have already mentioned earlier, is one of the key members of the Committee on Small Business and Entrepreneurship, one of our cosponsors of round 2 of relief to small businesses.

With that, I yield the floor to my colleague from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am really pleased to be here to join the ranking member of the Committee on Small Business and Entrepreneurship, Senator CARDIN; Democratic Leader SCHUMER; Senator COONS, who is also a member of the Small Business Committee; and Senator COLLINS, who worked so hard with the negotiating team to put in place the Paycheck Protection Program.

I am pleased because we have an agreement to extend the expiration date to August 8. I came here thinking that we would not be able to get agreement, so I am glad that Senator SCOTT was willing to work with us as we try and get not just an extension—because we need an extension of that first round, and that is what tonight does, but we also need another round of PPP.

This has, by far, been the largest business relief effort in our Nation's history—for small businesses, anyway. I am hearing now from so many small businesses in New Hampshire. Those that have used the PPP program effectively have kept their workers on the payroll; they have paid their rent; and they are beginning to open back up again. But that funding is about to run out, and they need more assistance as our economy reopens—particularly those mom-and-pop businesses with very few employees.

In New Hampshire, the tourism and hospitality industries, which have been the first to close and are going to be the last to reopen, are just vital to New Hampshire's economy. And New Hampshire restaurants account for nearly 70,000 jobs, with \$3 billion in sales, and hotels represent another 29,000 jobs and \$1 billion in wages and salaries.

I have heard from small businesses like LaBelle Winery, which is a beautiful winery, conference, and wedding venue in Southern New Hampshire. It has 100 employees. It is fighting to survive. The owners of LaBelle Winery have put in two decades of work, yet all of their events are canceling for the summer and fall. They have spent their first round of PPP. They are operating now at just a fraction of their capacity. Before the pandemic, this was a thriving business with expansion plans for opening an inn and a second restaurant. Now, if they don't get that second round, they are in real trouble.

Colby Hill Inn and The Grazing Room restaurant, which is in the only Henniker on Earth—Henniker, NH—is about to lose 65 percent of its revenues this year. The revenue from their high-end restaurant isn't even covering payroll or food costs. They had 95 percent of all of their events cancel this year.

The life savings of Bruce, the owner, and his husband Jeff are in this inn, and if they lose their business, they not only lose their business; they lose their home. If they don't get a second round, if they can't apply for that second round, they may not still be here.

So I am really pleased we have gotten this extension tonight. That is progress. But we need a second round.

There is \$130 billion left in the Paycheck Protection Program. We need to help those small businesses that need additional assistance.

I am pleased that we are working in a bipartisan fashion to try and get a bill. We have a bill that Senators CARDIN, COONS, and I introduced. Now we are working with Senator RUBIO, chairman of the committee, and Senator COLLINS, who was part of that four-person negotiating team. I am hopeful and cautiously optimistic that, if we work together, we will be able to agree—Republicans and Democrats—on what should be in that second round.

The challenge, then, is to get another package of assistance not just for America's small businesses but for all of the people who have taken such a hit as a result of this global pandemic. Over 128,000 Americans, 339 Granite Staters, have lost their lives.

New Hampshire has an unemployment rate that, before the pandemic, was under 3 percent, and it is now 14.5 percent. We have to help those small businesses get through this period, and I am hopeful that, working together, we can do that. We can get another package of legislation, and we can say to Americans again that help is on the way.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I want to commend the Senator from Maryland, the ranking member on the Senate Small Business and Entrepreneurship Committee, for bringing this legislation forward this evening.

I also want to commend my neighbor from New England, Senator SHAHEEN. Senator CARDIN and Senator SHAHEEN,

along with the chairman of the committee, Senator RUBIO, and I crafted the Paycheck Protection Program that has literally been a lifeline to small businesses and their employees throughout this country.

More than 4.8 million loans have been made under this program. These are forgivable loans. As long as the small business, the employer, uses the percentage that is established now at 60 percent in order to pay for his or her employees, then the loan, at the end of the day, is forgiven.

This has made the difference between a small business shuttering its doors forever, laying off its employees permanently, and surviving this pandemic. Small businesses do not want to lay off their employees. Their employees are their family members, their friends, their neighbors. They are committed to them. They are committed to their communities.

Through no fault of their own, the pandemic has led to government-issued orders that have closed businesses down or their customer base has simply dried up. As a result, these small businesses were facing extreme cashflow problems, with no liquidity, and were unable to keep their businesses going without the assistance from the PPP.

I am proud of what we have been able to do. I know the difference that it has made in the State of Maine, where more than 26,000 small businesses—that is almost 75 percent of small businesses in our State—have received more than \$2.2 billion worth of forgivable loans. That is equal to nearly half of the entire State budget for the State of Maine.

Those forgivable loans have sustained paychecks for nearly 200,000 employees in my State. It has allowed small businesses to retain employees; it has allowed them to recall employees; and it has allowed them to send paychecks to employees who have been furloughed due to a lack of work.

Most of all, it has kept that bond between the small business employer and his or her employees intact so that, as restrictions are lifted and as the economy reopens, the small business and its workforce can be quickly reunited. That benefits every community in this country.

So I am very pleased that the legislation that we brought to the Senate floor under the leadership of Senator CARDIN tonight has been approved so that we don't see an interruption in this program.

I, too, understand the concerns raised by Senator SCOTT. In our negotiations on a phase 2 program of the PPP, we are looking at having a revenue test, and I think that is likely to be a provision included in the next stage of this program.

But in the meantime, let us make sure that we continue our efforts to keep our small businesses alive and paychecks flowing to their employees.

I look forward to continuing the negotiations with my colleagues. I want

to thank Senator CARDIN, Senator SHAHEEN, and Senator RUBIO for their extraordinary leadership, and it has been a great pleasure to work with them on such a concrete program that has made literally the difference between going out of business and surviving this terrible pandemic.

Let me end, as Senator SHAHEEN did, with a story of a small business in the tourism industry in my State. This is an innkeeper who has run an inn that has been in her husband's family for generations.

In the month of June, usually—and last year—her occupancy rate is 94 percent. This June, it was 6 percent—6 percent. When I saw her, she told me that but for the Paycheck Protection Program, her business would not be in operation. She was able to keep all of her year-round staff employed because of the PPP. I think it is obvious that this business, like so many others, is going to need additional help to survive this pandemic. And that is what we must do.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, let me salute Senator CARDIN and Senator SHAHEEN for bringing this measure to the floor and forcing our colleagues on the other side of the aisle to relent, who, originally, of course, wanted to block this bill all day long. It is going to benefit two groups of people. The first, very simply, are those businesses whose businesses had gone bad in the last few months.

When this proposal was passed, plain and simple, the economy everyone thought, might get better sooner. It hasn't, and there are large numbers of businesses that are going to need to apply now. Had this program run out today, they would have been out of luck. Now, with this renewal, in short time, August 8, they at least get the chance to reapply.

But there is a second group. This program was rolled out very poorly by the administration. We all know that. We had to come back and fix it twice. There are many businesses in New York and elsewhere that applied initially and were rejected or that went to their bank and their banks said no because this program was not aimed at helping the smaller businesses by the administration, as they rolled it out.

The guidance that was supposed to be issued—and all the other things that happened—didn't happen. There are many businesses that were rejected the first time. I talked to many in New York in the last few weeks: Can I apply again? Now it has been straightened out because of the good work that Cardin and Shaheen and we Democrats did, forcing the Republicans to help small businesses.

They originally just wanted to renew the PP Program as is, and we said no. We said no, and we got a much better bill. These businesses can now apply again with the new guidelines that

were passed in COVID 3.5, and that is a very good thing.

I would recommend to our small businesses that have been rejected to reapply because it might be available to you again.

Let me say, this shouldn't have happened. Our Republican colleagues have been missing in action on COVID-19 throughout—on small business, on unemployment insurance, on aid to localities, and on so many other issues. The only reason we are here tonight is that we Democrats said we are going to force you to come here with the unanimous consent statement.

Let us hope—there is always hope here—that this will repeat itself; that our Republican colleagues will see that sticking their heads in the ground, following Leader MCCONNELL, who said that we will have to assess the situation—I guess tonight we are not assessing the situation, but thank God we are acting—that we will move forward on issue after issue after issue.

We have many more UCs this week. The need to pass those UCs is every bit as pressing as to move this UC. Maybe they will relent again, and maybe they will come back and say we need to negotiate.

Speaker PELOSI and I have asked Leader MCCONNELL to sit down and negotiate now. No, no way, no negotiation.

We have had to push our Republican friends to help small business, to help the unemployed, to help those who rent, and so many other people, and to help States and localities. They didn't want to do any of it. But tonight might be a metaphor for what is going to happen in the future as we move to the Heroes Act. Our Republican friends, pressured by the very people in their own States, who desperately need help, will have to say yes, we agree with you.

But I have to say that this happened tonight not because of bipartisan action, as much as I would like to see bipartisan action in this body. It happened because Democrats said we are going to go to the floor and demand a UC. Until the last minute, our Republican friends said we are going to block it for one reason or another. Thank God they didn't. They deserve praise for not doing it. But let's make no mistake about it. This is not the end. This is the beginning. We have a lot more to do for small business and for many other parts of our economy and our healthcare system that are struggling and suffering. They need action. We need bipartisanship like we saw tonight in these areas as well.

I yield floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise to join my colleagues and to express our enthusiasm for the work that lies ahead. I am so grateful to the Senator from Maryland for his leadership in bringing this important effort to the floor tonight.

Senator CARDIN and Senator SHAHEEN have been stalwarts in the Small Busi-

ness Committee. The ranking member and his talented colleague from New Hampshire have worked tirelessly to shape the PPP, or the Paycheck Protection Program, that was part of the CARES Act enacted more than 2 months ago.

It has delivered, as you heard tonight, remarkable assistance to nearly 4 million businesses, more than \$500 billion—I think \$526 billion in assistance—and has helped millions of businesses all over our Nation not have to close.

Today—tonight—was supposed to be last minute, the last chapter in the PPP program, but because of the unanimous consent request that was successfully negotiated by Senator CARDIN, there is now 5 more weeks of running room for businesses, large and small, across our States—excuse me, businesses small and smaller, across our States—to have an opportunity to get to the SBA to apply for a loan through their lender of choice and to have another opportunity.

Why do we need this? Because the pandemic is so far from over. Despite the wishes and the rhetoric of the President and others, we all know that in our States and in other States around the country, a record number of new cases were reported several times this week—the highest number of cases so far in this pandemic. Cases are rising in dozens of States, and small businesses in our country face an uncertain future.

In my home State, Governor John Carney, who has made good but hard decisions, has stopped the opening of our economy, like several other States—Maryland, which shares the wonderful Eastern Shore beaches, and New Hampshire, which has wonderful summer and winter hospitality businesses up and down its State. This is a critical time of year for our seasonal businesses. To not have them fully opened is putting a burden and is putting a damper on exactly those hospitality businesses that took the hardest hits right at the beginning of this pandemic.

I want to take a few minutes and talk about just a couple of the small businesses I know in Delaware that have benefited from the resources made possible by this program negotiated by these great colleagues. And \$1.4 billion has been delivered to Delaware businesses and nonprofits quickly, helping them to stay open or reopen, helping them to hire or retain workers. Yet, even tonight, \$134 billion in this program remains unspent. Rather than shutting it down, we are going to make sure that there are windows of opportunity for small businesses in our States.

This helps a company like Zoup! in Newark, DE. Eric Ames is the owner. I was there at the opening of his first Zoup! franchise years ago. This PPP loan—a loan-to-grant program—has made it possible for him to keep functioning. Jimmy Vennard, who is the



creative, innovative brewer in Newark, DE, of Autumn Arch Brewing has benefited from a PPP loan. Yvonne Gordon, whom I have known for years, who runs Orange Theory Fitness and is a minority business owner in Pike Creek, has been able to stay open and reopen because of her PPP loan. And in Dover, DE, our capital, the wonderful Green Turtle Restaurant was able to stay open because of this loan.

These aren't abstractions. These aren't statistics. These are real flesh-and-blood families and businesses that have benefited because of the PPP. As several of my colleagues have said, in the early stages of this program, not enough small businesses and not enough minority-owned businesses, because of fewer banking connections and because of the unpredictability of the rules, were able to access to the PPP. Some were denied by multiple lenders. That is why it is important that we extend this deadline tonight.

Let me also speak about what we hope will be the next phase—the Prioritized PPP Act. Extending the deadline of this first loan period for 5 weeks is good but not enough. There are other businesses that can and should get access to the lifeline of a prioritized second PPP loan.

As Senators CARDIN and SHAHEEN have mentioned, this would focus on fewer than 100 employees and with more than 50 percent greater revenue loss. I am particularly excited about the set-aside of \$25 billion or about 20 percent of the total funding for those with 10 or fewer workers.

I know that Senator CARDIN and Senator SHAHEEN will be working hard in the weeks to come to narrow and to focus and to prioritize where we will go in the next relief bill.

With the forbearance of my colleagues, I want to talk about one other issue. In my home State of Delaware, today, June 30, was the end of the budget year—the end of our General Assembly session by constitution. All of us received a letter from the seven largest organizations representing State, county, and local governments all over our country, saying it is urgent that this next relief bill include not just another round of assistance to small businesses but critically needed assistance to State and local governments.

There are 15 million Americans who work for State and local governments: teachers, paramedics, firefighters, police officers, the folks who make our State and local governments run. And 1.6 million of them have already been laid off as State and local revenues plummet.

We have to work together to make sure this is part of the next program. We have to extend unemployment benefits. We need to ensure the American people can safely vote, and we need to expand national service opportunities. There is so much for us to do.

I look forward to more successful efforts with my colleagues and for the

opportunities for us to work together to address the needs of the American people.

Thank you so much to my colleagues, both for tonight's exciting extension of the PPP program and for the work we have yet to do in the days and months ahead.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I want to thank Senator COONS for his comments and Senator SHAHEEN. Senator COONS is absolutely right. There are many reasons why we needed to bring up the next stimulus package before we go on recess. The issue of the State and local governments are real.

I have heard from Governor Hogan of Maryland. I have heard from Mayor Young of Baltimore City. I have heard from our county execs. Their fiscal year begins at midnight tonight. They have hundreds of millions of dollars of revenue shortfalls that they have to make up because they have to have a balanced budget. That is going to mean they are going to have to consider layoffs. It means it will be difficult to open up schools in the fall. And the list goes on and on and on. They need help from us.

The CARES Act was important. It did provide some meaningful help, but the CARES Act dealt with the direct cost to State and local government of taking care of COVID-19, not the revenue loss as a result of income tax revenues down, as a result of the special fees that local governments receive for parking or for rental cars or hotel taxes. We never made up any of that. They have to balance their budget. We needed to act on that.

Senator COONS is absolutely right when he talks about the fact that in March, when we passed the CARES Act, we thought that the unemployed would have jobs available, certainly, by July, but that is not going to be the case for millions of Americans.

We are going to have to do something about the expiring unemployment insurance, and we have to deal with election security. There are a lot of issues.

We have to deal with pre-K through 12 and higher education. They have direct costs that have yet to be met. They are in danger of not being able to safely reopen in the fall, and we have to act to help them in that regard. I just really want to underscore the point that Senator COONS made.

I want to thank Senator COONS, and I want to thank Senator SHAHEEN because we have put out there for the public to take a look at what the second round of help for small businesses will look like. We put a priority, as I think we should, on the smaller of the small businesses, first, by eligibility—100 employees or less—and, second, by guaranteed set-asides for those that are 10 employees or less. We have a needs-based approach, 50 percent loss in revenue as a result of COVID-19, and we make it easier for the smaller small

businesses to be able to get loans by making it more financially rewarding for the financial institutions to make those loans. We have stepped up to say that this is what we need to look at.

I must tell you that we are in a pretty good position in the Small Business Committee because we have open dialogue and negotiations. Today, on two occasions, I was in contact with the chairman of the committee, and we are negotiating this and we will be ready. We want you to know that we put out our proposal, and I want to thank Senator COONS and Senator SHAHEEN for joining me in that effort.

I would hope lightning could strike and perhaps we could bring up the bill this week and get something done. I think that is highly unlikely, knowing the leader's schedule for this week. That is wrong. He should have acted before the July recess. Let's hope we can use the 2 weeks during the recess to put together a bill that cannot only pass the Senate and the House but be signed by the President, to help not just small businesses, not just State and local governments, but all the people in this country get through this horrible pandemic.

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

The PRESIDING OFFICER. (Ms. MCSALLY). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. PERDUE. Madam President, I ask unanimous consent that the Senate proceed to 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.

#### HUMAN RIGHTS

Mr. CARDIN. Madam President, as we grapple with the manifestations of racism and intolerance in our society here in the United States, it is important to remember that we have friends and allies across the globe who face similar challenges. They support U.S. leadership and seek our engagement on issues of common concern.

Throughout my career in Congress in both the House and Senate, I have been fortunate to participate in the Parliamentary Assembly of the Organization for Security and Cooperation in Europe—OSCE PA—a critical venue for international engagement. I have served as the OSCE PA Special Representative on Anti-Semitism, Racism, and Intolerance for the last 5 years, after serving as a committee officer and then a vice president of the assembly. It has been a rewarding experience

working with like-minded parliamentarians from Canada and across Europe to advocate for human rights and to promote democratic development.

Of course, as we engage on these issues, we must be candid about our own shortcomings, which I did in a recent web dialogue with dozens of parliamentarians from across the OSCE region on the impact of the current pandemic on diverse societies. I noted how minority and immigrant communities are more vulnerable to the harmful impacts of the pandemic, in part due to past inequalities that inadequately healthcare and economic responses are exacerbating. I also raised the efforts to respond to the killing of George Floyd, including reforms designed to rebuild trust between police officers and the communities they are sworn to protect and serve.

Following this web event, Dr. Hedy Fry, the head of the Canadian Delegation to the OSCE PA, contacted me. She shared with me an opinion editorial she wrote which describes, in equally candid terms, how the events in the United States have made Canadians more aware of inequalities and injustices in their own country and the need for Canada to respond appropriately. Her remarks illustrate that the U.S. can exercise global leadership by serving as an example of self-examination followed by corrective action. If we do it, we can encourage other countries to do the same.

I want to thank our friends in the Canadian Parliament for their collaboration in the OSCE PA and support for U.S. initiatives. I am grateful that we have worked so closely together over the years toward the common goal of making this world a better place, and I look forward to our continued collaboration. I would like to share Dr. Fry's remarks with my Senate colleagues; therefore, I ask unanimous consent to have her op-ed printed in the RECORD.

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

HOUSE OF COMMONS,  
Canada, June 25, 2020.

The terrible acts of violence against Black persons in the United States has brought racism, to the forefront, in Canada. But, racism has also been systemic, though insidious here, for generations. Not as openly violent, as in the US, but present nonetheless, in our institutions, workplaces, schools and society.

Over the last 30 years, Canada enacted progressive legislation to protect minorities: the Charter of Rights and Freedoms, Employment Equity, the Citizenship Act, the Canadian Human Rights Act, the Multiculturalism Act, and anti-hate laws.

Yet data shows that Indigenous peoples still have the highest suicide rate, poorest health outcomes, and most incarcerations; that visible minorities, despite education, are under employed and under-paid; that Black men are carded and suspected of criminality.

Racism is rooted in colonialism. Colonialism sought to tame the savages, to bring them to Christianity, to de-culturalize native populations "for their own good". It also stereotyped them as inferior, less educa-

ble, more "savage and untamed" in their reactions and therefore less trustworthy and prone to criminality.

Stereotyping is the root of xenophobia.

Residential schools in Canada, apartheid in South Africa, and slavery in the Americas were all based on the presumption that Native peoples were one step above animals, barely. The so-called "science" of eugenics, in the early 20th century, confirmed this.

The bubbling cauldron of anti-Black violence and xenophobia has historically never been far from the surface in the USA and is entrenched in all of its institutions.

In Canada, the stereotyping and institutional bias is more insidious and subtle. Though the violence against Black communities is most apparent in some areas of Canada. The violence against Indigenous peoples is evidenced across the country and this age of ubiquitous cameras record and bring them to light.

Systemic racism is never far beneath the surface. COVID 19 exposed this. Crisis brings anger and fear. It cracks the thin veneer of tolerance that seems to exist in quiet, polite times. It seeks to blame "the other". Fear caused the eruption of anti-Chinese hate in Canada and amplified the reality of Black and Indigenous lives.

We are all shaken and empathetic.

But our denial and ignorance can no longer stand.

We must listen and act. We need to collect disaggregated data, based on ethnicity, Indigenous status, religion, race, color, sexual orientation, gender identity and expression, age, and disability. We must match that data against employment, incarceration, health outcomes, socioeconomic status and participation in the social political, economic and cultural life of our nation. This is called getting to the factual evidence.

We must use that evidence to educate the public and teach unvarnished history, in our schools. It will then become apparent that the Chinese and Japanese have been in British Columbia for 160 years; that the Chinese built a railroad that united our nation from sea to sea; that they, the Sikhs and Indigenous peoples fought in WWI and II; that they returned to face discrimination and hardship, but stayed and built a nation.

We must teach about the internment of Ukrainians, the arrest of Italians, and the antisemitism that turned away Jews from our shores during World War II. We must acknowledge the ugliness of our past and learn from it.

We must then take steps to train and sensitize our institutions; we must make them welcoming to the diversity of Canadians that live here. We must set policies, programs and measurable goals to eradicate systemic discrimination. We must track our progress and report to Canadians. We must, finally, aim for an inclusive society that will respect and harness the benefits which diversity brings.

It is a long road. But if we begin now, it is a worthy goal to show the world that it is possible to put aside conflict and live together, as many different peoples, in peaceful coexistence.

In order to build a strong, peaceful prosperous nation, everyone must belong—and everyone must build it together.

Stay well,

THE HONOURABLE HEDY FRY, P.C., MP,  
Vancouver Centre.

#### PRIDE MONTH

Mrs. MURRAY. Mr. President, I want to take a few minutes on the floor today to celebrate the LGBTQIA+ community and their long march toward

equality, as well as talk a little bit about how the actions of this President and his administration have threatened our hard-fought progress.

As Pride Month comes to a close—a month that has seen communities of every size, in every State, protesting against our Nation's long legacy of police brutality and systemic racism, while also navigating impacts of a global health pandemic.

I am reminded of the Black and Brown transgender women who 51 years ago, stood against the bigotry and violence of the police after they raided the Stonewall Inn and then sought to suppress 6 days of protest.

I am reminded of their courage and how their struggles mirror the intersectional challenges people are facing today and the demands ringing out from protesters in the streets.

I am reminded of Tony McDade, an unarmed Black transgender man killed by police in Tallahassee in late May, and of Nina Pop, a transwoman murdered in her Missouri apartment earlier in May—a fate that meets countless Black transwomen and other transwomen of color.

Mr. President, a half century after Stonewall, I am reminded that while we have made some critical progress, we are still fighting so many of the same battles, and we still have so much, much more work to do.

There is no denying President Trump and Vice President Pence have made this work far more difficult. This administration's far-reaching ideological agenda seems aimed at relegating LGBTQIA+ people to second-class citizens.

Back in June of 2017, I sent a letter to President Trump outlining the multitude of ways his actions in the first 100 days of his administration had already threatened to cause harm to LGBTQIA+ people in Washington State and around the Nation.

Three years later, it is sad but safe to say that President Trump has built those threats into an all-out attack on members of the community, from the administration's efforts to strip protections from LGBTQIA+ people seeking access to health care—during a public health emergency, no less—to eliminating protections for Federal contractor and subcontractor LGBTQIA+ workers, to rolling back the Obama-era HUD equal access rule, allowing shelters to discriminate against transgender people now, and banning transgender servicemembers in our military.

This is all in addition to this administration's proposed QUOTE "faith-based" rules that have allowed multiple federal agencies to begin discriminating against LGBTQIA+ people seeking access to vital taxpayer services and the parade of homophobic and transphobic judicial and executive appointments that have been jammed through with the help of Senate Republicans.

I unfortunately could go on because the list of offenses is long, but let me

say, in closing: As a proud ally of the LGBTQIA+ community in Washington State and across the country and as a voice for our State here in the Senate, I will never stop shining a spotlight on efforts from President Trump or any President to discriminate against our LGBTQIA+ loved ones, friends, neighbors, and coworkers, and I won't stop fighting against hatred in our laws and standing up for what is right, as well as encouraging others to make their voices heard, too, as we work to help our Nation live up to its ideals of justice and equality.

So, Mr. President, this may not be the celebratory Pride we expected or one like we have ever seen before, but it is one we should take as motivation and inspiration for the work ahead this June and in the coming months and years.

Happy Pride, everyone.

#### TRIBUTE TO RONALD K. MACHTLEY

Mr. REED. Madam President, I rise to join my colleague from Rhode Island in celebrating the career of a distinguished national servant and university leader, the Honorable Ronald K. Machtley, who is retiring from Bryant University after serving as its president for 24 years. Today, marks President Machtley's final day at the helm of Bryant University. He has been an extraordinary leader and has placed the university on a path for continued growth and innovation.

President Machtley brought a deep commitment to public service to Bryant University. A graduate of the Naval Academy, he retired as a captain after 25 years in Active Duty and the Reserves. He was elected to the House of Representatives to represent the First Congressional District of Rhode Island in 1988, where he served for three terms. Two of these terms, we served side by side. In 1996, he was selected to be the eighth president of then-Bryant College, an institution founded in 1863 to provide business education to working people, especially Civil War veterans.

When he arrived at Bryant College, President Machtley found an institution struggling to survive. Enrollment was low, with five empty dormitories, and the budget was in deficit. He began the painstaking work of restoring the college's confidence, finances, and educational programs. By 2004, Bryant College was ready to become Bryant University. Today, applications to Bryant are at alltime highs, and enrollment stands at 3,500 undergraduate students compared to only 2,200 in 1996. President Machtley also led successful capital campaigns and oversaw the transformation of campus facilities, including the 2016 opening of the state-of-the-art Academic Innovation Center. He expanded Bryant's reach around the globe, opening a campus in Zhuhai, China. These investments in the university have paid off. Bryant has

climbed in the national rankings, and Bryant graduates are highly competitive. Recent data show that 99 percent of Bryant University students have jobs or are in graduate school within 6 months of graduation.

Bryant University will also miss the contributions of Mrs. Kati C Machtley, who has served as an ambassador for the university and spearheaded important campus initiatives. Since 1997, Mrs. Machtley has led the annual Women's Summit at Bryant, which has provided a forum to inspire, empower, and advance women.

The Machtleys have helped lay the foundation that will launch Bryant University into the future. Now that future is in the good hands of the faculty, administration, students, and alumni. They continue to inspire us all with their example. I thank them for their service and wish them well in retirement.

Mr. WHITEHOUSE. Madam President, I rise today to recognize former Congressman Ron Machtley from Rhode Island on his last day as president of Bryant University. President Machtley has led Bryant for almost a quarter century. During that time, he shepherded Bryant's transition from a regionally focused business college to a university that prepares students to succeed in a global economy.

A graduate of the U.S. Naval Academy, Ron began his career in Active Duty with the Navy and retired from the U.S. Naval Reserves in 1995 with the rank of captain. He practiced law for a time before winning election to the U.S. House of Representatives. After leaving Congress, Machtley stepped into the role of president at Bryant University, where he has served for the past 24 years.

Bryant University was founded in Smithfield, RI, in 1863, in the middle of the Civil War. Bryant was originally intended to be a place Civil War veterans could learn the fundamentals of business and get a fresh start. When Ron Machtley moved into the president's office, Bryant College was still narrowly focused on business education. In 2004, President Machtley announced that Bryant would officially become a university with two distinct colleges: the College of Business and the College of Arts and Sciences.

President Machtley has put Bryant on the map in many other ways—increasing enrollment, revitalizing the campus, and joining competitive NCAA Division I athletics. Last year, an all-time high of more than 7,700 students from across the world applied for a spot in Bryant University's freshman class. To help prepare students to compete in a global economy, President Machtley established a new campus in Zhuhai, China, and expanded the university's study abroad options. Bryant has excelled at equipping students with the skills to earn success in business and many other fields. Employers clearly recognize the value of a degree from Bryant—99 percent of the class of 2019

was employed or pursuing an advanced degree within 6 months of graduation.

I wish President Machtley an active and enjoyable retirement, and I thank him for his dedicated service to the Bryant community.

#### TRIBUTE TO REVEREND BRIAN J. SHANLEY

Mr. REED. Madam President, I rise to join my colleague from Rhode Island in celebrating the tenure of Reverend Brian J. Shanley as the 12th president of Providence College. As he completes his service, we thank him for his many contributions to the intellectual, social, and spiritual life in Providence.

A native of Warwick, RI, and a graduate of Toll Gate High School, Father Shanley raised the national profile of Providence College, strengthening its academic programs, transforming and modernizing the campus, and fielding championship athletic teams. During his presidency, the college established its first Center for Global Education, the East and West Campuses were finally connected, and the Friars brought home the 2014 Big East Men's Basketball Championship and the 2015 NCAA Men's Hockey Championship.

But the extent of his impact on students and the community is much broader than academic rankings, innovative land use, and sports. He advanced the mission of the college as an "institution of higher education and a community committed to academic excellence in pursuit of the truth, growth in virtue, and service of God and neighbor."

The motto of Providence College and the Dominican Order is "Veritas" or "Truth." As president, Father Shanley worked to create an environment where students could discover truth both academically and spiritually. He established an Office of Mission and Ministry. Under his leadership, Providence College students have performed thousands of hours of community service in the city and beyond. The search for truth has also led to a greater commitment to racial and social justice on campus. When students occupied his office, calling for action on diversity and inclusion, Father Shanley met with them and agreed to concrete actions to promote diversity and inclusion in academics and other aspects of campus life. During his tenure the college also established the Office of Institutional Diversity, Equity, and Inclusion.

As a scholar of philosophy, Father Shanley follows the teachings of Saint Thomas Aquinas, another Dominican friar, who wrote that it is "better to illuminate than merely shine to deliver to others contemplated truths than merely to contemplate." That is the kind of leadership Father Shanley has provided to Providence College for these past 15 years. He will be missed on campus and around town. I wish him well in his next endeavors and thank him for his service.

Mr. WHITEHOUSE. Madam President, I rise today, along with my senior

colleague Senator REED, to mark the last day of Father Brian Shanley's tenure at Providence College, where he has served as president for 15 years. Father Shanley is the longest serving president in the history of Providence College and the only native Rhode Islander to have had the role.

A graduate of Providence College himself, Father Shanley has led the Catholic liberal arts college—the country's only higher learning institution run by the Dominican Friars—through a decade and a half of change. He has greatly increased P.C.'s national profile and overseen major capital improvements to the campus, all while ensuring the school remains true to its principles and a good neighbor in the Elmhurst section of Providence. Father Shanley created a College of Business to expand the school's offerings beyond its signature liberal arts curriculum and a Center for Global Education to foster opportunities abroad for students. He has taken strides to increase diversity by investing in financial aid, transitioning to a test-optional admissions model, and recruiting students and faculty from different backgrounds. And, of course, P.C. has cultivated a national reputation for its stellar basketball and hockey programs with Father Shanley at the helm.

I would like to add on a personal note how cordial and gracious Father Shanley has been in all my dealings with him and with Providence College in his tenure. It has been a true pleasure to work and interact with him.

I wish Father Shanley the very best in his well-earned retirement. Go Friars!

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO SAM ROSS

• Mr. CASSIDY. Madam President, Sam Ross is a farmer from Pioneer, LA, and is recognized as a top producer of the year finalist, a great honor in the farming community. Ross's family has been farming for years, and after graduating high school, he got into the trade with his first 100 acres. Fast-forward to now, and Sam owns over 10,000 acres of crops. His farm is a fourth-generation family-run operation. I would like to thank Sam and all the other farmers in America for the great work they do.●

##### VERMONT STATE OF THE UNION ESSAY CONTEST FINALISTS

• Mr. SANDERS. Madam President, I ask to have printed in the RECORD some of the finalist essays written by Vermont High School students as part of the 10th annual "State of the Union", essay contest conducted by my office.

The material follows:

HUSSEIN AMURI, WINOOSKI HIGH SCHOOL,  
JUNIOR

"Give me your tired, your poor, Your huddled masses yearning to breathe free, The

wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!"

Emma Lazarus, a native-born American, included these sentiments in the sonnet "The New Colossus" engraved on the pedestal that supports the Statue of Liberty. The words and the statue embody the greatness and intellect of this country. I am a teenage immigrant from Tanzania, whose family fled the Second Congo Civil War to enter the "golden door." Those words are not just words to me, they represent my reality. Yet, I think America is moving away from these values, dishonoring the hard-won identity of countless immigrants. I think America needs to reclaim these values because diversity forms this country's strength and its path to renaissance.

People fleeing wars, persecution, and conflict founded the United States to build better lives. Our founders, like my family, arrived poor and desperate. Today, however, Americans attack newcomers, blame them for economic tribulations and cultural disruption. Do we steal jobs and fail to pay taxes? No, these so-called beliefs are myths. According to the National Foundation for American Policy, 55% of the country's \$1 billion start-up companies—such as Uber, SpaceX, and Avant—had at least one immigrant founder and each start-up created more than 760 jobs. In my hometown of Winooski, we have popular ethnic restaurants like Pho Dang Vietnamese Cafe and Tiny Thai; grocery stores like Sagarthama Grocery and Asian Market; businesses built and owned by immigrants, the "huddled masses yearning to breathe free." Many people from around Vermont find job opportunities here, including myself. Native-born Americans come to shop and enjoy themselves at these shops and restaurants.

In 2017, working immigrant households paid \$405 billion dollars in taxes; DACAeligible residents paid \$4 billion, according to the New America Economy Coalition. Legal and unauthorized immigrants pay taxes. Poor, "wretched refuse," struggling in our home countries, we decided that America offered more opportunities, and brought our cultures, ways of life, and strong will here. We enhance the economy and introduce new perspectives to American life. My beautiful mother hardly speaks English and works two jobs to support herself and my brothers. She pays taxes. We see her seldom because she's usually at work. From where we sit, she's contributing a lot to the economy.

We are "your tired, your poor." We are "the homeless, tempest-tost." We are here today and contributing to this country. We are the New Colossus and represent the words engraved on the pedestal supporting the Statue of Liberty. Can we keep the legacy of this sonnet alive, a legacy that truly defines this country's strength, roots to renaissance, and diversity? Listen and acknowledge stories from my mother and thousands of other immigrants. Those stories are full of hardship and revitalization. In despair, we came to "lift our lamps, beside the golden door," and we found hope for ourselves and the United States of America.

MAELY BRIGHTMAN, ST. JOHNSBURY ACADEMY,  
SOPHOMORE

Today in many schools, students are receiving inadequate sex education and it's negatively impacting their health and well-being. In the United States only 24 states require public schools to have sex education and 20 of them require it to be medically accurate. The lack of coverage on subjects such as safe sex, LGBTQ topics, menstruation, and body image is damaging the well-being of today's youths.

Research shows that having accurate comprehensive sex education classes leads to lower rates of teen pregnancy and contracting an STI. Teens understand the importance of using protection and contraceptives. In fact, NCLS states that people age 15-25 make up 25% of the sexually active population but the rate of them contracting is disproportionately high. By teaching teens accurate information, they have more knowledge to make safer decisions. Medically accurate information has been shown to have a higher influence than no sex education at all or abstinence-until-marriage education.

It is also important that we do not just teach about heterosexual intercourse, but have an LGBTQ inclusive curriculum. The lack of awareness and information about the LGBTQ community leads to teens and adults who don't know how to have safe same-sex intercourse. A surprising amount of people don't know what a dental dam is. It's a protection from STIs when performing oral sex. Furthermore, teaching children about healthy, normal LGBTQ relationships would help normalize same-sex relationships and non-cisgender identities. It is an important component in supporting LGBTQ youth.

In addition, accurate sex education would help defeat the stigma in teens, specifically boys, that surrounds menstruation and other natural things that happen to girls and boys during puberty. Because of society's influence, many people end up believing that normal, healthy processes are bad or gross. This can cause bullying, low self esteem, or abuse. Sex education would help normalize these natural occurrences. That is why the government should require all public schools to have medically accurate sex education classes.

While it would be a difficult and long process, the outcome would be worth the effort. Many people are against this idea, under beliefs that kids shouldn't be exposed to the world yet or for religious reasons, however by shielding them from the truth parents ensure that their children have less knowledge and information to rely on when they reach adulthood. Typically in schools that teach sex education, they start in middle school. I feel that it is a good starting point for schools. The law would have to be changed at a federal level, so that it affects the whole nation. This would be a tedious process, however I believe it would bring a much needed improvement for American youths.

ISABELLE CHEN, OXBOW HIGH SCHOOL,  
FRESHMAN

As everyone starts to shift into the next decade, there is one prominent issue that can no longer be silenced. This problem not only applies to Americans but includes every living species who wanders this earth. Despite our state of ignorance, earth has continuously given us telltale signs that climate change is quickly altering our planet. Yet many of us still refuse to see the consequences that climate change has created thus far. Unstable air quality, increase in hotter temperatures, and the rise of sea levels are a few of the repercussions that mankind has generated. Before we can solve other pressing matters like gun control or inequality, we must make global warming our top priority, for it is destroying the very ground we stand on.

According to NASA, the exploitation of fossil fuels is the main driving force in the production of atmospheric carbon dioxide. The action of burning fossil fuels leads to the consolidation of carbon and oxygen in the air to forge CO2. The depositing of excess CO2 in the atmosphere is solely based upon human activities. We lack the action needed from the government to prevent such happenings.

Additional grants and federal funding should go towards companies whose mission is to use sustainable energy sources. Those companies will improve further with the increased funding and influence others to reject coal and oil for the more sustainable utilization of solar energy, geothermal energy, hydroelectric energy, etc. The cessation of fossil fuel use will decrease stock and mass production for oil and coal companies, ultimately weakening the usage of greenhouse gases.

What also needs special attention drawn to is the deliberation of entering America back into the Paris Climate Agreement. The agreement states that all countries signed into the arrangement will focus their efforts on the prevention of global warming and greenhouse gas emissions. Nearly 200 countries plus the European Union are currently in the agreement. If America joins back into the Paris Agreement, not only would we be establishing trust and a working relationship alongside other countries, but America would be delivering a message to all citizens living in it that fighting climate change is crucial to the outcome of our future. Not to mention, the United States is one of the most vigorous advocates for climate action. We must not abandon our efforts now in a time like this.

The world cannot prosper with the threat of climate change looming over our heads. In the words of President Obama, "Climate change is no longer some far-off problem; it is happening here, and it is happening now." Denial of the present and our own ignorance to believe the earth will fix itself will simply not stand. Acknowledging that climate change is legitimate would be an essential element in hindering the ongoing growth of global warming. Switching over to viable energy sources and providing government funding to sustainable corporations will decrease the advancements of CO2 emissions by a large sum. This is our planet, and we must protect our only home.●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Ridgway, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Energy and Natural Resources.

(The message received today is printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 4091. An act to amend section 1113 of the Social Security Act to provide authority for fiscal year 2020 for increased payments for temporary assistance to United States citizens returned foreign countries, and for other purposes.

At 2:22 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1425. An act to amend the Patient Protection and Affordable Care Act to provide for a Improve Health Insurance Affordability Fund to provide for certain reinsurance payments to lower premiums in the individual health insurance market.

H.R. 5332. An act to amend the Fair Credit Reporting Act to ensure that consumer reporting agencies are providing fair and accurate information reporting in consumer reports, and for other purposes.

H.R. 7301. An act to prevent evictions, foreclosures, and unsafe housing conditions resulting from the COVID-19 pandemic, and for other purposes.

H.J. Res. 90. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of the Comptroller of the Currency relating to "Community Reinvestment Act Regulations".

The message further announced that pursuant to section 7221(b)(1)(A)(x) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), the Minority Leader appoints the following member to the Commission on Combating Synthetic Opioid Trafficking: Ms. Karen Tandy of Annandale, Virginia.

The message also announced that pursuant to section 7221(b)(1)(A)(x) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), the Minority Leader appoints the following Member to the Commission on Combating Synthetic Opioid Trafficking: The Honorable Fred Upton of Michigan.

#### ENROLLED BILL SIGNED

At 7:26 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 4091. An act to amend section 1113 of the Social Security Act to provide authority for fiscal year 2020 for increased payments for temporary assistance to United States citizens returned from foreign countries, and for other purposes.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 7259. An act to allow acceleration certificates awarded under the Patents for Humanity Program to be transferable.

#### 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-4912. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General David L. Goldfein, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-4913. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to Mali that was declared in Executive Order 13882 of

July 26, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-4914. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to transnational criminal organizations that was declared in Executive Order 13581 of July 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4915. 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 13219 of June 26, 2001, with respect to the Western Balkans; to the Committee on Banking, Housing, and Urban Affairs.

EC-4916. A communication from the Chairman of the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Appraisal Subcommittee's 2019 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-4917. A communication from the Director of Congressional Affairs, Office of the Chief Financial Officer, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Fee Schedules, Fee Recovery for Fiscal Year 2020" (RIN3150-AK10) received in the Office of the President of the Senate on June 24, 2020; to the Committee on Environment and Public Works.

EC-4918. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Annual Update: Identification of Quality Measurement Priorities and Associated Funding for the Consensus-Based Entity (currently the National Quality Forum) and Other Entities"; to the Committee on Finance.

EC-4919. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Finalizing Medicare Rules under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) For Calendar Year 2019"; to the Committee on Finance.

EC-4920. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "2018 Actuarial Report on the Financial Outlook for Medicaid"; to the Committee on Finance.

EC-4921. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress: Social Risk Factors and Performance under Medicare's Value-Based Purchasing Programs"; to the Committee on Finance.

EC-4922. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Elder Justice Coordinating Council 2016-2018 Report to Congress"; to the Committee on Finance.

EC-4923. 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 "Notice: Adjusted Applicable Dollar Amount for Fee Imposed by sections 4375 and 4376" (Notice 2020-44) received in the Office of the President of the Senate on June 25, 2020; to the Committee on Finance.

EC-4924. 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 "Relief for Qualified Opportunity Funds and Investors Affected by Ongoing COVID-19 Pandemic" (Notice 2020-39) received in the Office of the President of the Senate on June 25, 2020; to the Committee on Finance.

EC-4925. 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 "Treatment of Amounts Paid to Section 170(c) Organizations Under Employer Leave-Based Donation Programs to Aid Victims of the Ongoing Coronavirus Disease 2019" (Notice 2020-46) received in the Office of the President of the Senate on June 25, 2020; to the Committee on Finance.

EC-4926. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency" (RIN0938-AU32) received in the Office of the President of the Senate on June 15, 2020; to the Committee on Finance.

EC-4927. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2019 Annual Report to Congress on the Open Payments Program"; to the Committee on Finance.

EC-4928. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the 1963 Polaris Sales Agreement, as amended, the notification of a sale and transfer to the United Kingdom of four shipsets of Common Missile Compartment (CMC) shipboard weapon system equipment, facilities equipment, ancillary equipment, and follow-on support services; to the Committee on Foreign Relations.

EC-4929. A communication from the Regulations Coordinator, Office for Civil Rights, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination in Health and Health Education Programs or Activities" (RIN0945-AA11) received in the Office of the President of the Senate on June 15, 2020; to the Committee on Health, Education, Labor, and Pensions.

EC-4930. A communication from the Special Counsel, Office of the Special Counsel, transmitting, pursuant to law, a report entitled "Annual Report to Congress for Fiscal Year 2019"; to the Committee on Homeland Security and Governmental Affairs.

EC-4931. A communication from the Executive Director, Office of General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Correction of Administrative Errors; Required Minimum Distributions" (5 CFR Part 1605, 1650, and 1651) received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2020; to the Committee on Homeland Security and Governmental Affairs.

EC-4932. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the Department's Semi-annual Report of the Inspector General for the period from October 1, 2019 through March 31, 2020; to the Committee on Homeland Security and Governmental Affairs.

EC-4933. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Year 2017"; to the Committee on Indian Affairs.

EC-4934. A communication from the Chief of the Regulatory Coordination Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I-765 Employment Authorization Applications" (RIN1615-AC19) received in the Office of the President of the Senate on June 29, 2020; to the Committee on the Judiciary.

EC-4935. A communication from the Assistant Chief Counsel for Regulatory Affairs, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Liquefied Natural Gas by Rail" (RIN2137-AF40) received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2020; to the Committee on Commerce, Science, and Transportation.

EC-4936. A communication from the Program Analyst, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Authorizing Permissive Use of the Next Generation Broadcast Television Standard" ((FCC 20-72) (GN Docket No. 16-142)) received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2020; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WICKER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2381. A bill to require review by the Government Accountability Office of screening protocols of the Transportation Security Administration relating to breast milk and formula, and for other purposes (Rept. No. 116-238).

## 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. CRUZ (for himself, Mr. RUBIO, Mrs. CAPITO, and Mr. TILLIS):

S. 4101. A bill to expand the payment of principal, interest, and fees for certain disaster loans under the CARES Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BLUMENTHAL (for himself and Mr. BOOKER):

S. 4102. A bill to ensure that institutions of higher education take steps to protect their college athletes from COVID-19, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PORTMAN (for himself and Mr. WHITEHOUSE):

S. 4103. A bill to amend title XVIII of the Social Security Act to increase the use of telehealth for substance use disorder treatment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PAUL (for himself, Mr. KENNEDY, and Ms. COLLINS):

S. 4104. A bill to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay Initiative, for improved detection, prevention, and recovery of im-

proper payments to deceased individuals, and for other purposes; considered and passed.

By Mr. COTTON:

S. 4105. A bill to impose a 1-year minimum prison sentence for the destruction of veterans' memorials; to the Committee on the Judiciary.

By Mr. BRAUN (for himself, Mr. KENNEDY, Mrs. LOEFFLER, Mr. GRASSLEY, Mr. ENZI, Ms. ERNST, and Mr. BARASSO):

S. 4106. A bill to amend the Public Health Service Act to provide for hospital and insurer price transparency; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. BENNETT, and Mr. BOOKER):

S. 4107. A bill to amend the Social Security Act to establish a new employment, training, and supportive services program for unemployed and underemployed individuals and individuals with barriers to employment, to provide employment services to individuals who are unemployed or underemployed as a result of COVID-19, and for other purposes; to the Committee on Finance.

By Mr. CASEY (for himself, Ms. CORTEZ MASTO, Mr. BROWN, Mr. BENNETT, Mr. WYDEN, Ms. ROSEN, Ms. SMITH, Mr. MERKLEY, Mr. TESTER, Ms. STABENOW, Mrs. SHAHEEN, Mr. BOOKER, Ms. KLOBUCHAR, Mr. VAN HOLLEN, Mr. WHITEHOUSE, Mr. PETERS, and Mr. MENENDEZ):

S. 4108. A bill to amend title XIX of the Social Security Act to increase Federal support to State Medicaid programs during economic downturns, and for other purposes; to the Committee on Finance.

By Mr. BURR (for himself, Ms. MURKOWSKI, and Mr. MANCHIN):

S. 4109. A bill to require the Administrator of General Services to establish an agency electronic recycling program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. RUBIO (for himself, Mr. MENENDEZ, Mr. YOUNG, Mr. CARDIN, and Mr. MERKLEY):

S. 4110. A bill to designate residents of the Hong Kong Special Administrative Region as Priority 2 refugees of special humanitarian concern, and for other purposes; to the Committee on the Judiciary.

By Ms. MCSALLY:

S. 4111. A bill to amend title 46, United States Code, to provide for a cause of action by the family of a military service member who dies from a collision on the high seas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. LEAHY, Ms. ROSEN, Mr. KAINE, Ms. BALDWIN, Mr. MERKLEY, Mr. VAN HOLLEN, Mr. SANDERS, Mr. MURPHY, Ms. SMITH, Mr. CASEY, Ms. STABENOW, Mr. MARKEY, Ms. WARREN, Mr. REED, Ms. HASSAN, Mrs. FEINSTEIN, and Mr. DURBIN):

S. 4112. A bill to support education and child care during the COVID-19 public health emergency, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNETT:

S. 4113. A bill to amend the Communications Act of 1934 to provide grants to States and Indian Tribes to deploy affordable, high-speed broadband to unserved and underserved areas; to the Committee on Commerce, Science, and Transportation.

By Mr. SANDERS (for Mr. MARKEY (for himself and Mr. SANDERS)):

S. 4114. A bill to prohibit Federal law enforcement officers from using riot control agents and kinetic impact projectiles, and to



incentivize States and local governments to prohibit State and local law enforcement officers from using riot control agents and kinetic impact projectiles; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Ms. BALDWIN, and Mr. BROWN):

S. 4115. A bill to reduce child poverty in the United States, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Mr. SCHUMER, Mrs. SHAHEEN, Mr. COONS, Ms. ROSEN, and Ms. COLLINS):

S. 4116. A bill to extend the authority for commitments for the paycheck protection program and separate amounts authorized for other loans under section 7(a) of the Small Business Act, and for other purposes; considered and passed.

By Mr. CRAMER (for himself, Mr. MENENDEZ, Mr. TILLIS, and Ms. SINEMA):

S. 4117. A bill to provide automatic forgiveness for paycheck protection program loans under \$150,000, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. HARRIS:

S. 4118. A bill to require the President to appoint a Special Presidential Envoy for Pandemic Preparedness and Response, who shall develop and implement a diplomatic strategy to prepare for, detect, respond to, and recover from pandemics and other global outbreaks of infectious disease, and for other purposes; to the Committee on Foreign Relations.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. TESTER (for himself, Mr. SCHUMER, Mrs. SHAHEEN, Mr. MANCHIN, Mr. KAINE, Mr. WARNER, Mr. JONES, Ms. SMITH, Ms. HIRONO, Mr. REED, Mr. VAN HOLLEN, Ms. CORTEZ MASTO, Ms. BALDWIN, Mr. BROWN, Mr. BENNETT, Mr. CARPER, Mr. BLUMENTHAL, Mr. MARKEY, Mr. DURBIN, Ms. HARRIS, Mr. CARDIN, Mrs. MURRAY, Ms. ROSEN, Ms. STABENOW, Mr. MURPHY, Mr. WYDEN, Ms. HASSAN, Mr. PETERS, Ms. KLOBUCHAR, Mr. HEINRICH, Ms. WARREN, Ms. SINEMA, Mr. KING, Mr. UDALL, Mr. WHITEHOUSE, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. SCHATZ, Mr. COONS, Mr. LEAHY, Mr. SANDERS, Mr. BOOKER, Mrs. GILLIBRAND, Mr. MERKLEY, Ms. CANTWELL, Mr. CASEY, and Ms. DUCKWORTH):

S. Res. 638. A resolution expressing the sense of the Senate that the Department of Justice should defend the Patient Protection and Affordable Care Act (Public Law 111-148 Stat. 119) and halt its efforts to repeal, sabotage, or undermine health care protections for millions of people in the United States in the midst of the public health emergency relating to the Coronavirus Disease 2019 (COVID-19); to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. BOOKER, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Ms. HIRONO, Mr. MARKEY, Ms. WARREN, Ms. HARRIS, and Mr. CARDIN):

S. Res. 639. A resolution recognizing June 2020 as "Immigrant Heritage Month", a celebration of the accomplishments and contributions immigrants and their children have made in making the United States a healthier, safer, more diverse, and prosperous country, and acknowledging the im-

portance of immigrants to the future successes of the United States; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 177

At the request of Mr. ROBERTS, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 177, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 360

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. VAN HOLLEN) 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. 383

At the request of Mr. BARRASSO, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 383, a bill to support carbon dioxide utilization and direct air capture research, to facilitate the permitting and development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, and for other purposes.

S. 560

At the request of Ms. BALDWIN, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 560, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a congenital anomaly or birth defect.

S. 633

At the request of Mr. MORAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 633, a bill to award a Congressional Gold Medal to the members of the Women's Army Corps who were assigned to the 6888th Central Postal Directory Battalion, known as the "Six Triple Eight".

S. 1333

At the request of Mr. CARPER, the names of the Senator from Montana (Mr. DAINES) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1333, a bill to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay Initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes.

S. 1602

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 1602, a bill to amend the United States

Energy Storage Competitiveness Act of 2007 to establish a research, development, and demonstration program for grid-scale energy storage systems, and for other purposes.

S. 3419

At the request of Mr. INHOFE, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 3419, a bill to amend the Packers and Stockyards Act, 1921, to provide for the establishment of a trust for the benefit of all unpaid cash sellers of livestock, and for other purposes.

S. 3672

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 3672, a bill to provide States and Indian Tribes with flexibility in administering the temporary assistance for needy families program due to the public health emergency with respect to the Coronavirus Disease (COVID-19), to make emergency grants to States and Indian Tribes to provide financial support for low-income individuals affected by that public health emergency, and for other purposes.

S. 3721

At the request of Ms. HARRIS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3721, a bill to provide for the establishment of a COVID-19 Racial and Ethnic Disparities Task Force to gather data about disproportionately affected communities and provide recommendations to combat the racial and ethnic disparities in the COVID-19 response.

S. 3732

At the request of Mr. CORNYN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3732, a bill to amend title 18, United States Code, to further protect officers and employees of the United States, and for other purposes.

S. 3768

At the request of Mr. CASEY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Hampshire (Ms. HASSAN), the Senator from California (Ms. HARRIS), the Senator from Michigan (Ms. STABENOW) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 3768, a bill to protect older adults and people with disabilities living in nursing homes, intermediate care facilities, and psychiatric hospitals from COVID-19.

S. 3814

At the request of Mr. BENNET, the names of the Senator from Maine (Mr. KING) and the Senator from North Dakota (Mr. CRAMER) were added as cosponsors of S. 3814, a bill to establish a loan program for businesses affected by COVID-19 and to extend the loan forgiveness period for paycheck protection program loans made to the hardest hit businesses, and for other purposes.

S. 3874

At the request of Mrs. MURRAY, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 3874, a bill making additional supplemental appropriations for disaster relief requirements for the fiscal year ending September 30, 2020, and for other purposes.

S. 3902

At the request of Mr. BLUMENTHAL, the names of the Senator from Hawaii (Ms. HIRONO) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 3902, a bill to amend the Insurrection Act to curtail violations against the civil liberties of the people of the United States, and for other purposes.

S. 3909

At the request of Mr. MURPHY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 3909, a bill to require Federal law enforcement officers, including contract employees, and members of the armed forces engaged in crowd control, riot control, or arrest or detainment of individuals engaged in civil disobedience, demonstrations, protests, or riots to visibly display identifying information.

S. 3910

At the request of Mr. MANCHIN, the names of the Senator from Colorado (Mr. BENNET), the Senator from Oregon (Mr. WYDEN), the Senator from California (Mrs. FEINSTEIN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 3910, a bill to establish a presumption that certain firefighters who are Federal employees and have COVID-19 contracted that disease while in the performance of their official duties, and for other purposes.

S. 4001

At the request of Mr. SCOTT of South Carolina, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 4001, a bill to amend title IX of the Social Security Act to improve emergency unemployment relief for governmental entities and nonprofit organizations.

S. 4014

At the request of Mr. CARDIN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 4014, a bill to provide for supplemental loans under the Paycheck Protection Program.

S. 4019

At the request of Mr. MANCHIN, his name 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. 4033

At the request of Ms. KLOBUCHAR, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 4033, a bill to require States to es-

tablish contingency plans for the conduct of elections for Federal office in response to national disasters and emergencies, and for other purposes.

S. 4098

At the request of Mr. MENENDEZ, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Virginia (Mr. KAINE) and the Senator from Alabama (Mr. JONES) were added as cosponsors of S. 4098, a bill to provide funding for the Neighborhood Reinvestment Corporation Act, and for other purposes.

S. RES. 539

At the request of Mr. CARDIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. Res. 539, a resolution supporting the rights of the people of Iran to determine their future, condemning the Iranian regime for its crackdown on legitimate protests, and for other purposes.

AMENDMENT NO. 1690

At the request of Mr. BLUMENTHAL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1690 intended to be proposed to 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.

AMENDMENT NO. 1691

At the request of Mr. BLUMENTHAL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1691 intended to be proposed to 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.

AMENDMENT NO. 1693

At the request of Mr. MORAN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 1693 intended to be proposed to 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.

AMENDMENT NO. 1694

At the request of Mr. MORAN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Iowa (Ms. ERNST) were added as cosponsors of amendment No. 1694 intended to be proposed to 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.

AMENDMENT NO. 1697

At the request of Mr. CARDIN, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of amendment No. 1697 intended to be proposed to 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.

AMENDMENT NO. 1702

At the request of Mr. CARDIN, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of amendment No. 1702 intended to be proposed to 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.

AMENDMENT NO. 1709

At the request of Mr. HAWLEY, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of amendment No. 1709 intended to be proposed to 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.

AMENDMENT NO. 1712

At the request of Mr. KING, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 1712 intended to be proposed to 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.

AMENDMENT NO. 1715

At the request of Mr. KING, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 1715 intended to be proposed to 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.

AMENDMENT NO. 1721

At the request of Mr. KING, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 1721 intended to be proposed to 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

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1861 intended to be proposed to 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.

## AMENDMENT NO. 1864

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1864 intended to be proposed to 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.

## AMENDMENT NO. 1876

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 1876 intended to be proposed to 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.

## AMENDMENT NO. 1881

At the request of Mrs. HYDE-SMITH, the names of the Senator from Nevada (Ms. ROSEN), the Senator from Nebraska (Mrs. FISCHER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Massachusetts (Ms. WARREN) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of amendment No. 1881 intended to be proposed to 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.

At the request of Mr. VAN HOLLEN, his name was added as a cosponsor of amendment No. 1881 intended to be proposed to S. 4049, *supra*.

## AMENDMENT NO. 1883

At the request of Mr. ROMNEY, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 1883 intended to be proposed to 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.

## AMENDMENT NO. 1889

At the request of Mr. PORTMAN, the names of the Senator from Florida (Mr. RUBIO), the Senator from Colorado (Mr. GARDNER) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of amendment No. 1889 intended to be proposed to 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 pre-

scribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1894

At the request of Mr. PORTMAN, the names of the Senator from Texas (Mr. CRUZ) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of amendment No. 1894 intended to be proposed to 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.

## AMENDMENT NO. 1895

At the request of Mr. RUBIO, the names of the Senator from Nevada (Ms. ROSEN) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of amendment No. 1895 intended to be proposed to 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.

## AMENDMENT NO. 1899

At the request of Mr. LANKFORD, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 1899 intended to be proposed to 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.

## AMENDMENT NO. 1932

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of amendment No. 1932 intended to be proposed to 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.

## AMENDMENT NO. 1940

At the request of Ms. ROSEN, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of amendment No. 1940 intended to be proposed to 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.

## AMENDMENT NO. 1945

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut

(Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1945 intended to be proposed to 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.

## AMENDMENT NO. 1974

At the request of Mr. BENNET, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 1974 intended to be proposed to 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.

## AMENDMENT NO. 1986

At the request of Mr. KENNEDY, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1986 intended to be proposed to 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.

## AMENDMENT NO. 1988

At the request of Mr. KENNEDY, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 1988 intended to be proposed to 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.

## AMENDMENT NO. 2001

At the request of Mr. LEE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2001 intended to be proposed to 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.

## AMENDMENT NO. 2038

At the request of Mr. CASEY, the names of the Senator from Arizona (Ms. SINEMA) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 2038 intended to be proposed to 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.

At the request of Mr. CARDIN, the name of the Senator from Maryland

(Mr. VAN HOLLEN) was added as a cosponsor of amendment No. 2211 intended to be proposed to 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.

## AMENDMENT NO. 2217

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of amendment No. 2217 intended to be proposed to 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.

## AMENDMENT NO. 2219

At the request of Mr. WARNER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 2219 intended to be proposed to 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.

## AMENDMENT NO. 2244

At the request of Mr. CORNYN, the name of the Senator from Arizona (Ms. MCSALLY) was added as a cosponsor of amendment No. 2244 intended to be proposed to 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.

## AMENDMENT NO. 2245

At the request of Mr. CORNYN, the names of the Senator from Texas (Mr. CRUZ) and the Senator from Arizona (Ms. MCSALLY) were added as cosponsors of amendment No. 2245 intended to be proposed to 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.

## AMENDMENT NO. 2252

At the request of Mr. SCHATZ, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. BOOKER), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Colorado (Mr. BENNET), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Vermont (Mr. SANDERS), the Senator from Washington (Mrs.

MURRAY), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Ohio (Mr. BROWN), the Senator from Connecticut (Mr. MURPHY) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 2252 intended to be proposed to 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.

## AMENDMENT NO. 2259

At the request of Mr. BROWN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 2259 intended to be proposed to 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.

## AMENDMENT NO. 2268

At the request of Ms. HIRONO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 2268 intended to be proposed to 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.

## AMENDMENT NO. 2269

At the request of Ms. HIRONO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 2269 intended to be proposed to 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.

## AMENDMENT NO. 2277

At the request of Mr. TOOMEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 2277 intended to be proposed to 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.

## AMENDMENT NO. 2296

At the request of Mr. BLUMENTHAL, the name of the Senator from Missouri (Mr. HAWLEY) was added as a cosponsor of amendment No. 2296 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military con-

struction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2302

At the request of Mr. CRAPO, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 2302 intended to be proposed to 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.

## AMENDMENT NO. 2309

At the request of Ms. BALDWIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2309 intended to be proposed to 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.

## AMENDMENT NO. 2317

At the request of Ms. HARRIS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 2317 intended to be proposed to 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.

## AMENDMENT NO. 2323

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 2323 intended to be proposed to 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.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. PAUL (for himself, Mr. KENNEDY, and Ms. COLLINS):

S. 4104. A bill to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay Initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes; considered and passed.

S. 4104

*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 “Stopping Improper Payments to Deceased People Act”.

**SEC. 2. DISTRIBUTION OF DEATH INFORMATION FURNISHED TO OR MAINTAINED BY THE SOCIAL SECURITY ADMINISTRATION.**

(a) IN GENERAL.—

(1) IN GENERAL.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended—

(A) in paragraph (2)—

(i) by striking “may” and inserting “shall”; and

(ii) by inserting “, and to ensure the completeness, timeliness, and accuracy of,” after “transmitting”;

(B) by striking paragraphs (3), (4), and (5) and inserting the following:

“(3)(A) In the case of individuals with respect to whom federally funded benefits are provided by (or through) a Federal or State agency, the Commissioner of Social Security shall, to the extent feasible, provide such information through a cooperative arrangement with such agency for ensuring proper payment of those benefits with respect to such individuals if—

“(i) under such arrangement the agency agrees to such safeguards as the Commissioner determines are necessary or appropriate to protect the information from unauthorized use or disclosure;

“(ii) under such arrangement the agency provides reimbursement to the Commissioner of Social Security for the reasonable cost of carrying out such arrangement, including the reasonable costs associated with the collection and maintenance of information regarding deceased individuals furnished to the Commissioner pursuant to paragraph (1); and

“(iii) such arrangement does not conflict with the duties of the Commissioner of Social Security under paragraph (1).

“(B) The Commissioner of Social Security shall, to the extent feasible, provide for the use of information regarding all deceased individuals furnished to or maintained by the Commissioner under this subsection, through a cooperative arrangement in order for a Federal agency to carry out any of the following purposes, if the requirements of clauses (i), (ii), and (iii) of subparagraph (A) are met:

“(i) Under such arrangement, the agency operating the Do Not Pay working system established under section 5 of the Improper Payments Elimination and Recovery Improvement Act of 2012 may compare death information disclosed by the Commissioner with personally identifiable information reviewed through the working system, and may redisclose such comparison of information, as appropriate, to any Federal or State agency authorized to use the working system.

“(ii) The tax administration duties of the agency.

“(iii) Oversight activities of the Inspector General of an agency that is provided information regarding all deceased individuals pursuant to this subsection.

“(iv) Civil or criminal enforcement activities that are authorized by law.

“(C) With respect to the reimbursement to the Commissioner of Social Security for the reasonable cost of carrying out a cooperative arrangement described in subparagraph (A) between the Commissioner of Social Security and an agency, the Commissioner shall—

“(i) establish a defined calculation method for purposes of calculating the reasonable cost of carrying out the arrangement that does not take into account any services, information, or unrelated payments provided by the agency to the Commissioner; and

“(ii) reimbursement payments shall be accounted for and recorded separately from other transactions.

“(4) The Commissioner of Social Security may enter into similar arrangements with States to provide information regarding all deceased individuals furnished to or maintained by the Commissioner under this subsection for use by States in programs wholly funded by the States, or for use in the administration of a benefit pension plan or retirement system for employees of a State or a political subdivision thereof, if the requirements of clauses (i), (ii), and (iii) of paragraph (3)(A) are met. For purposes of this paragraph, the terms retirement system and political subdivision have the meanings given such terms in section 218(b).

“(5) The Commissioner of Social Security may use or provide for the use of information regarding all deceased individuals furnished to or maintained by the Commissioner under this subsection for statistical purposes and research activities by Federal and State agencies (including research activities conducted under a contract or a cooperative arrangement (as such terms are defined for purposes of sections 6303 and 6305, respectively, of title 31, United States Code) with such an agency) if the requirements of clauses (i) and (ii) of paragraph (3)(A) are met.”; and

(C) in paragraph (8)(A)(i), by striking “subparagraphs (A) and (B) of paragraph (3)” and inserting “clauses (i), (ii), and (iii) of paragraph (3)(A)”.

(2) REPEAL.—Effective on the date that is 5 years after the date of enactment of this Act, the amendments made by this subsection to paragraphs (3), (4), (5), and (8) of section 205(r) of the Social Security Act (42 U.S.C. 405(r)) are repealed, and the provisions of section 205(r) of the Social Security Act (42 U.S.C. 405(r)) so amended are restored and revived as if such amendments had not been enacted.

**(b) AMENDMENTS TO INTERNAL REVENUE CODE.—**

(1) IN GENERAL.—Section 6103(d)(4) of the Internal Revenue Code of 1986 is amended—

(A) in subparagraphs (A) and (B), by striking “Secretary of Health and Human Services” each place it appears and inserting “Commissioner of Social Security”; and

(B) in subparagraph (B)(ii), by striking “such Secretary” and all that follows through “deceased individuals.” and inserting “such Commissioner pursuant to such contract, except that such contract may provide that such information is only to be used by the Social Security Administration (or any other Federal agency) for purposes authorized in the Social Security Act or this title.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect 180 days after the date of enactment of this Act.

**(c) REPORT TO CONGRESS ON ALTERNATIVE SOURCES OF DEATH DATA.—**

(1) REQUIREMENTS.—The Commissioner of Social Security, in coordination with the Secretary of the Treasury, shall conduct a review of potential alternative sources of death data maintained by the non-Federal sources, including sources maintained by State agencies or associations of State agencies, for use by Federal agencies and programs. The review shall include analyses of—

(A) the accuracy and completeness of such data;

(B) interoperability of such data;

(C) the extent to which there is efficient accessibility of such data by Federal agencies;

(D) the cost to Federal agencies of accessing and maintaining such data;

(E) the security of such data;

(F) the reliability of such data; and

(G) a comparison of the potential alternate sources of death data to the death data distributed by the Commissioner of Social Security.

(2) REPORT.—Not later than 4 years after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the results of the review and analyses required under paragraph (1). The report shall include a recommendation by the Director of the Office of Management and Budget regarding whether to extend the agency access to death data distributed by the Commissioner of Social Security provided under the amendments made by subsection (a)(1) beyond the date on which such amendments are to be repealed under subsection (a)(2).

**SEC. 3. IMPROVING THE USE OF DATA BY GOVERNMENT AGENCIES TO CURB IMPROPER PAYMENTS.**

The Improper Payments Elimination and Recovery Improvement Act of 2012 (31 U.S.C. 3321 note) is amended by adding at the end the following:

**“SEC. 8. IMPROVING THE USE OF DEATH DATA BY GOVERNMENT AGENCIES.**

“(a) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—

“(1) GUIDANCE TO AGENCIES.—Not later than 1 year after the date of enactment of this section, and in consultation with the Council of Inspectors General on Integrity and Efficiency and the heads of other relevant Federal, State, and local agencies, and Indian tribes and tribal organizations, the Director of the Office of Management and Budget shall issue guidance for each agency or component of an agency that operates or maintains a database of information relating to beneficiaries, annuity recipients, or any purpose described in section 205(r)(3)(B) of the Social Security Act (42 U.S.C. 405(r)(3)(B)) for which improved data matching with databases relating to the death of an individual (in this section referred to as death databases) would be relevant and necessary regarding implementation of this section to provide such agencies or components access to the death databases no later than 1 year after such date of enactment.

“(2) PLAN TO ASSIST STATES AND LOCAL AGENCIES AND INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary of Health and Human Services and the Secretary of the Treasury shall jointly develop a plan to assist States and local agencies, and Indian tribes and tribal organizations, in providing electronically to the Federal Government records relating to the death of individuals, which may include recommendations to Congress for any statutory changes or financial assistance to States and local agencies and Indian tribes and tribal organizations that are necessary to ensure States and local agencies and Indian tribes and tribal organizations can provide such records electronically. The plan may include recommendations for the authorization of appropriations or other funding to carry out the plan.

“(b) REPORTS.—

“(1) REPORT TO CONGRESS ON IMPROVING DATA MATCHING REGARDING PAYMENTS TO DECEASED INDIVIDUALS.—Not later than 1 year after the date of enactment of this section, the Secretary of the Treasury, in consultation with the heads of other relevant Federal agencies, and in consultation with States and local agencies, Indian tribes and tribal organizations, shall submit to Congress a plan to improve how States and local agencies and Indian tribes and tribal organizations that provide benefits under a federally funded program will improve data matching with the Federal Government with respect to

the death of individuals who are recipients of such benefits.

“(2) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this section, and for each of the 4 succeeding years, the Secretary of the Treasury shall submit to Congress a report regarding the implementation of this section. The first report submitted under this paragraph shall include the recommendations of the Secretary required under subsection (a)(2).

“(c) DEFINITIONS.—In this section, the terms Indian tribe and tribal organization have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).”

**SEC. 4. PLAN FOR ENSURING THE ACCURACY AND COMPLETENESS OF DEATH DATA MAINTAINED AND DISTRIBUTED BY THE SOCIAL SECURITY ADMINISTRATION.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security shall submit to Congress a plan, which shall include an estimate of the cost of implementing the policies and procedures described in such plan, to improve the accuracy and completeness of the death data (including, where feasible and cost-effective, data regarding individuals who are not eligible for or receiving benefits under titles II or XVI of the Social Security Act) maintained and distributed by the Social Security Administration.

(b) CONTENT OF PLAN.—In developing the plan required under subsection (a), the Commissioner of Social Security shall consider whether to include the following elements:

(1) Procedures for—

(A) identifying individuals who are extremely elderly, as determined by the Commissioner, but for whom no record of death exists in the records of the Social Security Administration;

(B) verifying the information contained in the records of the Social Security Administration with respect to individuals described in subparagraph (A) and correcting any inaccuracies; and

(C) where appropriate, disclosing corrections made to the records of the Social Security Administration.

(2) Improved policies and procedures for identifying and correcting erroneous death records, including policies and procedures for—

(A) identifying individuals listed as dead who are actually alive;

(B) identifying individuals listed as alive who are actually dead; and

(C) allowing individuals or survivors of deceased individuals to notify the Social Security Administration of potential errors.

(3) Improved policies and procedures to identify and correct discrepancies in the records of the Social Security Administration, including social security number records.

(4) A process for employing statistical analysis of the death data maintained and distributed by the Social Security Administration to determine an estimate of the number of erroneous records.

(5) Recommendations for legislation, as necessary.

**SEC. 5. REPORT ON INFORMATION SECURITY.**

Not later than 90 days after the date of the enactment of this Act, the Commissioner of Social Security shall submit a report to the Committees on Ways and Means, Oversight and Reform, and Homeland Security of the House of Representatives, and the Committees on Finance and Homeland Security and Governmental Affairs of the Senate that—

(1) identifies all information systems of the Social Security Administration containing sensitive information; and

(2) describes the measures the Commissioner is taking to secure and protect such information systems.

**SEC. 6. LIMITED ACCESS TO DEATH INFORMATION MAINTAINED BY THE SOCIAL SECURITY ADMINISTRATION FOR RECOVERY OF ERRONEOUS REBATE PAYMENTS.**

(a) IN GENERAL.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)), as amended by section 2, is further amended by adding at the end the following new paragraph:

“(10)(A) Notwithstanding any provision or requirement under paragraph (3), not later than 30 days after the date of enactment of this paragraph, the Commissioner of Social Security shall provide the Secretary with access to any records or information maintained by the Commissioner of Social Security pursuant to paragraph (1), provided that—

“(i) such records and information are used by the Secretary solely for purposes of carrying out subsection (h) of section 6428 of the Internal Revenue Code of 1986; and

“(ii) the Secretary agrees to establish safeguards to assure the maintenance of the confidentiality of any records or information disclosed.

“(B) In this paragraph, the term ‘Secretary’ means the Secretary of the Treasury or the Secretary’s delegate.”

(b) RECOVERY OF REBATE PAYMENTS TO DECEASED INDIVIDUALS.—Section 6428 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsection (h) as subsection (i), and

(2) by inserting after subsection (g) the following new subsection:

“(h) RECOVERY OF REBATE PAYMENTS TO DECEASED INDIVIDUALS.—In the case of any individual who is shown on the records or information disclosed to the Secretary under section 205(r)(10) of the Social Security Act as being deceased before January 1, 2020, if the Secretary has distributed a payment to such individual pursuant to subsection (f), the Secretary shall, to the extent practicable, carry out any measures as are deemed appropriate to suspend, cancel, and recover such payment.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

By Mr. CARDIN (for himself, Mr. SCHUMER, Mrs. SHAHEEN, Mr. COONS, Ms. ROSEN, and Ms. COLLINS):

S. 4116. A bill to extend the authority for commitments for the paycheck protection program and separate amounts authorized for other loans under section 7(a) of the Small Business Act, and for other purposes; considered and passed.

S. 4116

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

**SECTION 1. EXTENDING AUTHORITY FOR COMMITMENTS FOR THE PAYCHECK PROTECTION PROGRAM AND SEPARATE AMOUNTS AUTHORIZED FOR OTHER 7(A) LOANS.**

Section 1102(b) of title I of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) is amended to read as follows:

“(b) COMMITMENTS FOR PPP AND OTHER 7(A) LOANS.—

“(1) PPP LOANS.—During the period beginning on February 15, 2020 and ending on August 8, 2020, the amount authorized for commitments under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) shall be \$659,000,000,000.

“(2) OTHER 7(A) LOANS.—During fiscal year 2020, the amount authorized for commitments for section 7(a) of the Small Business Act (15 U.S.C. 636(a)) under the heading ‘BUSINESS LOANS PROGRAM ACCOUNT’ under the heading ‘SMALL BUSINESS ADMINISTRATION’ under title V of the Consolidated Appropriations Act, 2020 (Public Law 116-93; 133 Stat. 2475) shall apply with respect to any commitments under such section 7(a) other than under paragraph (36) of such section 7(a).”

**SUBMITTED RESOLUTIONS**

SENATE RESOLUTION 638—EXPRESSING THE SENSE OF THE SENATE THAT THE DEPARTMENT OF JUSTICE SHOULD DEFEND THE PATIENT PROTECTION AND AFFORDABLE CARE ACT (PUBLIC LAW 111-148 STAT. 119) AND HALT ITS EFFORTS TO REPEAL, SABOTAGE, OR UNDERMINE HEALTH CARE PROTECTIONS FOR MILLIONS OF PEOPLE IN THE UNITED STATES IN THE MIDST OF THE PUBLIC HEALTH EMERGENCY RELATING TO THE CORONAVIRUS DISEASE 2019 (COVID-19)

Mr. TESTER (for himself, Mr. SCHUMER, Mrs. SHAHEEN, Mr. MANCHIN, Mr. KAINE, Mr. WARNER, Mr. JONES, Ms. SMITH, Ms. HIRONO, Mr. REED, Mr. VAN HOLLEN, Ms. CORTEZ MASTO, Ms. BALDWIN, Mr. BROWN, Mr. BENNET, Mr. CARPER, Mr. BLUMENTHAL, Mr. MARKEY, Mr. DURBIN, Ms. HARRIS, Mr. CARDIN, Mrs. MURRAY, Ms. ROSEN, Ms. STABENOW, Mr. MURPHY, Mr. WYDEN, Ms. HASSAN, Mr. PETERS, Ms. KLOBUCHAR, Mr. HEINRICH, Ms. WARREN, Ms. SINEMA, Mr. KING, Mr. UDALL, Mr. WHITEHOUSE, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. SCHATZ, Mr. COONS, Mr. LEAHY, Mr. SANDERS, Mr. BOOKER, Mrs. GILLIBRAND, Mr. MERKLEY, Ms. CANTWELL, Mr. CASEY, and Ms. DUCKWORTH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 638

Whereas more than 2,500,000 people in the United States have tested positive for the Coronavirus Disease 2019 (referred to in this preamble as “COVID-19”), with many requiring costly health care;

Whereas, prior to 2010, a diagnosis of COVID-19 likely would have been considered a pre-existing medical condition;

Whereas, in 2010, Congress passed and President Barack Obama signed the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119) (referred to in this preamble as the “ACA”);

Whereas, prior to the enactment of the ACA, more than 133,000,000 nonelderly people in the United States with a pre-existing medical condition were consistently charged unaffordable premiums for health insurance coverage, were subject to exorbitant out-of-pocket costs for care, faced annual and lifetime limits on coverage, or were denied health care coverage altogether;

Whereas, prior to the enactment of the ACA, millions of seniors with Medicare coverage encountered steep out-of-pocket prescription drug costs once those seniors hit a threshold known as the Medicare “donut

hole”, and since the donut hole began closing in 2010, millions of Medicare beneficiaries have saved billions of dollars on prescription drug costs;

Whereas, on February 26, 2018, 18 State attorneys general and 2 Governors filed a lawsuit in the United States District Court for the Northern District of Texas, Texas v. United States, No. 4:18-cv-00167-O (N.D. Tex.) (referred to in this preamble as “Texas v. United States”), arguing that the requirement of the ACA to maintain minimum essential coverage is unconstitutional;

Whereas the State and individual plaintiffs in Texas v. United States also seek to strike down the entire ACA as not severable from the requirement to maintain minimum essential coverage;

Whereas, despite the well-established duty of the Department of Justice to defend Federal statutes where reasonable arguments can be made in their defense, Attorney General Jefferson Sessions announced in a letter to Congress on June 7, 2018, that the Department of Justice would not defend the constitutionality of the minimum essential coverage provision;

Whereas, in the June 7, 2018, letter to Congress, then Attorney General Jefferson Sessions announced that the Department of Justice would instead argue that provisions protecting individuals with pre-existing medical conditions (specifically the provisions commonly known as “community rating” and “guaranteed issue”) are not severable from the minimum essential coverage provision and ought to be invalidated;

Whereas the United States District Court for the Northern District of Texas issued an order on December 14, 2018, that struck down the ACA in its entirety, including protections for individuals with pre-existing conditions, based on the ruling of that court that the requirement to maintain minimum essential coverage was unconstitutional;

Whereas, on March 25, 2019, the Department of Justice, in a letter to the United States Court of Appeals for the Fifth Circuit, changed its position and announced that the central holding of the United States District Court for the Northern District of Texas should be upheld and the entire ACA should be declared inseverable from the minimum essential coverage provision and struck down;

Whereas, on December 18, 2019, the United States Court of Appeals for the Fifth Circuit in Texas v. United States, 945 F.3d 355 (5th Cir. 2019), upheld the decision of the United States District Court for the Northern District of Texas striking down the minimum essential coverage provision, but vacated the decision on severability and remanded the case to the United States District Court for the Northern District of Texas;

Whereas the Supreme Court of the United States granted, on Monday, March 2, 2020, a petition for a writ of certiorari filed by 21 State attorneys general and will review, in California v. Texas, No. 19-804 (U.S.) and Texas v. California, No. 19-19109 (U.S.), the decisions of the United States Court of Appeals for the Fifth Circuit in Texas v. United States, 945 F.3d 355 (5th Cir. 2019);

Whereas, if the ruling of the United States District Court for the Northern District of Texas in Texas v. United States is upheld by the Supreme Court of the United States, seniors enrolled in Medicare would face the reopening of the Medicare donut hole and be subject to billions of dollars in new prescription drug costs;

Whereas, as of June 2020, 37 States and the District of Columbia have expanded or voted to expand Medicaid to individuals with incomes below 138 percent of the Federal poverty level, providing health coverage to more than 12,000,000 newly eligible people;

Whereas, if the ruling of the United States District Court for the Northern District of Texas in Texas v. United States is upheld by the Supreme Court of the United States, the millions of individuals and families who receive coverage from Medicaid could lose access to health care coverage altogether;

Whereas, as of April 2020, more than 7,200,000 consumers who purchase individual health insurance are eligible for tax credits to subsidize the cost of premiums and assistance to minimize out-of-pocket health care costs such as copays and deductibles, which has made individual health insurance coverage affordable for millions of people in the United States for the first time;

Whereas, if the ruling of the United States District Court for the Northern District of Texas in Texas v. United States is upheld by the Supreme Court of the United States—

(1) the individual health insurance marketplaces established under the ACA would be eliminated;

(2) the millions of people in the United States who buy health insurance on those marketplaces could lose coverage; and

(3) the premium expenses for individual health insurance would increase exorbitantly;

Whereas, if the ruling of the United States District Court for the Northern District of Texas in Texas v. United States is upheld by the Supreme Court of the United States, the permanent reauthorization of the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) would also be repealed and millions of American Indians and Alaska Natives would have less access to health services, less options for care, and worsened health disparities;

Whereas, if the ruling of the United States District Court for the Northern District of Texas in Texas v. United States is upheld by the Supreme Court of the United States, the nearly 500,000 veterans who have gained health insurance coverage, including the nearly 1 in 10 veterans that have gained coverage through Medicaid expansion, would lose access to care;

Whereas, if the ruling of the United States District Court for the Northern District of Texas in Texas v. United States is upheld by the Supreme Court of the United States, people in the United States would lose numerous consumer protections, including the requirements that—

(1) plans offer preventive care without cost-sharing;

(2) young adults can remain on their parents' insurance plan until age 26;

(3) many health insurance plans offer a comprehensive set of essential health benefits such as maternity care, addiction treatment, and prescription drug coverage;

(4) individuals cannot be denied coverage due to, and coverage cannot be medically underwritten to reflect, gender; and

(5) individuals cannot be denied coverage due to, and coverage cannot be medically underwritten to reflect, a pre-existing medical condition;

Whereas, on March 11, 2020, the World Health Organization declared the outbreak of COVID-19 a pandemic;

Whereas, as of June 30, 2020, more than 2,545,000 people in the United States have been diagnosed with COVID-19;

Whereas, during the ongoing COVID-19 pandemic, millions of people in the United States have relied on the ACA for coverage, health care access, and diagnoses;

Whereas, as of June 25, 2020, more than 30,000,000 people in the United States have filed for unemployment benefits;

Whereas a ruling by the Supreme Court of the United States that the ACA must be struck down would cost the United States an

estimated 3,000,000 jobs at a time when national unemployment as a result of the global pandemic exceeds 13 percent;

Whereas, in the midst of a global pandemic, the Department of Justice is continuing to pursue a strategy to have the ruling of the United States District Court for the Northern District of Texas in Texas v. United States upheld by the Supreme Court of the United States, which would result in health care coverage being torn away from millions of people in the United States;

Whereas people in the United States who are facing the economic and physical risks of a global pandemic cannot also face an ongoing threat that a ruling by the Supreme Court of the United States could invalidate their health care coverage; and

Whereas dismantling the health care system in the United States in the midst of a global pandemic, when millions of people in the United States have lost work and the ACA provides an alternative to employer-based health insurance, would trigger chaos: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the Department of Justice should—

(1) defend the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119) rather than doubling down on its position with respect to the decision of the United States District Court for the Northern District of Texas in Texas v. United States, No. 4:18-cv-00167-O (N.D. Tex.); and

(2) protect the millions of people in the United States who newly gained health insurance coverage since 2014 and rely on that coverage in the midst of the public health emergency relating to the Coronavirus Disease 2019 (COVID-19).

#### SENATE RESOLUTION 639—RECOGNIZING JUNE 2020 AS “IMMIGRANT HERITAGE MONTH”, A CELEBRATION OF THE ACCOMPLISHMENTS AND CONTRIBUTIONS IMMIGRANTS AND THEIR CHILDREN HAVE MADE IN MAKING THE UNITED STATES A HEALTHIER, SAFER, MORE DIVERSE, AND PROSPEROUS COUNTRY, AND ACKNOWLEDGING THE IMPORTANCE OF IMMIGRANTS TO THE FUTURE SUCCESSES OF THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. BOOKER, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Ms. HIRONO, Mr. MARKEY, Ms. WARREN, Ms. HARRIS, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 639

Whereas the United States is stronger when all individuals have the opportunity to live up to their full potential;

Whereas, in the United States, more than 16 percent of health care workers are immigrants, and foreign-born individuals comprise—

- (1) 29.1 percent of physicians;
- (2) 23.7 percent of dentists;
- (3) 23.1 percent of nursing, psychiatric, and home health aides;
- (4) 20.3 percent of pharmacists;
- (5) 17.4 percent of dietitians and nutritionists;
- (6) 17.3 percent of medical assistants;
- (7) 16.5 percent of dental assistants;
- (8) 16.2 percent of optometrists;
- (9) 16 percent of registered nurses; and
- (10) 15 percent of licensed practical and licensed vocational nurses;

Whereas immigrants working in a health care occupation range from individuals with Temporary Protected Status and individuals who have been granted deferred action pursuant to the memorandum of the Department of Homeland Security entitled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children' issued on June 15, 2012 (referred to in this preamble as 'DACA recipients') to naturalized citizens;

Whereas more than 12 percent of immigrants with Temporary Protected Status or who are DACA recipients, or 310,000 individuals, are humanitarian migrants, including refugees, asylees, special immigrant visa holders, and entrants from Cuba and Haiti;

Whereas 41,700 DACA recipients perform critical roles in the health care industry;

Whereas immigrants working in health care professions serve throughout the United States and often serve in rural or underserved communities;

Whereas each medical student, resident, and physician who relies on being a DACA recipient for the ability to practice medicine provides medical care to an average of between 1,533 and 4,600 patients each year;

Whereas immigrants have filled nearly  $\frac{1}{3}$  of physician roles in the United States for a decade;

Whereas the Association of American Medical Colleges attested to the Supreme Court of the United States that the health care system of the United States relies on immigrant health care providers;

Whereas, in response to the COVID-19 pandemic, immigrants are putting their own lives at risk to save lives every day by working as diagnosing and treating practitioners, physician assistants, nurses, health aides, nursing assistants and orderlies, health care support workers, medical students and residents, and health technologists and technicians;

Whereas nearly  $\frac{1}{3}$  of all DACA recipients, or 200,000 individuals, and more than 130,000 of the estimated 411,000 individuals with Temporary Protected Status, are serving on the frontlines of the response to the COVID-19 pandemic and are considered essential critical infrastructure workers;

Whereas immigrant essential workers, including first responders, health care workers, agricultural workers, meat packers, childcare providers, and hospitality and transportation workers, have heroically helped provide medical care, food, shelter, and comfort to individuals in the United States impacted by COVID-19;

Whereas the majority of farm workers in the United States are immigrants, and, regardless of politics, have been deemed "essential workers" by the President of the United States to maintain a safe food supply for the United States during the COVID-19 pandemic;

Whereas immigrants have served in the Armed Forces since the founding of the United States and have fought in every major conflict in the history of the United States, including the Civil War, World Wars I and II, and conflicts in Vietnam, Afghanistan, and Iraq;

Whereas immigrants have put their lives at risk to protect the ideals of the United States and democracy and the lives of individuals in the United States by serving as translators and interpreters for the Armed Forces and performing sensitive and trusted activities for United States military personnel stationed at the International Security Assistance Force;

Whereas immigrants who serve in emerging industries in the United States with pronounced labor shortages that rely on science, technology, engineering, and math (referred to in this preamble as "STEM") skills, such

as artificial intelligence, bolster the economy and enhance the national security and global leadership of the United States;

Whereas, when immigrants have a trusting relationship with local law enforcement agencies, they report crime and work with police on neighborhood crime reduction strategies;

Whereas more immigrants reside in the United States than any other country in the world, and immigrants in the United States come from almost every country in the world, contributing to the rich diversity of individuals, cultures, cuisine, literature, art, language, academia, music, media, fashion, and customs in the United States;

Whereas the United States is more diverse than ever before in history, evidenced by the fact that—

(1) an increased percentage of immigrants to the United States have come from countries such as India, China (including Hong Kong and Macao but not Taiwan), the Philippines, El Salvador, Vietnam, Cuba, the Dominican Republic, South Korea, and Guatemala; and

(2) the number of Black immigrants to the United States from across the African continent, the Caribbean, and the Americas has increased by 30 percent since 2010;

Whereas Black immigrants and their children make up roughly  $\frac{1}{5}$ , or 18 percent, of the overall Black population of the United States;

Whereas, in response to recent civil unrest in the United States, immigrants of all backgrounds have pledged their support to fight hand-in-hand with Black immigrants to—

(1) fight against racial injustice and for accountability from law enforcement agencies and the criminal justice system; and

(2) demand that law enforcement agencies protect individuals, regardless of their skin color;

Whereas celebrating racial, ethnic, linguistic, and religious differences of immigrants has resulted in a unified, patriotic, and prosperous United States;

Whereas immigration has long been one of the greatest competitive advantages of the United States;

Whereas immigrants of all skill levels have helped make the economy of the United States the strongest in the world, complementing existing businesses in the United States in times of need and founding successful businesses of their own;

Whereas, although immigrants account for only 13.7 percent of the total population of the United States, nearly half of Fortune 500 companies were founded by immigrants or their children, and those businesses create more than \$6,000,000,000,000 in annual revenue and employ millions of individuals in the United States;

Whereas 72.5 percent of immigrants believe that hard work is necessary to succeed in the United States, and immigrants are responsible for half of the total labor force growth in the United States in the last decade;

Whereas, in the United States in 2019—

(1) 66 percent of immigrants who were 16 years of age or older were employed; and

(2) 62.5 percent of individuals born in the United States who were 16 years of age or older were employed;

Whereas immigrants are entrepreneurial self-starters who—

(1) create their own opportunity and employment opportunities; and

(2) are more likely to be entrepreneurs than individuals born in the United States;

Whereas the high-skilled immigration system of the United States—

(1) has not been updated in more than 25 years;

(2) is outdated and overburdened; and

(3) puts the global leadership of the United States at risk;

Whereas national security experts agree that it is essential for the United States to maintain its military exceptionalism by being the leader in advanced technologies such as artificial intelligence, cyber and quantum technologies, robotics, and directed-energy and hypersonic weapons, which are STEM fields in which immigrants fill dangerous labor shortages in the United States;

Whereas, in the future, immigrants in the United States are expected to fill a crucial need for health care workers brought on by an aging population and a longer life expectancy, and, by filling that need, immigrants will keep individuals in the United States healthy;

Whereas meaningful immigration policy reform would reduce the Federal deficit by \$1,200,000,000,000 in just 20 years, contributing to greater economic stability and safety;

Whereas, if Dreamers were provided a pathway to citizenship, the cumulative gains for the economy of the United States could be up to \$1,000,000,000,000;

Whereas, because immigrants in the United States are more likely to be working-age than individuals born in the United States, immigrants are more likely to contribute to the labor force and economy as both consumers and taxpayers, thereby helping to fund social services and programs like Medicare and Social Security and making individuals in the United States healthier, safer, and economically prosperous; and

Whereas the continued integration of immigrants from around the world and encouraging a pathway to citizenship, economic and social mobility, and civic engagement for those immigrants will—

(1) perpetuate the prosperity of the United States; and

(2) reinforce the patriotism that the people of the United States feel for the United States, no matter their color of skin, country of origin, or religious background: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes June 2020 as "Immigrant Heritage Month" in honor of the contributions immigrants and their children have made to the United States throughout its history;

(2) pledges to celebrate immigrant contributions to, and immigrant heritages in, each State;

(3) welcomes immigrants presently in the United States and individuals seeking to immigrate to the United States to contribute to the health, safety, diversity, and prosperity of the United States by finding their place in the vibrant, multiethnic, and integrated society of the United States;

(4) encourages the people of the United States to work with their immigrant neighbors and colleagues to advance the current and future well-being of the United States; and

(5) commits to working with fellow Members of Congress, the executive agencies that administer immigration laws and policies, and the President to promote smart and just immigration policy for immigrants presently in the United States, their families, and individuals seeking to immigrate to the United States in the future.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2326. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 2327. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2328. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2329. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2330. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2331. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2332. Mr. CRAMER (for himself, Mrs. GILLIBRAND, Mr. HOEVEN, Mr. MENENDEZ, Ms. KLOBUCHAR, Mrs. CAPITO, Mr. TESTER, Mrs. SHAHEEN, Mr. LANKFORD, Mr. BLUMENTHAL, Mr. SCHUMER, Ms. COLLINS, Ms. HASSAN, Mr. ROUNDS, Mr. BOOKER, and Ms. MCSALLY) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2333. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2334. Mr. COTTON (for himself, Mr. TILLIS, and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2335. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2336. Mr. WARNER (for himself and Mr. KING) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2337. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2338. Mr. MORAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2339. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2340. Mr. MANCHIN (for himself, Ms. MURKOWSKI, Mr. HEINRICH, Mrs. MURRAY, Ms. CANTWELL, and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2341. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2342. Mr. UDALL (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2343. Mr. UDALL (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2344. 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.

SA 2345. 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 2346. 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 2347. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2348. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2349. Mr. KENNEDY (for himself, Ms. BALDWIN, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2350. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2351. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2352. Mr. HAWLEY (for himself, Mr. SCOTT of Florida, Mr. CRAMER, Mr. WICKER, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2353. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2354. Mr. DAINES submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2355. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2356. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2357. Mr. RUBIO (for himself, Mr. SCOTT of Florida, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2358. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2359. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2360. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2361. Mr. MANCHIN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2362. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2363. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2364. Mr. RUBIO (for himself, Mr. SCHUMER, Mrs. MURRAY, Mr. CASSIDY, Mr. COTTON, Mr. CARDIN, Ms. HIRONO, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2365. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2366. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2367. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2368. Mr. MORAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2369. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2370. Mrs. BLACKBURN (for herself, Mr. THUNE, Mr. GARDNER, Mr. CRAMER, Mr. JOHNSON, Mr. CORNYN, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2371. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2372. Ms. MCSALLY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2373. Ms. KLOBUCHAR (for herself and Mr. LANKFORD) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2374. Mr. MANCHIN (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2375. Mr. REED submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2376. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2377. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2378. Mrs. BLACKBURN (for herself, Mr. MENENDEZ, Mr. SCOTT of Florida, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2379. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2380. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2381. Mr. SCOTT, of Florida submitted an amendment intended to be proposed by him to the bill S. 4116, to extend the authority for commitments for the paycheck protection program and separate amounts authorized for other loans under section 7(a) of the Small Business Act, and for other purposes; which was ordered to lie on the table.

SA 2382. Ms. HARRIS 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 2383. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2384. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2385. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2386. Mrs. GILLIBRAND (for herself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2387. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2388. Mr. PERDUE (for Mr. MERKLEY) proposed an amendment to the bill S. 3758, to amend the Klamath Basin Water Supply Enhancement Act of 2000 to make certain technical corrections.

#### TEXT OF AMENDMENTS

**SA 2326.** Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 3152.

**SA 2327.** Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. \_\_\_\_ . STUDY AND PLAN ON THE USE OF ADDITIVE MANUFACTURING AND THREE-DIMENSIONAL BIOPRINTING IN SUPPORT OF THE WARFIGHTER.**

(a) **STUDY.**—The Secretary of Defense shall conduct a study on the use of additive manufacturing and three-dimensional bioprinting across the Military Health System.

(b) **ELEMENTS.**—The study required by subsection (a) shall examine the activities currently underway by each of the military services and the Department agencies, including costs, sources of funding, oversight, collaboration, and outcomes.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the study conducted under subsection (a).

**SA 2328.** Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 subtitle B of title IX.

**SA 2329.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 1532.

**SA 2330.** Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 XII, add the following:

#### **SEC. 1210. MODIFICATION TO AND HIRING AUTHORITY FOR THE GLOBAL ENGAGEMENT CENTER.**

(a) **ELIMINATION OF TERMINATION DATE FOR THE GLOBAL ENGAGEMENT CENTER.**—Section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note) is amended—

(1) in subsection (h), by striking the second sentence; and

(2) by striking subsection (j).

(b) **HIRING AUTHORITY FOR GLOBAL ENGAGEMENT CENTER.**—Notwithstanding any other provision of law, the Secretary of State, during the five-year period beginning on the date of the enactment of this Act and solely to carry out functions of the Global Engagement Center established by such section, may—

(1) appoint employees without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service; and

(2) fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title regarding classification and General Schedule pay rates.

**SA 2331.** Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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:

In section 235, strike the section heading and insert the following:

#### **SEC. 235. REPORT ON MICRO NUCLEAR REACTOR PROGRAMS.**

In section 235, strike subsections (e) and (f).

**SA 2332.** Mr. CRAMER (for himself, Mrs. GILLIBRAND, Mr. HOEVEN, Mr. MENENDEZ, Ms. KLOBUCHAR, Mrs. CAPITO, Mr. TESTER, Mrs. SHAHEEN, Mr. LANKFORD, Mr. BLUMENTHAL, Mr. SCHUMER, Ms. COLLINS, Ms. HASSAN, Mr. ROUNDS, Mr. BOOKER, and Ms. MCSALLY) 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 \_\_\_\_ . INCLUSION ON THE VIETNAM VETERANS MEMORIAL WALL OF THE NAMES OF THE LOST CREW MEMBERS OF THE U.S.S. FRANK E. EVANS KILLED ON JUNE 3, 1969.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall authorize the inclusion on the Vietnam Veterans Memorial Wall in the District of Columbia of the names of the 74 crew members of the U.S.S. Frank E. Evans killed on June 3, 1969.

(b) **REQUIRED CONSULTATION.**—The Secretary of Defense shall consult with the Secretary of the Interior, the American Battlefield Monuments Commission, and other applicable authorities with respect to any adjustments to the nomenclature and placement of names pursuant to subsection (a) to address any space limitations on the placement of additional names on the Vietnam Veterans Memorial Wall.

(c) **NONAPPLICABILITY OF COMMEMORATIVE WORKS ACT.**—Chapter 89 of title 40, United



States Code (commonly known as the “Commemorative Works Act”), shall not apply to any activities carried out under subsection (a) or (b).

**SA 2333.** Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 1602 and insert the following:

**SEC. 1602. DISTRIBUTION OF LAUNCHES FOR PHASE TWO OF ACQUISITION STRATEGY FOR NATIONAL SECURITY SPACE LAUNCH PROGRAM.**

In carrying out phase two of the acquisition strategy for the National Security Space Launch program, the Secretary of the Air Force shall ensure—

(1) that launch services are procured only from launch service providers that the Secretary assesses will meet all payload-to-reference orbit requirements, as outlined in the phase two acquisition strategy; and

(2) the viability of the domestic space launch industrial base while providing for cost-effective and reliable launch services.

**SA 2334.** Mr. COTTON (for himself, Mr. TILLIS, and Mr. CRUZ) 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 naming or other commemorative properties 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) DUTIES.—The Commission shall—

(1) develop procedures and criteria to assess whether an asset of the Department of Defense commemorates the Confederate States of America or any person who served voluntarily with the Confederate States of America;

(2) using the procedures and criteria developed in paragraph (1), develop a list of all 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; and

(3) for each asset identified under paragraph (2), gather information relating to the history, heritage, and local sensitivities regarding the naming or other commemorative properties of such asset.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of eight members, of whom—

(A) four shall be appointed by the President, one of whom shall be designated by the President as the Chair of the Commission;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) 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.

(d) INITIAL MEETING.—The Commission shall hold its initial meeting at the call of the Chair, but not later than 60 days after the date of the enactment of this Act.

(e) OTHER PROCEDURES; VOTING.—The Commission may establish the procedures of the Commission by majority vote, except that in the case of a tied vote the position of the Chair shall be adopted as the majority vote of the Commission.

(f) DETAIL OF EMPLOYEES AND ACCESS TO INFORMATION.—

(1) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request by the Commission, an employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(2) ACCESS TO OTHER RESOURCES.—

(A) IN GENERAL.—The Commission shall have reasonable access to materials, resources, and other information the Commission determines necessary to carry out its duties from—

(i) the Library of Congress;

(ii) the Department of Defense;

(iii) the National Archives and Records Administration;

(iv) the Smithsonian Institution; and

(v) any other agency of the executive or legislative branch of the Federal Government.

(B) REQUESTS FOR RESOURCES.—The Chair of the Commission shall make requests for access to materials, resources, and other information described in subparagraph (A) in writing when necessary.

(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 (b).

(2) FINAL 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 the work of the Commission under subsection (b), including—

(A) a list of assets of the Department of Defense identified by the Commission as commemorating the Confederate States of America or any person who served voluntarily with the Confederate States of America;

(B) a description of the criteria and procedures used to identify such assets;

(C) information relating to the history, heritage, and local sensitivities regarding the naming or other commemorative properties of each such asset; and

(D) for each such asset, information relating to whether the asset is a grave marker.

(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) DEFINITIONS.—In this section:

(1) ASSETS OF THE DEPARTMENT OF DEFENSE.—The term “assets of the Department of Defense” includes any base, installation, street, building, facility, aircraft, ship, plane, weapon, equipment, plaque, monument, memorial, or any other property owned or controlled by the Department of Defense.

(2) COMMEMORATIVE PROPERTIES.—The term “commemorative properties” includes any name, symbol, design, display, or other property of an asset of the Department of Defense that is intended to commemorate or has the effect of commemorating an individual, group, idea, or historical event.

(3) GRAVE MARKER.—The term “grave marker” includes any monument, memorial, plaque, or other item which, due to its nature, location, or presentation, may be reasonably viewed as commemorating the death or final resting place of war dead.

**SA 2335.** Mr. PAUL 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 X, add the following:

**SEC. 1035. PROHIBITION ON THE INDEFINITE DETENTION OF PERSONS BY THE UNITED STATES.**

(a) LIMITATION ON DETENTION.—Section 4001 of title 18, United States Code, is amended—

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

“(a) No person shall be imprisoned or otherwise detained by the United States except consistent with the Constitution.”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b)(1) A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a person apprehended in the United States.

“(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021.

“(3) This section shall not be construed to authorize the imprisonment or detention of any person who is apprehended in the United States.”.

(b) REPEAL OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.—Section 1021 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 10 U.S.C. 801 note) is repealed.

**SA 2336.** Mr. WARNER (for himself and 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 end of subtitle A of title VIII, add the following:

**SEC. 815. 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 develop and submit to Congress a comprehensive report on the national strategy for the information and communications technology (ICT) industrial base for the following 4-year period, or a longer period, if appropriate. The report should include inputs from the Department of Defense, the Department of Homeland Security, the Department of Commerce, the Department of State, the Office of the Director of National Intelligence, and relevant private sector entities.

(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 Com-

merce, Science, and Transportation, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations 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, the Permanent Select Committee on Intelligence, and the Committee on Appropriations 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 2337.** Mr. PAUL 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. 1052. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.**

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (50 U.S.C. 1541 note) is repealed.

**SA 2338.** Mr. MORAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 division A, add the following:

**TITLE XVII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS**

**SEC. 1701. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

**Subtitle A—General Provisions**

**SEC. 1711. STRENGTH AND DISTRIBUTION IN GRADE.**

Section 214 (33 U.S.C. 3004) is amended to read as follows:

**“SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.**

“(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

“(1) Vice admiral.

“(2) Rear admiral.

“(3) Rear admiral (lower half).

“(4) Captain.

“(5) Commander.

“(6) Lieutenant commander.

“(7) Lieutenant.

“(8) Lieutenant (junior grade).

“(9) Ensign.

“(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

“(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

“(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

“(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

“(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is one-half, the next higher whole number shall be taken.

“(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

“(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

“(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.”.

**SEC. 1712. RECALLED OFFICERS.**

(a) IN GENERAL.—Section 215 (33 U.S.C. 3005) is amended to read as follows:

**“SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.**

“(a) IN GENERAL.—The total number of authorized commissioned officers on the lineal list of the commissioned officer corps of the Administration shall not exceed 500.

“(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status or detailed to an agency other than the Administration—

“(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

“(2) may not count against such number.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by striking the item relating to section 215 and inserting the following:

“Sec. 215. Number of authorized commissioned officers.”.

**SEC. 1713. OBLIGATED SERVICE REQUIREMENT.**

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

**“SEC. 216. OBLIGATED SERVICE REQUIREMENT.**

“(a) IN GENERAL.—

“(1) REGULATIONS.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirements of officers not otherwise covered by law.

“(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers’ obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, continuations, and retirements as the Secretary considers appropriate.

“(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

“(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) is, for all purposes, a debt owed to the United States.

“(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

“(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

“(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

“(2) is—

“(A) not physically qualified for appointment; and

“(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer’s own misconduct or grossly negligent conduct.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 215 the following:

“Sec. 216. Obligated service requirement.”.

**SEC. 1714. TRAINING AND PHYSICAL FITNESS.**

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1713(a), is further amended by adding at the end the following:

**“SEC. 217. TRAINING AND PHYSICAL FITNESS.**

“(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

“(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

“(2) Providing officers and officer candidates with educational materials.

“(3) Acquiring such equipment as may be necessary for training and instructional purposes.

“(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 1713(b), is further amended by inserting after the item relating to section 216 the following:

“Sec. 217. Training and physical fitness.”.

**SEC. 1715. AVIATION ACCESSION TRAINING PROGRAMS.**

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1714(a), is further amended by adding at the end the following:

**“SEC. 218. AVIATION ACCESSION TRAINING PROGRAMS.**

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

“(2) MEMBER OF THE PROGRAM.—The term ‘member of the program’ means a student who is enrolled in the program.

“(3) PROGRAM.—The term ‘program’ means an aviation accession training program of the commissioned officer corps of the Administration established pursuant to subsection (b).

“(b) AVIATION ACCESSION TRAINING PROGRAMS.—

“(1) ESTABLISHMENT AUTHORIZED.—The Administrator, under regulations prescribed by the Secretary, shall establish and maintain one or more aviation accession training programs for the commissioned officer corps of the Administration at institutions described in paragraph (2).

“(2) INSTITUTIONS DESCRIBED.—An institution described in this paragraph is an educational institution—

“(A) that requests to enter into an agreement with the Administrator providing for the establishment of the program at the institution;

“(B) that has, as a part of its curriculum, a four-year baccalaureate program of professional flight and piloting instruction that is accredited by the Aviation Accreditation Board International;

“(C) that is located in a geographic area that—

“(i) experiences a wide variation in climate-related activity, including frequent high winds, convective activity (including tornadoes), periods of low visibility, heat, and snow and ice episodes, to provide opportunities for pilots to demonstrate skill in all weather conditions compatible with future encounters during their service in the commissioned officer corps; and

“(ii) has a climate that can accommodate both primary and advanced flight training activity at least 75 percent of the year; and

“(D) at which the Administrator determines that—

“(i) there will be at least one student enrolled in the program; and

“(ii) the provisions of this section are otherwise satisfied.

“(3) LIMITATIONS IN CONNECTION WITH PARTICULAR INSTITUTIONS.—The program may not be established or maintained at an institution unless—

“(A) the senior commissioned officer or employee of the commissioned officer corps who is assigned as an advisor to the program at that institution is given the academic rank of adjunct professor; and

“(B) the institution fulfills the terms of its agreement with the Administrator.

“(4) MEMBERSHIP IN CONNECTION WITH STATUS AS STUDENT.—At institutions at which the program is established, the membership of students in the program shall be elective,

as provided by State law or the authorities of the institution concerned.

“(c) MEMBERSHIP.—

“(1) ELIGIBILITY.—To be eligible for membership in the program, an individual must—

“(A) be a student at an institution at which the program is established;

“(B) be a citizen of the United States;

“(C) contract in writing, with the consent of a parent or guardian if a minor, with the Administrator, to—

“(i) accept an appointment, if offered, as a commissioned officer in the commissioned officer corps of the Administration; and

“(ii) serve in the commissioned officer corps for not fewer than four years;

“(D) enroll in—

“(i) a four-year baccalaureate program of professional flight and piloting instruction; and

“(ii) other training or education, including basic officer training, which is prescribed by the Administrator as meeting the preliminary requirement for admission to the commissioned officer corps; and

“(E) execute a certificate or take an oath relating to morality and conduct in such form as the Administrator prescribes.

“(2) COMPLETION OF PROGRAM.—A member of the program may be appointed as a regular officer in the commissioned officer corps if the member meets all requirements for appointment as such an officer.

“(d) FINANCIAL ASSISTANCE FOR QUALIFIED MEMBERS.—

“(1) EXPENSES OF COURSE OF INSTRUCTION.—

“(A) IN GENERAL.—In the case of a member of the program who meets such qualifications as the Administrator establishes for purposes of this subsection, the Administrator may pay the expenses of the member in connection with pursuit of a course of professional flight and piloting instruction under the program, including tuition, fees, educational materials such as books, training, certifications, travel, and laboratory expenses.

“(B) ASSISTANCE AFTER FOURTH ACADEMIC YEAR.—In the case of a member of the program described in subparagraph (A) who is enrolled in a course described in that subparagraph that has been approved by the Administrator and requires more than four academic years for completion, including elective requirements of the program, assistance under this subsection may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions.

“(2) ROOM AND BOARD.—In the case of a member eligible to receive assistance under paragraph (1), the Administrator may, in lieu of payment of all or part of such assistance, pay the room and board expenses of the member, and other educational expenses, of the educational institution concerned.

“(3) FAILURE TO COMPLETE PROGRAM OR ACCEPT COMMISSION.—A member of the program who receives assistance under this subsection and who does not complete the course of instruction, or who completes the course but declines to accept a commission in the commissioned officer corps when offered, shall be subject to the repayment provisions of subsection (e).

“(e) REPAYMENT OF UNEARNED PORTION OF FINANCIAL ASSISTANCE WHEN CONDITIONS OF PAYMENT NOT MET.—

“(1) IN GENERAL.—A member of the program who receives or benefits from assistance under subsection (d), and whose receipt of or benefit from such assistance is subject to the condition that the member fully satisfy the requirements of subsection (c), shall repay to the United States an amount equal to the assistance received or benefitted from if the member fails to fully satisfy such requirements and may not receive or benefit

from any unpaid amounts of such assistance after the member fails to satisfy such requirements, unless the Administrator determines that the imposition of the repayment requirement and the termination of payment of unpaid amounts of such assistance with regard to the member would be—

“(A) contrary to a personnel policy or management objective;

“(B) against equity and good conscience; or

“(C) contrary to the best interests of the United States.

“(2) REGULATIONS.—The Administrator may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to repayment may be granted. The Administrator may specify in the regulations the conditions under which financial assistance to be paid to a member of the program will not be made if the member no longer satisfies the requirements in subsection (c) or qualifications in subsection (d) for such assistance.

“(3) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the United States under this subsection is, for all purposes, a debt owed to the United States.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 1714(b), is further amended by inserting after the item relating to section 217 the following:

“Sec. 218. Aviation accession training programs.”

#### SEC. 1716. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1715(a), is further amended by adding at the end the following:

#### “SEC. 219. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

“The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 1715(b), is further amended by inserting after the item relating to section 218 the following:

“Sec. 219. Use of recruiting materials for public relations.”

#### SEC. 1717. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting “in the commissioned officer corps” before “of the National”.

#### Subtitle B—Parity and Recruitment

#### SEC. 1721. EDUCATION LOANS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

#### “SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

“(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

“(1) was used by the person to finance education; and

“(2) was obtained from a governmental entity, private financial institution, edu-

cational institution, or other authorized entity.

“(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

“(1) satisfy one of the requirements specified in subsection (c);

“(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

“(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

“(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

“(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

“(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

“(d) LOAN REPAYMENTS.—

“(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

“(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

“(e) ACTIVE DUTY SERVICE OBLIGATION.—

“(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

“(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

“(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than one year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

“(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

“(4) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.

“(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

“(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

“(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

“(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

“(1) standards for qualified loans and authorized payees; and

“(2) other terms and conditions for the making of loan repayments.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

“Sec. 267. Education loan repayment program.”

#### SEC. 1722. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 1721(a), is further amended by adding at the end the following:

#### “SEC. 268. INTEREST PAYMENT PROGRAM.

“(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on one or more student loans of an eligible officer, in accordance with this section.

“(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

“(1) is serving on active duty;

“(2) has not completed more than three years of service on active duty;

“(3) is the debtor on one or more unpaid loans described in subsection (c); and

“(4) is not in default on any such loan.

“(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

“(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

“(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

“(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

“(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

“(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

“(f) COORDINATION WITH SECRETARY OF EDUCATION.—

“(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

“(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

“(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

“(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

“(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term ‘special allowance’ means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).”

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code,”; and

(ii) by inserting “or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,” after “Armed Forces”.

(2) Sections 455(1) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(1) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code,”; and

(ii) by inserting “or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively” after “Armed Forces”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 1721(b), is further amended by inserting after the item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

**SEC. 1723. STUDENT PRE-COMMISSIONING PROGRAM.**

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 1722(a), is further amended by adding at the end the following:

**“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.**

“(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

“(1) a baccalaureate degree in not more than five academic years; or

“(2) a postbaccalaureate degree.

“(b) ELIGIBLE PERSONS.—

“(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

“(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

“(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

“(C) enters into a written agreement with the Secretary described in paragraph (2).

“(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person—

“(A) agrees to accept an appointment as an officer, if tendered; and

“(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

“(i) up to three years if the person received less than three years of assistance; and

“(ii) up to five years if the person received at least three years of assistance.

“(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

“(1) Tuition and fees charged by the educational institution involved.

“(2) The cost of educational materials.

“(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

“(4) Such other expenses as the Secretary considers appropriate.

“(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

“(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than five consecutive academic years.

“(f) SUBSISTENCE ALLOWANCE.—

“(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

“(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

“(g) INITIAL CLOTHING ALLOWANCE.—

“(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

“(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

“(h) TERMINATION OF FINANCIAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

“(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

“(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

“(C) the person fails to fulfill any term or condition of the agreement.

“(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

“(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

“(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

“(B) is—

“(i) not physically qualified for appointment; and

“(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of

the person's own misconduct or grossly negligent conduct.

“(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

“(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

“(i) REGULATIONS.—The Secretary may prescribe such regulations and orders as the Secretary considers appropriate to carry out this section.

“(j) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 1722(c), is further amended by inserting after the item relating to section 268 the following:

“Sec. 269. Student pre-commissioning education assistance program.”.

**SEC. 1724. LIMITATION ON EDUCATIONAL ASSISTANCE.**

(a) IN GENERAL.—Each fiscal year, beginning with the fiscal year in which this title is enacted, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 1721(a)), section 268 of such Act (as added by section 1722(a)), and section 269 of such Act (as added by section 1723(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 1735(d)), if such section entitled officer candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O-1 with less than 2 years of service, exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term “officer candidate” has the meaning given the term in paragraph (4) of section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 1735(c).

**SEC. 1725. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.**

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (22) through (25), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (14) through (19), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

“(4) Section 771, relating to unauthorized wearing of uniforms.

“(5) Section 774, relating to wearing religious apparel while in uniform.

“(6) Section 982, relating to service on State and local juries.

“(7) Section 1031, relating to administration of oaths.”;

(5) by inserting after paragraph (10), as redesignated, the following:

“(11) Section 1074n, relating to annual mental health assessments.

“(12) Section 1090a, relating to referrals for mental health evaluations.

“(13) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.”; and

(6) by inserting after paragraph (19), as redesignated, the following:

“(20) Subchapter I of chapter 88, relating to Military Family Programs.

“(21) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.”.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking “armed forces” and inserting “uniformed services”; and

(B) in subsection (b)(4), by striking “armed forces” both places it appears and inserting “uniformed services”.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), in the matter before subparagraph (A), by striking “armed forces” and inserting “uniformed services”; and

(B) by adding at the end the following new subsection:

“(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA CORPS AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term ‘Secretary concerned’ in subsection (a) shall include the Secretary of Commerce with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration.”.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting “or the commissioned officer corps of the National Oceanic and Atmospheric Administration” after “in the case of the Navy”; and

(ii) by striking “other armed forces” and inserting “other uniformed services”; and

(B) in subsection (b)(1), in the matter before subparagraph (A), by inserting “or the Secretary of Commerce, as applicable,” after “the Secretary of Defense”.

#### SEC. 1726. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

#### “SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

“(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

“(1) Section 324, relating to accession bonuses for new officers in critical skills.

“(2) Section 403(f)(3), relating to prescribing regulations defining the terms ‘field duty’ and ‘sea duty’.

“(3) Section 403(1), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

“(4) Section 415, relating to initial uniform allowances.

“(5) Section 488, relating to allowances for recruiting expenses.

“(6) Section 495, relating to allowances for funeral honors duty.

“(b) REFERENCES.—The authority vested by title 37, United States Code, in the ‘military departments’, ‘the Secretary concerned’, or ‘the Secretary of Defense’ with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary’s designee.”.

(b) PERSONAL MONEY ALLOWANCE.—Section 414(a)(2) of title 37, United States Code, is amended by inserting “or the director of the commissioned officer corps of the National Oceanic and Atmospheric Administration” after “Health Service”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 261 the following:

“Sec. 261A. Applicability of certain provisions of title 37, United States Code.”.

#### SEC. 1727. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 1725(a), is further amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: “For purposes of paragraph (8) of subsection (a), the term ‘Inspector General’ in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.”.

(c) REGULATIONS.—Such section is further amended by adding at the end the following:

“(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may prescribe regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by prescribing such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.”.

#### SEC. 1728. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”; and

(2) in paragraph (2), by striking “or veteran” and inserting “, veteran, or member”; and

(3) in paragraph (4), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”.

#### SEC. 1729. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting “the commissioned officer corps of the National Oceanic and Atmospheric Administration,” after “Public Health Service.”.

#### SEC. 1730. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this title, is further amended by adding at the end the following:

#### “SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

“(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for at least three years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

“(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

“(c) COMPETITIVE SERVICE DEFINED.—In this section, the term ‘competitive service’ has the meaning given the term in section 2102 of title 5, United States Code.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 269, as added by section 1723(b), the following new item:

“Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.”.

#### Subtitle C—Appointments and Promotion of Officers

#### SEC. 1731. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

#### “SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

“(a) ORIGINAL APPOINTMENTS.—

“(1) GRADES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

“(i) the qualification, experience, and length of service of the appointee; and

“(ii) the commissioned officer corps of the Administration.

“(B) APPOINTMENT OF OFFICER CANDIDATES.—

“(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

“(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from the basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.



“(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

“(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

“(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(C) Graduates of the maritime academies of the States who—

“(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

“(ii) completed at least three years of regimented training while at a maritime academy of a State; and

“(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

“(D) Licensed officers of the United States merchant marine who have served two or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(3) DEFINITIONS.—In this subsection:

“(A) MARITIME ACADEMIES OF THE STATES.—The term ‘maritime academies of the States’ means the following:

“(i) California Maritime Academy, Vallejo, California.

“(ii) Great Lakes Maritime Academy, Traverse City, Michigan.

“(iii) Maine Maritime Academy, Castine, Maine.

“(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

“(v) State University of New York Maritime College, Fort Schuyler, New York.

“(vi) Texas A&M Maritime Academy, Galveston, Texas.

“(B) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term ‘military service academies of the United States’ means the following:

“(i) The United States Military Academy, West Point, New York.

“(ii) The United States Naval Academy, Annapolis, Maryland.

“(iii) The United States Air Force Academy, Colorado Springs, Colorado.

“(iv) The United States Coast Guard Academy, New London, Connecticut.

“(v) The United States Merchant Marine Academy, Kings Point, New York.

“(b) REAPPOINTMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

“(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

“(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual’s mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

“(d) ORDER OF PRECEDENCE.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. The order of precedence of appointees whose dates of commission are the same shall be determined by the Secretary.

“(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in Department

of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

“(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

“(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

“(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by striking the item relating to section 221 and inserting the following:

“Sec. 221. Original appointments and reappointments.”

#### SEC. 1732. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

##### “SEC. 222. PERSONNEL BOARDS.

“(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—A board convened under subsection (a) shall consist of five or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

“(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

“(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of two successive personnel boards convened to consider officers of the same grade for promotion or separation.

“(c) DUTIES.—Each personnel board shall—

“(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

“(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

“(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.

“(e) AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION CONSIDERATION.—

“(1) IN GENERAL.—The Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps may provide that an officer, upon the officer’s request and with the approval of the Director, be excluded from consideration for promotion by a personnel board convened under this section.

“(2) APPROVAL.—The Director shall approve a request made by an officer under paragraph (1) only if—

“(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Administration, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Director;

“(B) the Director determines the exclusion from consideration is in the best interest of the Administration; and

“(C) the officer has not previously failed selection for promotion to the grade for which the officer requests the exclusion from consideration.”

#### SEC. 1733. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 228 (33 U.S.C. 3028) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking “The Secretary shall designate one position under this section” and inserting “The President shall designate one position”; and

(B) in the second sentence, by striking “That position shall be filled by” and inserting “The President shall fill that position by appointing, by and with the advice and consent of the Senate,”;

(2) in subsection (d)(2), by inserting “or immediately beginning a period of terminal leave” after “for which a higher grade is designated”; and

(3) by amending subsection (e) to read as follows:

“(e) LIMIT ON NUMBER OF OFFICERS APPOINTED.—The total number of officers serving on active duty at any one time in the grade of rear admiral (lower half) or above may not exceed five, with only one serving in the grade of vice admiral.”; and

(4) in subsection (f), by inserting “or in a period of annual leave used at the end of the appointment” after “serving in that grade”.

#### SEC. 1734. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

##### “SEC. 229. TEMPORARY APPOINTMENTS.

“(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

“(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

“(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

“(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by striking the item relating to section 229 and inserting the following:

“Sec. 229. Temporary appointments.”

#### SEC. 1735. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

##### “SEC. 234. OFFICER CANDIDATES.

“(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

“(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations, which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the basic officer training program of the Administration, and all other matters affecting such appointment.

“(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate’s term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

“(d) AGREEMENT.—

“(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate’s term of service in the commissioned officer corps of the Administration.

“(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

“(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

“(B) That upon graduation from such program, the officer candidate—

“(i) will accept an appointment, if tendered, as an officer; and

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

“(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

“(1) standards for determining what constitutes a breach of an agreement signed under subsection (d)(1); and

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

“(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under subsection (d) shall be subject to the repayment provisions of section 216(b).”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

“Sec. 234. Officer candidates.”

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) OFFICER CANDIDATE.—The term ‘officer candidate’ means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).”

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

“(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rates equal to the basic pay of an enlisted member in the pay grade E-5 with less than two years of service.

“(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program,

such time shall not be considered creditable for active duty or pay.”

#### SEC. 1736. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 1735(a), is further amended by adding at the end the following:

#### “SEC. 235. PROCUREMENT OF PERSONNEL.

“The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 1735(b), is further amended by inserting after the item relating to section 234 the following:

“235. Procurement of personnel.”

#### SEC. 1737. CAREER INTERMISSION PROGRAM.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 1736(a), is further amended by adding at the end the following:

#### “SEC. 236. CAREER FLEXIBILITY TO ENHANCE RETENTION OF OFFICERS.

“(a) PROGRAMS AUTHORIZED.—The Secretary may carry out a program under which officers may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

“(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

“(1) IN GENERAL.—The period of inactivation from active duty under a program under this section of an officer participating in the program shall be such period as the Secretary shall specify in the agreement of the officer under subsection (c), except that such period may not exceed three years.

“(2) EXCLUSION FROM RETIREMENT.—Any period of participation of an officer in a program under this section shall not count toward eligibility for retirement or computation of retired pay under subtitle C.

“(c) AGREEMENT.—Each officer who participates in a program under this section shall enter into a written agreement with the Secretary under which that officer shall agree as follows:

“(1) To undergo during the period of the inactivation of the officer from active duty under the program such inactive duty training as the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps shall require in order to ensure that the officer retains proficiency, at a level determined by the Director to be sufficient, in the technical skills, professional qualifications, and physical readiness of the officer during the inactivation of the officer from active duty.

“(2) Following completion of the period of the inactivation of the officer from active duty under the program, to serve two months on active duty for each month of the period of the inactivation of the officer from active duty under the program.

“(d) CONDITIONS OF RELEASE.—The Secretary shall—

“(1) prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c); and

“(2) at a minimum, prescribe the procedures and standards to be used to instruct an officer on the obligations to be assumed by the officer under paragraph (1) of such subsection while the officer is released from active duty.

“(e) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary, an offi-

cer participating in a program under this section may, in the discretion of the Secretary, be required to terminate participation in the program and be ordered to active duty.

“(f) PAY AND ALLOWANCES.—

“(1) BASIC PAY.—During each month of participation in a program under this section, an officer who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the officer would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the officer when the officer commences participation in the program.

“(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

“(A) PROHIBITION.—An officer who participates in a program under this section shall not, while participating in the program, be paid any special or incentive pay or bonus to which the officer is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

“(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active duty of an officer participating in a program under this section shall not be treated as a failure of the officer to perform any period of service required of the officer in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

“(3) RETURN TO ACTIVE DUTY.—

“(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

“(i) any agreement entered into by the officer under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the officer commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the officer commenced participation in the program; and

“(ii) any special or incentive pay or bonus shall be payable to the officer in accordance with the terms of the agreement concerned for the term specified in clause (i).

“(B) LIMITATION.—

“(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, at the time of the return of the officer to active duty as described in that subparagraph—

“(I) such pay or bonus is no longer authorized by law; or

“(II) the officer does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the officer to active duty.

“(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, during the term of the revived agreement of the officer under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

“(C) REPAYMENT.—An officer who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement

of the officer under chapter 5 of title 37, United States Code.

“(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of an officer under an agreement covered by this paragraph after the officer returns to active duty as described in subparagraph (A) shall be in addition to any service required of the officer under an agreement under subsection (c).

“(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—

“(A) IN GENERAL.—Subject to subparagraph (B), an officer who participates in a program under this section is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37, United States Code, for—

“(i) travel performed from the residence of the officer, at the time of release from active duty to participate in the program, to the location in the United States designated by the officer as the officer's residence during the period of participation in the program; and

“(ii) travel performed to the residence of the officer upon return to active duty at the end of the participation of the officer in the program.

“(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of an officer to and from a single residence.

“(5) LEAVE BALANCE.—An officer who participates in a program under this section is entitled to carry forward the leave balance existing as of the day on which the officer begins participation and accumulated in accordance with section 701 of title 10, but not to exceed 60 days.

“(g) PROMOTION.—

“(1) IN GENERAL.—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under subtitle B.

“(2) RETURN TO SERVICE.—Upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

“(A) the Secretary may adjust the date of rank of the officer in such manner as the Secretary shall prescribe in regulations for purposes of this section; and

“(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

“(h) CONTINUED ENTITLEMENTS.—An officer participating in a program under this section shall, while participating in the program, be treated as a member of the uniformed services on active duty for a period of more than 30 days for purposes of—

“(1) the entitlement of the officer and of the dependents of the officer to medical and dental care under the provisions of chapter 55 of title 10; and

“(2) retirement or separation for physical disability under the provisions of subtitle C.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 1736(b), is further amended by inserting after the item relating to section 235 the following:

“Sec. 236. Career flexibility to enhance retention of officers.”

#### Subtitle D—Separation and Retirement of Officers

#### SEC. 1741. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

“(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

“(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well-being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

“(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

“(3) LIMITATION.—A deferment of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.”

#### SEC. 1742. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

“(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

“(1) expresses a desire not to be selected for promotion; or

“(2) requests removal from the list of selectees.”

#### Subtitle E—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration

#### SEC. 1751. IMPROVEMENTS RELATING TO SEXUAL HARASSMENT AND ASSAULT PREVENTION AT THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) ANONYMOUS REPORTING.—Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(1) in section 3541(b)(3)(B) (33 U.S.C. 894(b)(3)(B)), by striking “confidentially” and inserting “anonymously”; and

(2) in section 3542(b)(5)(B) (33 U.S.C. 894a(b)(5)(B)), by striking “confidentially” and inserting “anonymously”.

(b) INVESTIGATIVE REQUIREMENT.—Such subtitle is amended—

(1) by redesignating sections 3546 and 3547 as sections 3548 and 3549, respectively; and

(2) by inserting after section 3545 the following:

#### “SEC. 3546. INVESTIGATION REQUIREMENT.

“(a) REQUIREMENT TO INVESTIGATE.—

“(1) IN GENERAL.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall ensure that each allegation of sexual harassment reported under section 3541 and each allegation of sexual assault reported under section 3542 is investigated thoroughly and promptly.

“(2) SENSE OF CONGRESS ON COMMENCEMENT OF INVESTIGATION.—It is the sense of Congress that the Secretary should ensure that an investigation of an alleged sexual harassment reported under section 3541 or sexual assault reported under section 3542 commences not later than 48 hours after the time at which the allegation was reported.

“(b) NOTIFICATION OF DELAY.—In any case in which the time between the reporting of an alleged sexual harassment or sexual assault under section 3541 or 3542, respectively, and commencement of an investigation of the allegation exceeds 48 hours, the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives of the delay.

#### “SEC. 3547. CRIMINAL REFERRAL.

“If the Secretary of Commerce finds, pursuant to an investigation under section 3546, evidence that a crime may have been committed, the Secretary shall refer the matter to the appropriate law enforcement authorities, including the appropriate United States Attorney.”

(c) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the items relating to sections 3546 and 3547 and inserting the following new items:

“Sec. 3546. Investigation requirement.

“Sec. 3547. Criminal referral.

“Sec. 3548. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.

“Sec. 3549. Sexual assault defined.”

#### Subtitle F—Environmental Sensitivity Index Products

#### SEC. 1761. UPDATE TO ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR GREAT LAKES.

(a) UPDATE REQUIRED FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS FOR GREAT LAKES.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall commence updating the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes.

(b) PERIODIC UPDATES FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS GENERALLY.—Subject to the availability of appropriations and the priorities set forth in subsection (c), the Under Secretary shall—

(1) periodically update the environmental sensitivity index products of the Administration; and

(2) endeavor to do so not less frequently than once every 7 years.

(c) PRIORITIES.—When prioritizing geographic areas to update environmental sensitivity index products, the Under Secretary shall consider—

(1) the age of existing environmental sensitivity index products for the areas;

(2) the occurrence of extreme events, be it natural or man-made, which have significantly altered the shoreline or ecosystem since the last update;

(3) the natural variability of shoreline and coastal environments; and

(4) the volume of vessel traffic and general vulnerability to spilled pollutants.

(d) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this section, the term “environmental sensitivity index product” means a map or similar tool that is utilized to identify sensitive shoreline, coastal, or offshore resources prior to an oil spill event in order to set baseline priorities for protection and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Under Secretary \$7,500,000 to carry out subsection (a).

(2) AVAILABILITY.—Amounts appropriated or otherwise made available pursuant to paragraph (1) shall be available to the Under Secretary for the purposes set forth in such paragraph until expended.

**SA 2339.** Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. \_\_\_\_\_. PLAN FOR USE OF COMMERCIAL SOLUTIONS FOR WIDEBAND SATELLITE COMMUNICATIONS ROAMING AND MULTIDOMAIN COMMAND AND CONTROL CAPABILITIES.**

No later than 180 days after enactment of this Act, the Department of Defense shall submit to the congressional defense committees a plan for integrating a digital ground architecture that will utilize commercial innovations and solutions to enable wideband satellite communications roaming and multidomain command and control capabilities without unnecessary additional investment in terminal hardware.

**SA 2340.** Mr. MANCHIN (for himself, Ms. MURKOWSKI, Mr. HEINRICH, Mrs. MURRAY, Ms. CANTWELL, and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 3111.

**SA 2341.** Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. PLAN TO FINISH REMEDIATION ACTIVITIES CONDUCTED BY THE SECRETARY OF THE ARMY IN UMATILLA, OREGON.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a plan to finish remediation activities conducted by the Secretary in Umatilla, Oregon, by not later than three years after such date of enactment.

**SA 2342.** Mr. UDALL (for himself and Mr. CRAPO) 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 XXXI, add the following:

**SEC. 3168. SENSE OF THE SENATE REGARDING URANIUM MINING AND NUCLEAR WEAPONS TESTING.**

It is the sense of the Senate that the United States should compensate and recognize all of the miners, workers, downwinders, and others suffering from the effects of uranium mining and nuclear weapons testing carried out during the Cold War.

**SA 2343.** Mr. UDALL (for himself and Mr. CRAPO) 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 XXXI, add the following:

**SEC. 3168. EXTENDING RADIATION EXPOSURE COMPENSATION TRUST FUND.**

(a) IN GENERAL.—Section 3(d) of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note) is amended—

(1) by striking “22 years” and inserting “24 years”; and

(2) by striking “22-year” and inserting “24-year”.

(b) LIMITATION ON CLAIMS.—Section 8(a) of such Act (Public Law 101–426; 42 U.S.C. 2210 note) is amended by striking “22 years” and inserting “24 years”.

**SA 2344.** 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 G of title XII, add the following:

**SEC. 1287. OUTREACH TO UNITED STATES DUAL-USE SECTORS RELATING TO PREVENTION OF INDUSTRIAL AND CYBER ESPIONAGE.**

The Director of the Federal Bureau of Investigation, in coordination with the Under Secretary of Commerce for International Trade, the Securities and Exchange Commission, the Secretary of Homeland Security, the interagency working group established by section 1746(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), and the heads of such other agencies as the Director considers appropriate, shall expand outreach to, and develop educational materials and tools for, United States academics, businesses, venture capitalists, and startups in sectors that produce technology that has both military and civilian applications, with respect to—

(1) the potential risks associated with investors and partners who reside in, or are subject to the jurisdiction of, malign actors, including the Russian Federation, Iran, and the People's Republic of China;

(2) the role of the governments of malign actors, including the Russian Federation, Iran, and the People's Republic of China, in acquiring, directly or indirectly, technology through programs such as the Thousand Talents Program and Project 11 of the People's Republic of China;

(3) steps that can be taken to prevent industrial and cyber espionage; and

(4) such other issues related to undue influence from governments of malign actors, including the Russian Federation, Iran, and the People's Republic of China, or entities owned or controlled by such governments, as the Director considers important.

**SA 2345.** 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 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 I, insert the following:

**SEC. 156. REPORT ON LC-130 AIRCRAFT INVENTORY.**

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 describing how the Department of Defense plans to modernize the LC-130 aircraft in its inventory.

**SA 2346.** 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 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. 1026. SENSE OF CONGRESS ON THE NAMING OF A NAVAL VESSEL IN HONOR OF SENIOR CHIEF PETTY OFFICER SHANNON KENT.**

It is the sense of Congress that the Secretary of the Navy should name the next available naval vessel appropriate for such name in honor of Senior Chief Petty Officer Shannon Kent.

**SA 2347.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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, insert the following:

**SEC. 1656. SENSE OF CONGRESS ON SUPPORT FOR UNITED STATES URANIUM PRODUCERS.**

It is the sense of Congress that the Secretary of Defense should provide support to producers of uranium in the United States in light of the threat to national security posed by uranium producers owned or controlled by foreign governments, as identified in the report of the Department of Commerce on its investigation into uranium production under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862).

**SA 2348.** Mr. INHOFE submitted an amendment intended to be proposed to

amendment SA 2301 proposed by Mr. INHOFE 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, insert the following:

**SEC. 320. PARTICIPATION IN POLLUTANT BANKING AND WATER QUALITY TRADING PROGRAMS.**

(a) **AUTHORITY TO PARTICIPATE.**—The Secretary of a military department, and the Secretary of Defense with respect to matters concerning a Defense Agency, when engaged in an authorized activity that may or will result in the discharge of pollutants, may make payments to a pollutant banking program or water quality trading program approved in accordance with the Water Quality Trading Policy dated January 13, 2003, set forth by the Office of Water of the Environmental Protection Agency, or any successor administrative guidance or regulation.

(b) **TREATMENT OF PAYMENTS.**—Payments made under subsection (a) to a pollutant banking program or water quality trading program may be treated as eligible project costs for military construction.

(c) **DISCHARGE OF POLLUTANTS DEFINED.**—In this section, the term “discharge of pollutants” has the meaning given that term in section 502(12) of the Federal Water Pollution Control Act (33 U.S.C. 1362(12)) (commonly referred to as the “Clean Water Act”).

**SA 2349.** Mr. KENNEDY (for himself, Ms. BALDWIN, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. \_\_\_\_ SBIR AND STTR PILOT PROGRAM.**

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(vv) **DEPARTMENT OF DEFENSE PILOT PROGRAM.**—

“(1) **DEFINITION.**—In this section, the term ‘Department’ means the Department of Defense.

“(2) **ESTABLISHMENT.**—The Secretary of Defense shall establish a pilot program to provide small business concerns an increased level of assistance under the SBIR and STTR programs of the Department.

“(3) **ACTIVITIES.**—Under the pilot program, the Department, and any component agency thereof, may—

“(A) in any case in which the Department seeks to make a Phase II SBIR or STTR award to a small business concern based on the results of a Phase I award made to the small business concern by another agency, establish a streamlined transfer and fast track approval process for that Phase II award;

“(B) establish a phase during which additional funding may be provided during the gap between a Phase I and Phase II award—

“(i) which shall be limited to small business concerns located in eligible States, as

defined by the Defense Established Program to Stimulate Competitive Research (DEPSCoR); and

“(ii) under which the Department may provide SBIR and STTR awards—

“(I) to provide funding for 12 to 24 months to continue the development of technology;

“(II) of not more than \$1,000,000, for each individual award; and

“(III) of not more than \$30,000,000, in the aggregate, per year; and

“(C) carry out subparagraph (B) along with other mentorship programs.

“(4) **DURATION.**—The pilot program established under this subsection shall terminate 5 years after the date on which the pilot program is established.

“(5) **REPORT.**—The Department shall submit to Congress an annual report on the status of the pilot program established under this subsection, including the improvement in funding under the SBIR and STTR programs of the Department provided to small business concerns located in eligible States, as defined by the Defense Established Program to Stimulate Competitive Research (DEPSCoR).”.

**SA 2350.** Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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:

In the funding table in section 4101, in the item relating to Joint Assault Bridge, strike the amount in the Senate Authorized column and insert “72,178”.

In the funding table in section 4101, in the item relating to Total Procurement of W&TCV, Army, strike the amount in the Senate Authorized column and insert “3,651,740”.

**SA 2351.** Mr. COTTON submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. AMENDMENT TO SECTION 151 OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991 TO ALLOW DANGER PAY FOR THE U.S. MARSHALS SERVICE.**

Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246; 5 U.S.C. 5928 note) is amended—

(1) by striking “or” after “Drug Enforcement Administration” and inserting “, the”; and

(2) by inserting “, or the United States Marshals Service” after “Federal Bureau of Investigation”.

**SA 2352.** Mr. HAWLEY (for himself, Mr. SCOTT of Florida, Mr. CRAMER, Mr. WICKER, and Mrs. HYDE-SMITH) submitted an amendment intended to be

proposed to amendment SA 2301 proposed by Mr. INHOFE 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 potentially 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.

(c) 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 stake-

holders 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 2353.** Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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:

Amend section 144 to read as follows:

**SEC. 144. MINIMUM AIR FORCE BOMBER AIRCRAFT LEVEL.**

(a) MINIMUM.—The Secretary of Defense shall submit to the congressional defense committees recommendations for a minimum number of bomber aircraft, including penetrating bombers in addition to B-52H aircraft, to enable the Air Force to carry out its long-range penetrating strike capability.

(b) REPORTS ON B-1 FLEET SUSTAINMENT.—

(1) INITIAL REPORT.—Not later than 30 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 the current state of readiness and continued sustainment of the B-1 fleet and any gaps or necessary steps to ensure that the mission capable rate of the B-1 fleet is not less than 70 percent and the structural life of such fleet is sufficient to 2040. The report shall include a cost benefit analysis for bombers versus arsenal planes.

(2) QUARTERLY BRIEFING.—If the mission capable rate and structural life levels specified in paragraph (1) have not been met, not later than 60 days after the report is submitted under such paragraph, and not less frequently than quarterly thereafter until such levels have been met, the Secretary of the Air Force shall brief the congressional defense committees on, with respect to the B-1 fleet, the following:

(A) A description of any structural issues or technical deficiencies.

(B) A plan for continued structural deficiency data analysis and training.

(C) A description of projected repair timelines to address issues identified under subparagraph (A).

(D) A description of future mitigation strategies, including an analysis of the support requirement for each aircraft.

(E) An aircrew maintainer training plan, including a plan to ensure that the training pipeline remains steady for any degradation period.

(F) An identification of any deficiencies in equipment or funds required to address issues identified under subparagraph (A).

(G) A recovery timeline to resolve issues identified under subparagraph (A).

(c) LIMITATION.—None of the funds authorized to be appropriated by this Act or any other Act for the Department of Defense may be obligated or expended in support of the Air Force Arsenal Plane program, and the Department may not otherwise implement any such activity, until the report required under subsection (b)(1) is submitted.

**SA 2354.** Mr. DAINES 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. \_\_\_\_ . PROPERTY OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.**

Section 1361 of title 18, United States Code, is amended by adding at the end the following:

“If such property is property of or which has been or is being manufactured or constructed for the Department of Defense or the Department of Veterans Affairs, the maximum fine under this section shall be twice the otherwise applicable maximum fine under section 3571.”.

**SA 2355.** Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 I, add the following:

**SEC. 114. PROCUREMENT OF LITTER-ATTACHED LOAD STABILITY SYSTEMS FOR UH-60 AIRCRAFT.**

(a) INCREASE.—The amount authorized to be appropriated by this Act for fiscal year 2021 for Aircraft Procurement, Army for Utility Helicopters/UH-60 mods is increased by \$11,091,000, with the amount of such increase to be available for the procurement of additional litter-attached load stability systems to be deployed at the bottom of the helicopter hoist, on 39 aircraft.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2021 for Operation and Maintenance, Air Force for Other Combat Operations Support Programs is reduced by \$11,091,000.

**SA 2356.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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—Sanctions Relating to South China Sea and East China Sea**

**SEC. 1291. SHORT TITLE.**

This subtitle may be cited as the “South China Sea and East China Sea Sanctions Act of 2020”.

**SEC. 1292. DEFINITIONS.**

In this subtitle:

(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) **ALIEN.**—The term “alien” has the meaning given that term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(4) **CHINESE PERSON.**—The term “Chinese person” means—

(A) an individual who is a citizen or national of the People's Republic of China; or

(B) an entity organized under the laws of the People's Republic of China or otherwise subject to the jurisdiction of the Government of the People's Republic of China.

(5) **FINANCIAL INSTITUTION.**—The term “financial institution” means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (P), (R), (T), (Y), or (Z) of section 5312(a)(2) of title 31, United States Code.

(6) **FOREIGN FINANCIAL INSTITUTION.**—The term “foreign financial institution” has the meaning given that term in section 1010.605 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(7) **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.

(8) **PERSON.**—The term “person” means any individual or entity.

(9) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

**SEC. 1293. POLICY OF THE UNITED STATES WITH RESPECT TO THE SOUTH CHINA SEA AND THE EAST CHINA SEA.**

It is the policy of the United States—

(1) to support the principle that disputes between countries should be resolved peacefully consistent with international law;

(2) to reaffirm its unwavering commitment and support for allies and partners in the Asia-Pacific region, including longstanding United States policy—

(A) regarding Article V of the Mutual Defense Treaty, signed at Washington, August 30, 1951 (3 UST 3947), between the United States and the Philippines; and

(B) that Article V of the Mutual Defense Assistance Agreement, with Annexes, signed at Tokyo, March 8, 1954 (5 UST 661), between the United States and Japan, applies to the Senkaku Islands, which are administered by Japan; and

(3) to support the principle of freedom of navigation and overflight and to continue to use the sea and airspace wherever international law allows.

**SEC. 1294. SENSE OF CONGRESS WITH RESPECT TO THE SOUTH CHINA SEA AND THE EAST CHINA SEA.**

It is the sense of Congress that—

(1) the United States—

(A) opposes all claims in the maritime domains that impinge on the rights, freedoms, and lawful use of the seas that belong to all countries;

(B) opposes unilateral actions by the government of any country seeking to change the status quo in the South China Sea through the use of coercion, intimidation, or military force;

(C) opposes actions by the government of any country to interfere in any way in the free use of waters and airspace in the South China Sea or East China Sea;

(D) opposes actions by the government of any country to prevent any other country from exercising its sovereign rights to the resources of the exclusive economic zone and continental shelf by making claims that have no support in international law; and

(E) upholds the principle that territorial and maritime claims, including with respect to territorial waters or territorial seas, must be derived from land features and otherwise comport with international law;

(2) the People's Republic of China should not continue to pursue illegitimate claims and to militarize an area that is essential to global security;

(3) the United States should—

(A) continue and expand freedom of navigation operations and overflights;

(B) reconsider the traditional policy of not taking a position on individual claims; and

(C) respond to provocations by the People's Republic of China with commensurate actions that impose costs on any attempts to undermine security in the region;

(4) the Senkaku Islands are covered by Article V of the Mutual Defense Assistance Agreement, with Annexes, signed at Tokyo, March 8, 1954 (5 UST 661), between the United States and Japan; and

(5) the United States should firmly oppose any unilateral actions by the People's Republic of China that seek to undermine Japan's control of the Senkaku Islands.

**SEC. 1295. SANCTIONS WITH RESPECT TO CHINESE PERSONS RESPONSIBLE FOR CHINA'S ACTIVITIES IN THE SOUTH CHINA SEA AND THE EAST CHINA SEA.**

(a) **INITIAL IMPOSITION OF SANCTIONS.**—On and after the date that is 60 days after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (b) with respect to—

(1) any Chinese person that contributes to construction or development projects, including land reclamation, island-making, lighthouse construction, building of base stations for mobile communications services, building of electricity and fuel supply facilities, or civil infrastructure projects, in areas of the South China Sea contested by one or more members of the Association of Southeast Asian Nations;

(2) any Chinese person that is responsible for or complicit in, or has engaged in, directly or indirectly, actions or policies that threaten the peace, security, or stability of areas of the South China Sea contested by one or more members of the Association of Southeast Asian Nations or areas of the East China Sea administered by Japan or the Republic of Korea, including through the use of vessels and aircraft to impose the sovereignty of the People's Republic of China in those areas;

(3) any Chinese person that engages, or attempts to engage, in an activity or trans-

action that materially contributes to, or poses a risk of materially contributing to, an activity described in paragraph (1) or (2); and

(4) any person that—

(A) is owned or controlled by a person described in paragraph (1), (2), or (3);

(B) is acting for or on behalf of such a person; or

(C) provides, or attempts to provide—

(i) financial, material, technological, or other support to a person described in paragraph (1), (2), or (3); or

(ii) goods or services in support of an activity described in paragraph (1), (2), or (3).

(b) **SANCTIONS DESCRIBED.**—

(1) **BLOCKING OF PROPERTY.**—The President shall block and prohibit, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), all transactions in all property and interests in property of any person subject to 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.

(2) **EXCLUSION FROM UNITED STATES.**—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any person subject to subsection (a) that is an alien.

(3) **CURRENT VISA REVOKED.**—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to any person subject to subsection (a) that is an alien, regardless of when issued. The revocation shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(c) **EXCEPTIONS; PENALTIES.**—

(1) **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 subsection (b)(1).

(2) **COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.**—Paragraphs (2) and (3) of subsection (b) shall not apply if admission of an alien to the United States is necessary 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.

(3) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under subsection (b)(1) to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(d) **ADDITIONAL IMPOSITION OF SANCTIONS.**—

(1) **IN GENERAL.**—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 60 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for a person subject to subsection (a) if the Director of National Intelligence determines that the Government of the People's Republic of China has—

(A) declared an air defense identification zone over any part of the South China Sea;

(B) initiated reclamation work at another disputed location in the South China Sea, such as at Scarborough Shoal;

(C) seized control of Second Thomas Shoal;

(D) deployed surface-to-air missiles to any of the artificial islands the People's Republic of China has built in the Spratly Island chain, including Fiery Cross, Mischief, or Subi Reefs;

(E) established territorial baselines around the Spratly Island chain;

(F) increased harassment of Philippine vessels; or

(G) increased provocative actions against the Japanese Coast Guard or Maritime Self-Defense Force or United States forces in the East China Sea.

(2) REPORT.—

(A) IN GENERAL.—The determination of the Director of National Intelligence referred to in paragraph (1) shall be submitted in a report to the President and the appropriate congressional committees.

(B) FORM OF REPORT.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1296. DETERMINATIONS AND REPORT ON CHINESE COMPANIES ACTIVE IN THE SOUTH CHINA SEA AND THE EAST CHINA SEA.**

(a) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a report that identifies each Chinese person the Secretary determines is engaged in the activities described in section 1295(a).

(b) CONSIDERATION.—In preparing the report required under subsection (a), the Secretary shall make specific findings with respect to whether each of the following persons is involved in the activities described in section 1295(a):

- (1) CCCC Tianjin Dredging Co., Ltd.
- (2) CCCC Dredging (Group) Company, Ltd.
- (3) China Communications Construction Company (CCCC), Ltd.
- (4) China Petroleum Corporation (Sinopec Group).
- (5) China Mobile.
- (6) China Telecom.
- (7) China Southern Power Grid.
- (8) CNFC Guangzhou Harbor Engineering Company.
- (9) Zhanjiang South Project Construction Bureau.
- (10) Hubei Jiangtian Construction Group.
- (11) China Harbour Engineering Company (CHEC).
- (12) Guangdong Navigation Group (GNG) Ocean Shipping.
- (13) Shanghai Leading Energy Shipping.
- (14) China National Offshore Oil Corporation (CNOOC).
- (15) China Oilfield Services Limited (COSL).
- (16) China Precision Machinery Import/Export Corporation (CPMIEC).
- (17) China Aerospace Science and Industry Corporation (CASIC).
- (18) Aviation Industry Corporation of China (AVIC).
- (19) Shenyang Aircraft Corporation.
- (20) Shaanxi Aircraft Corporation.
- (21) China Ocean Shipping (Group) Company (COSCO).
- (22) China Southern Airlines.
- (23) Zhan Chaoying.
- (24) Sany Group.

(25) Chinese persons affiliated with any of the entities specified in paragraphs (1) through (24).

(c) SUBMISSION AND FORM.—

(1) SUBMISSION.—The report required by subsection (a) shall be submitted not later than 60 days after the date of the enactment of this Act and every 180 days thereafter until the date that is 3 years after such date of enactment.

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

the Secretary determines it is necessary for the national security interests of the United States to do so.

(3) PUBLIC AVAILABILITY.—The Secretary shall publish the unclassified part of the report required by subsection (a) on a publicly available website of the Department of State.

**SEC. 1297. PROHIBITION AGAINST DOCUMENTS PORTRAYING THE SOUTH CHINA SEA OR THE EAST CHINA SEA AS PART OF CHINA.**

The Government Publishing Office may not publish any map, document, record, electronic resource, or other paper of the United States (other than materials relating to hearings held by committees of Congress or internal work product of a Federal agency) portraying or otherwise indicating that it is the position of the United States that the territory or airspace in the South China Sea contested by one or more members of the Association of Southeast Asian Nations or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea is part of the territory or airspace of the People's Republic of China.

**SEC. 1298. PROHIBITION ON FACILITATING CERTAIN INVESTMENTS IN THE SOUTH CHINA SEA OR THE EAST CHINA SEA.**

(a) IN GENERAL.—No United States person may take any action to approve, facilitate, finance, or guarantee any investment, provide insurance, or underwriting in the South China Sea or the East China Sea that involves any person with respect to which sanctions are imposed under section 1295(a).

(b) ENFORCEMENT.—The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of such rules and regulations, as may be necessary to carry out the purposes of this section.

(c) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under this section to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(d) EXCEPTION.—Subsection (a) shall not apply with respect to humanitarian assistance, disaster assistance, or emergency food assistance.

**SEC. 1299. DEPARTMENT OF JUSTICE AFFIRMATION OF NON-RECOGNITION OF ANNEXATION.**

In any matter before any United States court, upon request of the court or any party to the matter, the Attorney General shall affirm the United States policy of not recognizing the *de jure* or *de facto* sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

**SEC. 1299A. NON-RECOGNITION OF CHINESE SOVEREIGNTY OVER THE SOUTH CHINA SEA OR THE EAST CHINA SEA.**

(a) UNITED STATES ARMED FORCES.—The Secretary of Defense may not take any action, including any movement of aircraft or vessels that implies recognition of the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(b) UNITED STATES FLAGGED VESSELS.—No vessel that is issued a certificate of docu-

mentation under chapter 121 of title 46, United States Code, may take any action that implies recognition of the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(c) UNITED STATES AIRCRAFT.—No aircraft operated by an air carrier that holds an air carrier certificate issued under chapter 411 of title 49, United States Code, may take any action that implies recognition of the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

**SEC. 1299B. PROHIBITION ON CERTAIN ASSISTANCE TO COUNTRIES THAT RECOGNIZE CHINESE SOVEREIGNTY OVER THE SOUTH CHINA SEA OR THE EAST CHINA SEA.**

(a) PROHIBITION.—Except as provided by subsection (c) or (d), no amounts may be obligated or expended to provide foreign assistance to the government of any country identified in a report required by subsection (b).

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 3 years after such date of enactment, the Secretary of State shall submit to the appropriate congressional committees a report identifying each country that the Secretary determines recognizes, after such date of enactment, the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex if the Secretary of State determines it is necessary for the national security interests of the United States to do so.

(3) PUBLIC AVAILABILITY.—The Secretary of State shall publish the unclassified part of the report required by paragraph (1) on a publicly available website of the Department of State.

(c) EXCEPTION.—This section shall not apply with respect to Taiwan, humanitarian assistance, disaster assistance, emergency food assistance, or the Peace Corps.

(d) WAIVER.—The President may waive the application of subsection (a) with respect to the government of a country if the President determines that the waiver is in the national interests of the United States.

**SA 2357.** Mr. RUBIO (for himself, Mr. SCOTT of Florida, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. \_\_\_\_ . MORATORIUM ON OIL AND GAS LEASING IN CERTAIN AREAS OF GULF OF MEXICO.**

Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432) is amended, in the matter preceding paragraph (1), by striking “June 30, 2022” and inserting “June 30, 2032”.

**SA 2358.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. \_\_\_\_ . REPORT ON THE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA IN THE WESTERN HEMISPHERE.**

(a) IN GENERAL.—The Director of National Intelligence shall submit to the appropriate committees of Congress a report on the economic, trade, environmental, military, security, and political activities of the People's Republic of China in the Western Hemisphere, including direct investment, development financing, loan deals, and state-owned enterprises in infrastructure and telecommunications projects.

(b) ELEMENT.—The report required by subsection (a) shall include, but is not limited to, an assessment of the activities of the People's Republic of China with respect to the following projects:

- (1) The Port of Panama, Posorja Deepwater Port in Ecuador.
- (2) The Port of Paranaguá in Brazil.
- (3) The China Harbor in the Bahamas.
- (4) The telecom infrastructure carried out by Chinese companies, including Huawei and ZTE, in Colombia and Canada.
- (5) The construction of the building for the Ministry of Foreign Affairs and Foreign Trade in Kingston, Jamaica.
- (6) The building of the Coca Codo Sinclair Dam in Ecuador.
- (7) The space-observation station in Argentina.

(c) 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, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 2359.** Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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, insert the following:

**SEC. 520. REPORTS ON DIVERSITY AND INCLUSION IN THE ARMED FORCES.**

(a) REPORT ON FINDINGS OF DEFENSE BOARD ON DIVERSITY AND INCLUSION IN THE MILITARY.—

(1) IN GENERAL.—Upon the completion by the Defense Board on Diversity and Inclusion in the Military of its report on actionable recommendations to increase racial diversity and ensure equal opportunity across all grades of the Armed Forces, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the report of the Defense Board, including the findings and recommendations of the Defense Board.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A comprehensive description of the findings and recommendations of the Defense Board in its report referred to in paragraph (1).

(B) A comprehensive description of any actionable recommendations of the Defense Board in its report.

(C) A description of the actions proposed to be undertaken by the Secretary in connection with such recommendations, and a timeline for implementation of such actions.

(D) A description of the resources used by the Defense Board for its report, and a description and assessment of any shortfalls in such resources for purposes of the Defense Board.

(b) REPORT ON DEFENSE ADVISORY COMMITTEE ON DIVERSITY AND INCLUSION IN THE ARMED FORCES.—

(1) IN GENERAL.—At the same time the Secretary of Defense submits the report required by subsection (a), the Secretary shall also submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the Defense Advisory Committee on Diversity and Inclusion in the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The mission statement or purpose of the Advisory Committee, and any proposed objectives and goals of the Advisory Committee.

(B) A description of current members of the Advisory Committee and the criteria used for selecting members.

(C) A description of the duties and scope of activities of the Advisory Committee.

(D) The reporting structure of the Advisory Committee.

(E) An estimate of the annual operating costs and staff years of the Advisory Committee.

(F) An estimate of the number and frequency of meetings of the Advisory Committee.

(G) Any subcommittees, established or proposed, that would support the Advisory Committee.

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate to extend the term of the Advisory Committee beyond the proposed termination date of the Advisory Committee.

(c) REPORT ON CURRENT DIVERSITY AND INCLUSION IN THE ARMED FORCES.—

(1) IN GENERAL.—At the same time the Secretary of Defense submits the reports required by subsections (a) and (b), the Secretary shall also submit to the Committee on Armed Services of the Senate and the House of Representatives a report on current diversity and inclusion in the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An identification of the current racial and ethnic composition of each Armed Force generally.

(B) An identification of the current racial and ethnic composition of each Armed Force by grade.

(C) A comparison of the participation rates of minority populations in officer grades, warrant officer grades, and enlisted member

grades in each Armed Force with the percentage of such populations among the general population.

(D) A comparison of the participation rates of minority populations in each career field in each Armed Force with the percentage of such populations among the general population.

(E) A comparison among the Armed Forces of the percentage of minority populations in each officer grade above grade O-4.

(F) A comparison among the Armed Forces of the percentage of minority populations in each enlisted grade above grade E-6.

(G) A description and assessment of barriers to minority participation in the Armed Forces in connection with accession, assessment, and training.

(d) SENSE OF SENATE ON DEFENSE ADVISORY COMMITTEE ON DIVERSITY AND INCLUSION IN THE ARMED FORCES.—It is the sense of the Senate that the Defense Advisory Committee on Diversity and Inclusion in the Armed Forces—

(1) should consist of diverse group of individuals, including—

(A) a general or flag officer from each regular component of the Armed Forces;

(B) a retired general or flag officer from not fewer than two of the Armed Forces;

(C) a regular officer of the Armed Forces in a grade O-5 or lower;

(D) a regular enlisted member of the Armed Forces in a grade E-7 or higher;

(E) a regular enlisted member of the Armed Forces in a grade E-6 or lower;

(F) a member of a reserve component of the Armed Forces in any grade;

(G) a member of the Department of Defense civilian workforce;

(H) an member of the academic community with expertise in diversity studies; and

(I) an individual with appropriate expertise in diversity and inclusion;

(2) should include individuals from a variety of military career paths, including—

(A) aviation;

(B) special operations;

(C) intelligence;

(D) cyber;

(E) space; and

(F) surface warfare;

(3) should have a membership such that not fewer than 20 percent of members possess—

(A) a firm understanding of the role of mentorship and best practices in finding and utilizing mentors;

(B) experience and expertise in change of culture of large organizations; or

(C) experience and expertise in implementation science; and

(4) should focus on objectives that address—

(A) barriers to promotion within the Armed Forces, including development of recommendations on mechanisms to enhance and increase racial diversity and ensure equal opportunity across all grades in the Armed Forces;

(B) participation of minority officers and senior noncommissioned officers in the Armed Forces, including development of recommendations on mechanisms to enhance and increase such participation;

(C) recruitment of minority candidates for innovative pre-service programs in the Junior Reserve Officers' Training Corps (JROTC), Senior Reserve Officers' Training Corps (SROTC), and military service academies, including programs in connection with flight instruction, special operations, and national security, including development of recommendations on mechanisms to enhance and increase such recruitment;

(D) retention of minority individuals in senior leadership and mentorship positions in the Armed Forces, including development

of recommendations on mechanisms to enhance and increase such retention; and

(E) achievement of cultural and ethnic diversity in recruitment for the Armed Forces, including development of recommendations on mechanisms to enhance and increase such diversity in recruitment.

**SA 2360.** Mr. MURPHY 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. 1287. IMPOSITION OF SANCTIONS WITH RESPECT TO MILITARY COOPERATION BETWEEN KHALIFA HAFTAR AND PMC WAGNER IN LIBYA.**

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

(1) On September 20, 2018, the Department of State added PMC Wagner to the list, maintained pursuant to section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525), of persons that are part of, or operate for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation.

(2) The Commander of United States Africa Command, Stephen Townsend, testified to the Committee on Armed Services of the Senate on January 20, 2020, that Russian "private military companies (PMCs), such as the Wagner Group with strong links to the Kremlin, are leading the fight for the self-styled 'Libyan National Army' against the UN-backed and U.S.-recognized Government of National Accord".

(3) On May 26, 2020, United States Africa Command stated that the Government of the Russian Federation had deployed military fighter aircraft to Libya in order to support private military contractors sponsored by that Government and operating on the ground in support of the Libyan National Army, and assessed that the military actions of the Russian Federation have prolonged the conflict in Libya and exacerbated casualties and human suffering on both sides.

(4) Commander Stephen Townsend stated on May 26, 2020, "For too long, Russia has denied the full extent of its involvement in the ongoing Libya conflict. Well, there is no denying it now. . . Neither the [Libyan National Army] nor private military companies can arm, operate and sustain these fighters without state support—support they are getting from Russia. If Russia seizes basing on Libya's coast, the next logical step is they deploy permanent long-range anti-access area denial (A2D2) capabilities. If that day comes, it will create very real security concerns on Europe's southern flank.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that continued violations of the United Nations arms embargo on Libya by actors including the Russian Federation, the United Arab Emirates, Egypt, and Turkey are detrimental to peace and stability in Libya.

(c) TREATMENT OF MILITARY COOPERATION AS SANCTIONABLE TRANSACTION.—For the purposes of section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525), the military cooperation between Libyan National Army leader Khalifa Haftar and PMC Wagner, with direct support from military fighter aircraft provided by the Government of the Russian Fed-

eration, shall be considered to be a significant transaction described in that section.

(d) IMPOSITION OF SANCTIONS.—Not later than 30 days after the date of the enactment of this Act, the President shall, in accordance with section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525), impose the sanctions described in paragraphs (8) and (9) of section 235(a) of that Act (22 U.S.C. 9529(a)) and 3 or more additional sanctions described in that section with respect to Khalifa Haftar and his immediate family members.

**SA 2361.** Mr. MANCHIN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 subtitle B of title XXXI.

**SA 2362.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. \_\_\_\_ . INCREASE IN AUTHORIZATION FOR MILITARY CONSTRUCTION FOR CERTAIN CHILDCARE FACILITIES.**

The amount authorized to be appropriated by this Act for fiscal year 2021 for military construction for the Army is increased by \$6,000,000, with the amount of such increase to be used to construct childcare facilities for the 7th Special Forces Group based in Crestview, Florida.

**SA 2363.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. \_\_\_\_ . FOREIGN INFLUENCE TRANSPARENCY.**

(a) LIMITING EXEMPTION FROM FOREIGN AGENT REGISTRATION REQUIREMENT FOR PERSONS ENGAGING IN ACTIVITIES IN FURTHERANCE OF CERTAIN PURSUITS TO ACTIVITIES NOT PROMOTING POLITICAL AGENDA OF FOREIGN GOVERNMENTS.—

(1) LIMITATION ON EXEMPTION.—Section 3(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613(e)) is amended by striking the semicolon at the end and inserting the following: ", but only if the activities do not promote the political agenda of a government of a foreign country;".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to activities carried out on or after the date of the enactment of this Act.

**(b) DISCLOSURES OF FOREIGN GIFTS.—**

(1) IN GENERAL.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(A) in subsection (a), by striking "the value of which is \$250,000 or more, considered alone or in combination with all other gifts from or contracts with" and inserting "the value of which is \$50,000 or more for such gift from or contract with";

(B) in subsection (b)—

(i) in paragraph (1), in the first sentence, by inserting before the period at the end the following: ", and the content of each such contract"; and

(ii) in paragraph (2), by inserting before the period the following: ", and the content of each such contract";

(C) in subsection (e), by inserting "including the contents of any contracts," after "reports"; and

(D) in subsection (h)(3), by inserting before the semicolon at the end the following: ", or the fair market value of an in-kind gift".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to gifts received or contracts entered into, or other activities carried out, on or after the date of enactment of this Act.

**SA 2364.** Mr. RUBIO (for himself, Mr. SCHUMER, Mrs. MURRAY, Mr. CASSIDY, Mr. COTTON, Mr. CARDIN, Ms. HIRONO, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. \_\_\_\_ . AIR AMERICA.**

(a) FINDINGS.—Congress finds the following:

(1) Air America, Incorporated (referred to in this section as "Air America") and its related cover corporate entities were wholly owned and controlled by the United States Government and directed and managed by the Department of Defense, the Department of State, and the Central Intelligence Agency from 1950 to 1976.

(2) Air America, a corporation owned by the Government of the United States, constituted a "Government corporation", as defined in section 103 of title 5, United States Code.

(3) It is established that the employees of Air America and the other entities described in paragraph (1) were Federal employees.

(4) The employees of Air America were retroactively excluded from the definition of the term "employee" under section 2105 of title 5, United States Code, on the basis of an administrative policy change in paperwork requirements implemented by the Office of Personnel Management 10 years after the service of the employees had ended and, by extension, were retroactively excluded from the definition of the term "employee" under section 8331 of title 5, United States Code, for retirement credit purposes.

(5) The employees of Air America were paid as Federal employees, with salaries subject to—

(A) the General Schedule under subchapter III of chapter 53 of title 5, United States Code; and

(B) the rates of basic pay payable to members of the Armed Forces.

(6) The service and sacrifice of the employees of Air America included—

(A) suffering a high rate of casualties in the course of employment;

(B) saving thousands of lives in search and rescue missions for downed United States airmen and allied refugee evacuations; and

(C) lengthy periods of service in challenging circumstances abroad.

(b) DEFINITIONS.—In this section—

(1) the term “affiliated company”, with respect to Air America, includes Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport; and

(2) the term “qualifying service” means service that—

(A) was performed by a United States citizen as an employee of Air America or an affiliated company during the period beginning on January 1, 1950 and ending on December 31, 1976; and

(B) is documented in the attorney-certified corporate records of Air America or any affiliated company.

(c) TREATMENT AS FEDERAL EMPLOYMENT.—Any period of qualifying service—

(1) is deemed to have been service of an employee (as defined in section 2105 of title 5, United States Code) with the Federal Government; and

(2) shall be treated as creditable service by an employee for purposes of subchapter III of chapter 83 of title 5, United States Code.

(d) RIGHTS.—An individual who performed qualifying service, or a survivor of such an individual, shall be entitled to the rights, retroactive as applicable, provided to employees and their survivors for creditable service under the Civil Service Retirement System under subchapter III of chapter 83 of title 5, United States Code, with respect to that qualifying service.

(e) DEDUCTION, CONTRIBUTION, AND DEPOSIT REQUIREMENTS.—The deposit of funds in the Treasury of the United States made by Air America in the form of a lump-sum payment apportioned in part to the Civil Service Disability & Retirement Fund in 1976 is deemed to satisfy the deduction, contribution, and deposit requirements under section 8334 of title 5, United States Code, with respect to all periods of qualifying service.

(f) APPLICATION TIME LIMIT.—Section 8345(i)(2) of title 5, United States Code, shall be applied with respect to the death of an individual who performed qualifying service by substituting “2 years after the effective date under section 1085(g) of the National Defense Authorization Act for Fiscal Year 2021” for “30 years after the death or other event which gives rise to title to the benefit”.

(g) EFFECTIVE DATE.—This section shall take effect on the date that is 30 days after the date of enactment of this Act.

**SA 2365.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. 1287. MODIFICATION OF RULES OF ORIGIN RELATING TO GOVERNMENT PROCUREMENT FOR PHARMACEUTICAL PRODUCTS.**

(a) TRADE AGREEMENTS.—Section 308(4)(B) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(B)) is amended—

(1) in clause (i), by striking “instrumentality, or” and inserting “instrumentality,”;

(2) in clause (ii)—

(A) by inserting “, other than an active pharmaceutical ingredient,” after “part of materials”; and

(B) by striking the period at the end and inserting “, or”;

(3) by inserting before the period at the end the following: “(iii) in the case of an article which consists of an active pharmaceutical ingredient, the pharmaceutical ingredient is wholly the growth, product, or manufacture of that country or instrumentality”.

(b) FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the President shall prescribe regulations to update sections 52.225-5 and 25.003 of title 48, Code of Federal Regulations (or successor regulations) to be consistent with rules of origin determinations for active pharmaceutical ingredients made under section 308(4)(B) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(B)), as amended by subsection (a).

**SA 2366.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 section G of title XII, add the following:

**SEC. —. WESTERN HEMISPHERE SECURITY STRATEGY.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to appropriate committees of Congress a strategy for enhancing security cooperation and security assistance, and advancing United States strategic interests, in the Western Hemisphere.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) Activities to expand bilateral and multilateral security cooperation in Latin America and the Caribbean so as to maintain consistent United States presence in the region.

(2) Activities to build the defense and security capacity (other than civilian law enforcement) of partner countries in Latin America and the Caribbean.

(3) Activities to counter malign influence of state actors and transnational criminal organizations with connections to illicit trafficking, terrorism, or weapons proliferation.

(4) Efforts to disrupt, degrade, and counter transregional and transnational illicit trafficking, with an emphasis on illicit narcotics and precursor chemicals that produce illicit narcotics.

(5) Activities to provide transparency and support for strong and accountable defense institutions in the region through institutional capacity-building efforts, including efforts to ensure compliance with internationally-recognized human rights standards.

(6) Steps to expand bilateral and multinational military exercises and training with

partner countries in Latin America and the Caribbean.

(7) The provision of assistance to such partner countries for regional defense and security organizations and institutions and national military or other security forces (other than civilian law enforcement) that carry out national or regional security missions.

(8) The provision of training and education to defense and security ministries, agencies, and headquarters-level organizations for organizations and forces described in paragraph (7).

(9) Activities to counter misinformation and disinformation campaigns and highlight corrupt, predatory and illegal practices.

(10) The provision of Department of Defense humanitarian assistance and disaster relief to support partner countries by promoting the development and growth of responsive institutions through activities such as—

(A) the provision of equipment, training, logistical support;

(B) transportation of humanitarian supplies or foreign security forces or personnel;

(C) making available, preparing, and transferring on-hand nonlethal Department stocks for humanitarian or health purposes to respond to unforeseen emergencies;

(D) the provision of Department humanitarian demining assistance and conducting physical security and stockpile-management activities; and

(E) as appropriate, conducting medical support operations or medical humanitarian missions, such as hospital ship deployments and base-operating services, to the extent required by the operation.

(11) Continued support for the women, peace, and security efforts of the Department of State to support the capacity of partner countries in the Western Hemisphere—

(A) to ensure that women and girls are safe and secure and the rights of women and girls are protected; and

(B) to promote the meaningful participation of women in the defense and security sectors.

(12) The provision of support to increase the capacity and effectiveness of Department educational programs and institutions, such as the William J. Perry Center, and international institutions, such as the Inter-American Defense Board and the Inter-American Defense College, that promote United States defense objectives through bilateral and regional relationships.

(13) Professional military education initiatives, including International Military and Education Training (IMET) assistance.

(14) The allocation of Navy maritime vessels to the United States 4th Fleet, including the use of ships scheduled to be decommissioned.

(15) A detailed assessment of the resources required to carry out such strategy and a plan to be executed in fiscal year 2022.

(c) APPROPRIATE COMMITTEES OF CONGRESS.—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 2367.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. \_\_\_\_ . INELIGIBILITY FOR FEDERAL FUNDS.**

(a) DEFINITIONS.—In this section:

(1) ANARCHIST JURISDICTION.—The term “anarchist jurisdiction” means a State or political subdivision of a State that has a statute, ordinance, policy, or practice in effect that, despite ongoing danger to individuals or property, allows any entity or official of the State or political subdivision of the State to purposefully—

(A) abdicate the reserved powers of the State or political subdivision of the State, to be performed by non-governmental actors in a manner that is detrimental to the health, safety, and welfare of the citizens of the State or political subdivision of the State; and

(B) refuse to provide police, fire, or emergency medical services to 1 or more individuals in the State or political subdivision of the State as a consequence of an abdication described in subparagraph (A).

(2) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code.

(3) FEDERAL FINANCIAL ASSISTANCE.—The term “Federal financial assistance” has the meaning given the term in section 7501 of title 31, United States Code.

(4) NON-GOVERNMENTAL ACTOR.—The term “non-governmental actor”—

(A) means an individual who—

(i) is not an officer, employee, or contractor of a State or political subdivision of a State; and

(ii) attempts to circumvent the rule of law; and

(B) does not include a nonprofit organization.

(5) RESERVED POWER.—The term “reserved power” means a power—

(A) reserved to a State under the Tenth Amendment to the Constitution of the United States;

(B) transferred by Congress to the District of Columbia or any territory or possession of the United States; or

(C) described in subparagraph (A) or (B) that is delegated to a political subdivision of a State.

(6) 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.

(b) INELIGIBILITY.—For fiscal year 2021, and each fiscal year thereafter, a State or political subdivision of a State that is an anarchist jurisdiction at any time during a fiscal year may not receive Federal financial assistance from an executive agency during that fiscal year.

(c) RETURNED AMOUNTS.—If a State or political subdivision of a State that is ineligible to receive Federal financial assistance during a fiscal year under subsection (b) receives Federal financial assistance during that fiscal year from an executive agency, the head of the executive agency shall—

(1) direct the State or political subdivision of the State to immediately return the Federal financial assistance to the executive agency; and

(2) reallocate the Federal financial assistance returned under paragraph (1) to States or political subdivisions of States that are not anarchist jurisdictions.

**SA 2368.** Mr. MORAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 division A, add the following:

**TITLE XVII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS**

**SEC. 1701. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

**Subtitle A—General Provisions**

**SEC. 1711. STRENGTH AND DISTRIBUTION IN GRADE.**

Section 214 (33 U.S.C. 3004) is amended to read as follows:

**“SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.**

“(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

- “(1) Vice admiral.
- “(2) Rear admiral.
- “(3) Rear admiral (lower half).
- “(4) Captain.
- “(5) Commander.
- “(6) Lieutenant commander.
- “(7) Lieutenant.
- “(8) Lieutenant (junior grade).
- “(9) Ensign.

“(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

“(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

“(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

“(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

“(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is one-half, the next higher whole number shall be taken.

“(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

“(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

“(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.”.

**SEC. 1712. RECALLED OFFICERS.**

(a) IN GENERAL.—Section 215 (33 U.S.C. 3005) is amended to read as follows:

**“SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.**

“(a) IN GENERAL.—The total number of authorized commissioned officers on the lineal list of the commissioned officer corps of the Administration shall not exceed 500.

“(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status or detailed to an agency other than the Administration—

“(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

“(2) may not count against such number.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by striking the item relating to section 215 and inserting the following:

“Sec. 215. Number of authorized commissioned officers.”.

**SEC. 1713. OBLIGATED SERVICE REQUIREMENT.**

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

**“SEC. 216. OBLIGATED SERVICE REQUIREMENT.**

“(a) IN GENERAL.—

“(1) REGULATIONS.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirements of officers not otherwise covered by law.

“(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers’ obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, continuations, and retirements as the Secretary considers appropriate.

“(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

“(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) is, for all purposes, a debt owed to the United States.

“(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

“(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

“(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

“(2) is—

“(A) not physically qualified for appointment; and

“(B) determined to be unqualified for service in the commissioned officer corps of the



Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct."

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107-372) is amended by inserting after the item relating to section 215 the following:

"Sec. 216. Obligated service requirement."

**SEC. 1714. TRAINING AND PHYSICAL FITNESS.**

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1713(a), is further amended by adding at the end the following:

**"SEC. 217. TRAINING AND PHYSICAL FITNESS.**

"(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

"(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

"(2) Providing officers and officer candidates with educational materials.

"(3) Acquiring such equipment as may be necessary for training and instructional purposes.

"(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard."

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107-372), as amended by section 1713(b), is further amended by inserting after the item relating to section 216 the following:

"Sec. 217. Training and physical fitness."

**SEC. 1715. AVIATION ACCESSION TRAINING PROGRAMS.**

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1714(a), is further amended by adding at the end the following:

**"SEC. 218. AVIATION ACCESSION TRAINING PROGRAMS.**

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

"(2) MEMBER OF THE PROGRAM.—The term 'member of the program' means a student who is enrolled in the program.

"(3) PROGRAM.—The term 'program' means an aviation accession training program of the commissioned officer corps of the Administration established pursuant to subsection (b).

"(b) AVIATION ACCESSION TRAINING PROGRAMS.—

"(1) ESTABLISHMENT AUTHORIZED.—The Administrator, under regulations prescribed by the Secretary, shall establish and maintain one or more aviation accession training programs for the commissioned officer corps of the Administration at institutions described in paragraph (2).

"(2) INSTITUTIONS DESCRIBED.—An institution described in this paragraph is an educational institution—

"(A) that requests to enter into an agreement with the Administrator providing for the establishment of the program at the institution;

"(B) that has, as a part of its curriculum, a four-year baccalaureate program of professional flight and piloting instruction that is accredited by the Aviation Accreditation Board International;

"(C) that is located in a geographic area that—

"(i) experiences a wide variation in climate-related activity, including frequent high winds, convective activity (including tornadoes), periods of low visibility, heat, and snow and ice episodes, to provide opportunities for pilots to demonstrate skill in all weather conditions compatible with future encounters during their service in the commissioned officer corps; and

"(ii) has a climate that can accommodate both primary and advanced flight training activity at least 75 percent of the year; and

"(D) at which the Administrator determines that—

"(i) there will be at least one student enrolled in the program; and

"(ii) the provisions of this section are otherwise satisfied.

"(3) LIMITATIONS IN CONNECTION WITH PARTICULAR INSTITUTIONS.—The program may not be established or maintained at an institution unless—

"(A) the senior commissioned officer or employee of the commissioned officer corps who is assigned as an advisor to the program at that institution is given the academic rank of adjunct professor; and

"(B) the institution fulfills the terms of its agreement with the Administrator.

"(4) MEMBERSHIP IN CONNECTION WITH STATUS AS STUDENT.—At institutions at which the program is established, the membership of students in the program shall be elective, as provided by State law or the authorities of the institution concerned.

"(c) MEMBERSHIP.—

"(1) ELIGIBILITY.—To be eligible for membership in the program, an individual must—

"(A) be a student at an institution at which the program is established;

"(B) be a citizen of the United States;

"(C) contract in writing, with the consent of a parent or guardian if a minor, with the Administrator, to—

"(i) accept an appointment, if offered, as a commissioned officer in the commissioned officer corps of the Administration; and

"(ii) serve in the commissioned officer corps for not fewer than four years;

"(D) enroll in—

"(i) a four-year baccalaureate program of professional flight and piloting instruction; and

"(ii) other training or education, including basic officer training, which is prescribed by the Administrator as meeting the preliminary requirement for admission to the commissioned officer corps; and

"(E) execute a certificate or take an oath relating to morality and conduct in such form as the Administrator prescribes.

"(2) COMPLETION OF PROGRAM.—A member of the program may be appointed as a regular officer in the commissioned officer corps if the member meets all requirements for appointment as such an officer.

"(d) FINANCIAL ASSISTANCE FOR QUALIFIED MEMBERS.—

"(1) EXPENSES OF COURSE OF INSTRUCTION.—

"(A) IN GENERAL.—In the case of a member of the program who meets such qualifications as the Administrator establishes for purposes of this subsection, the Administrator may pay the expenses of the member

in connection with pursuit of a course of professional flight and piloting instruction under the program, including tuition, fees, educational materials such as books, training, certifications, travel, and laboratory expenses.

"(B) ASSISTANCE AFTER FOURTH ACADEMIC YEAR.—In the case of a member of the program described in subparagraph (A) who is enrolled in a course described in that subparagraph that has been approved by the Administrator and requires more than four academic years for completion, including elective requirements of the program, assistance under this subsection may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions.

"(2) ROOM AND BOARD.—In the case of a member eligible to receive assistance under paragraph (1), the Administrator may, in lieu of payment of all or part of such assistance, pay the room and board expenses of the member, and other educational expenses, of the educational institution concerned.

"(3) FAILURE TO COMPLETE PROGRAM OR ACCEPT COMMISSION.—A member of the program who receives assistance under this subsection and who does not complete the course of instruction, or who completes the course but declines to accept a commission in the commissioned officer corps when offered, shall be subject to the repayment provisions of subsection (e).

"(e) REPAYMENT OF UNEARNED PORTION OF FINANCIAL ASSISTANCE WHEN CONDITIONS OF PAYMENT NOT MET.—

"(1) IN GENERAL.—A member of the program who receives or benefits from assistance under subsection (d), and whose receipt of or benefit from such assistance is subject to the condition that the member fully satisfy the requirements of subsection (c), shall repay to the United States an amount equal to the assistance received or benefitted from if the member fails to fully satisfy such requirements and may not receive or benefit from any unpaid amounts of such assistance after the member fails to satisfy such requirements, unless the Administrator determines that the imposition of the repayment requirement and the termination of payment of unpaid amounts of such assistance with regard to the member would be—

"(A) contrary to a personnel policy or management objective;

"(B) against equity and good conscience; or

"(C) contrary to the best interests of the United States.

"(2) REGULATIONS.—The Administrator may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to repayment may be granted. The Administrator may specify in the regulations the conditions under which financial assistance to be paid to a member of the program will not be made if the member no longer satisfies the requirements in subsection (c) or qualifications in subsection (d) for such assistance.

"(3) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the United States under this subsection is, for all purposes, a debt owed to the United States."

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107-372), as amended by section 1714(b), is further amended by inserting after the item relating to section 217 the following:

"Sec. 218. Aviation accession training programs."

**SEC. 1716. RECRUITING MATERIALS.**

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1715(a), is further amended by adding at the end the following:

**“SEC. 219. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.**

“The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 1715(b), is further amended by inserting after the item relating to section 218 the following:

“Sec. 219. Use of recruiting materials for public relations.”.

**SEC. 1717. TECHNICAL CORRECTION.**

Section 101(21)(C) of title 38, United States Code, is amended by inserting “in the commissioned officer corps” before “of the National”.

**Subtitle B—Parity and Recruitment****SEC. 1721. EDUCATION LOANS.**

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

**“SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.**

“(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

“(1) was used by the person to finance education; and

“(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

“(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

“(1) satisfy one of the requirements specified in subsection (c);

“(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

“(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

“(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

“(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

“(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

“(d) LOAN REPAYMENTS.—

“(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

“(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

“(e) ACTIVE DUTY SERVICE OBLIGATION.—

“(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

“(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

“(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than one year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

“(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

“(4) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.

“(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

“(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

“(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

“(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

“(1) standards for qualified loans and authorized payees; and

“(2) other terms and conditions for the making of loan repayments.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

“Sec. 267. Education loan repayment program.”.

**SEC. 1722. INTEREST PAYMENTS.**

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 1721(a), is further amended by adding at the end the following:

**“SEC. 268. INTEREST PAYMENT PROGRAM.**

“(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on one or more student loans of an eligible officer, in accordance with this section.

“(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

“(1) is serving on active duty;

“(2) has not completed more than three years of service on active duty;

“(3) is the debtor on one or more unpaid loans described in subsection (c); and

“(4) is not in default on any such loan.

“(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

“(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

“(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

“(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

“(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

“(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

“(f) COORDINATION WITH SECRETARY OF EDUCATION.—

“(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

“(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

“(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

“(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

“(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term “special allowance” means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code,”; and

(ii) by inserting “or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,” after “Armed Forces”.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code,”; and

(ii) by inserting “or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,” after “Armed Forces”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 1721(b), is further amended by inserting after the item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

**SEC. 1723. STUDENT PRE-COMMISSIONING PROGRAM.**

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 1722(a), is further amended by adding at the end the following:

**“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.**

“(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

“(1) a baccalaureate degree in not more than five academic years; or

“(2) a postbaccalaureate degree.

“(b) ELIGIBLE PERSONS.—

“(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

“(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

“(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

“(C) enters into a written agreement with the Secretary described in paragraph (2).

“(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person—

“(A) agrees to accept an appointment as an officer, if tendered; and

“(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

“(i) up to three years if the person received less than three years of assistance; and

“(ii) up to five years if the person received at least three years of assistance.

“(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

“(1) Tuition and fees charged by the educational institution involved.

“(2) The cost of educational materials.

“(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

“(4) Such other expenses as the Secretary considers appropriate.

“(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

“(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than five consecutive academic years.

“(f) SUBSISTENCE ALLOWANCE.—

“(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

“(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

“(g) INITIAL CLOTHING ALLOWANCE.—

“(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each

person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

“(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

“(h) TERMINATION OF FINANCIAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

“(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

“(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

“(C) the person fails to fulfill any term or condition of the agreement.

“(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

“(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

“(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

“(B) is—

“(i) not physically qualified for appointment; and

“(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

“(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

“(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

“(i) REGULATIONS.—The Secretary may prescribe such regulations and orders as the Secretary considers appropriate to carry out this section.

“(j) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 1722(c), is further amended by inserting after the item relating to section 268 the following:

“Sec. 269. Student pre-commissioning education assistance program.”.

**SEC. 1724. LIMITATION ON EDUCATIONAL ASSISTANCE.**

(a) IN GENERAL.—Each fiscal year, beginning with the fiscal year in which this title is enacted, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 1721(a)), section 268 of such Act (as added by section 1722(a)), and section 269 of such Act (as added by section 1723(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 1735(d)), if such section entitled officer candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O-1 with less than 2 years of service, exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term “officer candidate” has the meaning given the term in paragraph (4) of section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 1735(c).

**SEC. 1725. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.**

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (22) through (25), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (14) through (19), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

“(4) Section 771, relating to unauthorized wearing of uniforms.

“(5) Section 774, relating to wearing religious apparel while in uniform.

“(6) Section 982, relating to service on State and local juries.

“(7) Section 1031, relating to administration of oaths.”;

(5) by inserting after paragraph (10), as redesignated, the following:

“(11) Section 1074n, relating to annual mental health assessments.

“(12) Section 1090a, relating to referrals for mental health evaluations.

“(13) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.”; and

(6) by inserting after paragraph (19), as redesignated, the following:

“(20) Subchapter I of chapter 88, relating to Military Family Programs.

“(21) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.”.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking “armed forces” and inserting “uniformed services”; and

(B) in subsection (b)(4), by striking “armed forces” both places it appears and inserting “uniformed services”.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR

FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), in the matter before subparagraph (A), by striking “armed forces” and inserting “uniformed services”; and

(B) by adding at the end the following new subsection:

“(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA CORPS AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term ‘Secretary concerned’ in subsection (a) shall include the Secretary of Commerce with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration.”.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting “or the commissioned officer corps of the National Oceanic and Atmospheric Administration” after “in the case of the Navy”; and

(ii) by striking “other armed forces” and inserting “other uniformed services”; and

(B) in subsection (b)(1), in the matter before subparagraph (A), by inserting “or the Secretary of Commerce, as applicable,” after “the Secretary of Defense”.

**SEC. 1726. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.**

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

**“SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.**

“(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

“(1) Section 324, relating to accession bonuses for new officers in critical skills.

“(2) Section 403(f)(3), relating to prescribing regulations defining the terms ‘field duty’ and ‘sea duty’.

“(3) Section 403(1), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

“(4) Section 415, relating to initial uniform allowances.

“(5) Section 488, relating to allowances for recruiting expenses.

“(6) Section 495, relating to allowances for funeral honors duty.

“(b) REFERENCES.—The authority vested by title 37, United States Code, in the ‘military departments’, ‘the Secretary concerned’, or ‘the Secretary of Defense’ with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary’s designee.”.

(b) PERSONAL MONEY ALLOWANCE.—Section 414(a)(2) of title 37, United States Code, is amended by inserting “or the director of the commissioned officer corps of the National Oceanic and Atmospheric Administration” after “Health Service”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 261 the following:

“Sec. 261A. Applicability of certain provisions of title 37, United States Code.”.

**SEC. 1727. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.**

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 1725(a), is further amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: “For purposes of paragraph (8) of subsection (a), the term ‘Inspector General’ in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.”.

(c) REGULATIONS.—Such section is further amended by adding at the end the following:

“(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may prescribe regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by prescribing such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.”.

**SEC. 1728. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.**

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”; and

(2) in paragraph (2), by striking “or veteran” and inserting “, veteran, or member”; and

(3) in paragraph (4), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”.

**SEC. 1729. EMPLOYMENT AND REEMPLOYMENT RIGHTS.**

Section 4303(16) of title 38, United States Code, is amended by inserting “the commissioned officer corps of the National Oceanic and Atmospheric Administration,” after “Public Health Service.”.

**SEC. 1730. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.**

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this title, is further amended by adding at the end the following:

**“SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.**

“(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for at least three years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

“(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

“(c) COMPETITIVE SERVICE DEFINED.—In this section, the term ‘competitive service’ has the meaning given the term in section 2102 of title 5, United States Code.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 269, as added by section 1723(b), the following new item:

“Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.”.

**Subtitle C—Appointments and Promotion of Officers**

**SEC. 1731. APPOINTMENTS.**

(a) ORIGINAL APPOINTMENTS.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

**“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.**

“(a) ORIGINAL APPOINTMENTS.—

“(1) GRADES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

“(i) the qualification, experience, and length of service of the appointee; and

“(ii) the commissioned officer corps of the Administration.

“(B) APPOINTMENT OF OFFICER CANDIDATES.—

“(1) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

“(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from the basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

“(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

“(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

“(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(C) Graduates of the maritime academies of the States who—

“(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

“(ii) completed at least three years of regimented training while at a maritime academy of a State; and

“(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

“(D) Licensed officers of the United States merchant marine who have served two or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(3) DEFINITIONS.—In this subsection:

“(A) MARITIME ACADEMIES OF THE STATES.—The term ‘maritime academies of the States’ means the following:

“(i) California Maritime Academy, Vallejo, California.

“(ii) Great Lakes Maritime Academy, Traverse City, Michigan.

“(iii) Maine Maritime Academy, Castine, Maine.

“(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

“(v) State University of New York Maritime College, Fort Schuyler, New York.

“(vi) Texas A&M Maritime Academy, Galveston, Texas.

“(B) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term ‘military service academies of the United States’ means the following:

“(i) The United States Military Academy, West Point, New York.

“(ii) The United States Naval Academy, Annapolis, Maryland.

“(iii) The United States Air Force Academy, Colorado Springs, Colorado.

“(iv) The United States Coast Guard Academy, New London, Connecticut.

“(v) The United States Merchant Marine Academy, Kings Point, New York.

“(b) REAPPOINTMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

“(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

“(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual’s mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

“(d) ORDER OF PRECEDENCE.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. The order of precedence of appointees whose dates of commission are the same shall be determined by the Secretary.

“(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

“(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

“(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

“(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

“Sec. 221. Original appointments and reappointments.”

#### SEC. 1732. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

##### “SEC. 222. PERSONNEL BOARDS.

“(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—A board convened under subsection (a) shall consist of five or more

officers who are serving in or above the permanent grade of the officers under consideration by the board.

“(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

“(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of two successive personnel boards convened to consider officers of the same grade for promotion or separation.

“(c) DUTIES.—Each personnel board shall—

“(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

“(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

“(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.

“(e) AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION CONSIDERATION.—

“(1) IN GENERAL.—The Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps may provide that an officer, upon the officer’s request and with the approval of the Director, be excluded from consideration for promotion by a personnel board convened under this section.

“(2) APPROVAL.—The Director shall approve a request made by an officer under paragraph (1) only if—

“(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Administration, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Director;

“(B) the Director determines the exclusion from consideration is in the best interest of the Administration; and

“(C) the officer has not previously failed selection for promotion to the grade for which the officer requests the exclusion from consideration.”

#### SEC. 1733. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 228 (33 U.S.C. 3028) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking “The Secretary shall designate one position under this section” and inserting “The President shall designate one position”; and

(B) in the second sentence, by striking “That position shall be filled by” and inserting “The President shall fill that position by appointing, by and with the advice and consent of the Senate.”;

(2) in subsection (d)(2), by inserting “or immediately beginning a period of terminal leave” after “for which a higher grade is designated”;

(3) by amending subsection (e) to read as follows:

“(e) LIMIT ON NUMBER OF OFFICERS APPOINTED.—The total number of officers serving on active duty at any one time in the grade of rear admiral (lower half) or above may not exceed five, with only one serving in the grade of vice admiral.”; and

(4) in subsection (f), by inserting “or in a period of annual leave used at the end of the appointment” after “serving in that grade”.

#### SEC. 1734. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

##### “SEC. 229. TEMPORARY APPOINTMENTS.

“(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

“(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

“(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

“(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by striking the item relating to section 229 and inserting the following:

“Sec. 229. Temporary appointments.”

#### SEC. 1735. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

##### “SEC. 234. OFFICER CANDIDATES.

“(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

“(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations, which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the basic officer training program of the Administration, and all other matters affecting such appointment.

“(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate’s term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

“(d) AGREEMENT.—

“(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate’s term of service in the commissioned officer corps of the Administration.

“(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

“(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

“(B) That upon graduation from such program, the officer candidate—

“(i) will accept an appointment, if tendered, as an officer; and

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

“(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

“(1) standards for determining what constitutes a breach of an agreement signed under subsection (d)(1); and

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

“(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under subsection (d) shall be subject to the repayment provisions of section 216(b).”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

“Sec. 234. Officer candidates.”.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) OFFICER CANDIDATE.—The term ‘officer candidate’ means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).”.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

“(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rates equal to the basic pay of an enlisted member in the pay grade E-5 with less than two years of service.

“(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.”.

#### SEC. 1736. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 1735(a), is further amended by adding at the end the following:

#### “SEC. 235. PROCUREMENT OF PERSONNEL.

“The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 1735(b), is further amended by inserting after the item relating to section 234 the following:

“235. Procurement of personnel.”.

#### SEC. 1737. CAREER INTERMISSION PROGRAM.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 1736(a), is further amended by adding at the end the following:

#### “SEC. 236. CAREER FLEXIBILITY TO ENHANCE RETENTION OF OFFICERS.

“(a) PROGRAMS AUTHORIZED.—The Secretary may carry out a program under which officers may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end

of such period of inactivation from active duty.

“(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

“(1) IN GENERAL.—The period of inactivation from active duty under a program under this section of an officer participating in the program shall be such period as the Secretary shall specify in the agreement of the officer under subsection (c), except that such period may not exceed three years.

“(2) EXCLUSION FROM RETIREMENT.—Any period of participation of an officer in a program under this section shall not count toward eligibility for retirement or computation of retired pay under subtitle C.

“(c) AGREEMENT.—Each officer who participates in a program under this section shall enter into a written agreement with the Secretary under which that officer shall agree as follows:

“(1) To undergo during the period of the inactivation of the officer from active duty under the program such inactive duty training as the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps shall require in order to ensure that the officer retains proficiency, at a level determined by the Director to be sufficient, in the technical skills, professional qualifications, and physical readiness of the officer during the inactivation of the officer from active duty.

“(2) Following completion of the period of the inactivation of the officer from active duty under the program, to serve two months on active duty for each month of the period of the inactivation of the officer from active duty under the program.

“(d) CONDITIONS OF RELEASE.—The Secretary shall—

“(1) prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c); and

“(2) at a minimum, prescribe the procedures and standards to be used to instruct an officer on the obligations to be assumed by the officer under paragraph (1) of such subsection while the officer is released from active duty.

“(e) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary, an officer participating in a program under this section may, in the discretion of the Secretary, be required to terminate participation in the program and be ordered to active duty.

“(f) PAY AND ALLOWANCES.—

“(1) BASIC PAY.—During each month of participation in a program under this section, an officer who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the officer would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the officer when the officer commences participation in the program.

“(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

“(A) PROHIBITION.—An officer who participates in a program under this section shall not, while participating in the program, be paid any special or incentive pay or bonus to which the officer is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

“(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active duty of an officer participating in a program under this section shall not be treated as a failure of the officer to perform any period of service required of the officer in connection

with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

“(3) RETURN TO ACTIVE DUTY.—

“(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

“(i) any agreement entered into by the officer under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the officer commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the officer commenced participation in the program; and

“(ii) any special or incentive pay or bonus shall be payable to the officer in accordance with the terms of the agreement concerned for the term specified in clause (i).

“(B) LIMITATION.—

“(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, at the time of the return of the officer to active duty as described in that subparagraph—

“(I) such pay or bonus is no longer authorized by law; or

“(II) the officer does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the officer to active duty.

“(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, during the term of the revived agreement of the officer under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

“(C) REPAYMENT.—An officer who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the officer under chapter 5 of title 37, United States Code.

“(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of an officer under an agreement covered by this paragraph after the officer returns to active duty as described in subparagraph (A) shall be in addition to any service required of the officer under an agreement under subsection (c).

“(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—

“(A) IN GENERAL.—Subject to subparagraph (B), an officer who participates in a program under this section is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37, United States Code, for—

“(i) travel performed from the residence of the officer, at the time of release from active duty to participate in the program, to the location in the United States designated by the officer as the officer's residence during the period of participation in the program; and

“(ii) travel performed to the residence of the officer upon return to active duty at the end of the participation of the officer in the program.

“(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of an officer to and from a single residence.

“(5) LEAVE BALANCE.—An officer who participates in a program under this section is entitled to carry forward the leave balance



existing as of the day on which the officer begins participation and accumulated in accordance with section 701 of title 10, but not to exceed 60 days.

“(g) PROMOTION.—

“(1) IN GENERAL.—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under subtitle B.

“(2) RETURN TO SERVICE.—Upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

“(A) the Secretary may adjust the date of rank of the officer in such manner as the Secretary shall prescribe in regulations for purposes of this section; and

“(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

“(h) CONTINUED ENTITLEMENTS.—An officer participating in a program under this section shall, while participating in the program, be treated as a member of the uniformed services on active duty for a period of more than 30 days for purposes of—

“(1) the entitlement of the officer and of the dependents of the officer to medical and dental care under the provisions of chapter 55 of title 10; and

“(2) retirement or separation for physical disability under the provisions of subtitle C.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 1736(b), is further amended by inserting after the item relating to section 235 the following:

“Sec. 236. Career flexibility to enhance retention of officers.”

#### Subtitle D—Separation and Retirement of Officers

#### SEC. 1741. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

“(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

“(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well-being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

“(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

“(3) LIMITATION.—A deferment of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.”

#### SEC. 1742. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

“(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

“(1) expresses a desire not to be selected for promotion; or

“(2) requests removal from the list of selectees.”

#### Subtitle E—Other National Oceanic and Atmospheric Administration Matters

#### SEC. 1751. CHARTING AND SURVEY SERVICES.

(a) IN GENERAL.—Not later than 270 days after the development of the strategy required by section 1002(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (33 U.S.C. 892a note), the Secretary of Commerce shall enter into not fewer than 2 multi-year contracts with 1 or more private entities for the performance of charting and survey services by vessels.

(b) CHARTING AND SURVEYS IN THE ARCTIC.—In soliciting and engaging the services of vessels under subsection (a), the Secretary shall particularly emphasize the need for charting and surveys in the Arctic.

#### SEC. 1752. LEASES AND CO-LOCATION AGREEMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, in fiscal year 2020 and each fiscal year thereafter, the Administrator of the National Oceanic and Atmospheric Administration may execute non-competitive leases and co-location agreements for real property and incidental goods and services with entities described in subsection (b) for periods of not more than 30 years, if each such lease or agreement is supported by a price reasonableness analysis.

(b) ENTITIES DESCRIBED.—An entity described in this subsection is—

(1) the government of any State, territory, possession, or locality of the United States;

(2) any Tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

(3) any subdivision of—

(A) a government described in paragraph (1); or

(B) an organization described in paragraph (2); or

(4) any organization that is—

(A) organized under the laws of the United States or any jurisdiction within the United States; and

(B) described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(c) FISCAL YEAR LIMITATION.—The obligation of amounts for leases and agreements executed under subsection (a) is limited to the fiscal year for which payments are due, without regard to sections 1341(a)(1), 1501(a)(1), 1502(a), and 1517(a) of title 31, United States Code.

(d) COLLABORATION AGREEMENTS.—Upon the execution of a lease or agreement authorized by subsection (a) with an entity, the Administrator may enter into agreements with the entity to collaborate or engage in projects or programs on matters of mutual interest for periods not to exceed the term of the lease or agreement. The cost of such agreements shall be apportioned equitably, as determined by the Administrator.

#### SEC. 1753. SATELLITE AND DATA MANAGEMENT.

Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531) is amended—

(1) in subsection (c)(1), by striking subparagraph (D) and inserting the following:

“(D) improve—

“(i) weather and climate forecasting and predictions; and

“(ii) the understanding, management, and exploration of the ocean.”; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “data and satellite systems” and inserting “data, satellite, and other observing systems”; and

(ii) by striking “to carry out” and all that follows and inserting the following: “to carry out—

“(A) basic, applied, and advanced research projects and ocean exploration missions to

meet the objectives described in subparagraphs (A) through (D) of subsection (c)(1); or

“(B) any other type of project to meet other mission objectives, as determined by the Under Secretary.”;

(B) in paragraph (2)(B)(i), by striking “satellites” and all that follows and inserting “systems, including satellites, instrumentation, ground stations, data, and data processing;”; and

(C) in paragraph (3), by striking “2023” and inserting “2030”.

#### SEC. 1754. IMPROVEMENTS RELATING TO SEXUAL HARASSMENT AND ASSAULT PREVENTION AT THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) ANONYMOUS REPORTING.—Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(1) in section 3541(b)(3)(B) (33 U.S.C. 894(b)(3)(B)), by striking “confidentially” and inserting “anonymously”; and

(2) in section 3542(b)(5)(B) (33 U.S.C. 894a(b)(5)(B)), by striking “confidentially” and inserting “anonymously”.

(b) INVESTIGATIVE REQUIREMENT.—Such subtitle is amended—

(1) by redesignating sections 3546 and 3547 as sections 3548 and 3549, respectively; and

(2) by inserting after section 3545 the following:

#### “SEC. 3546. INVESTIGATION REQUIREMENT.

“(a) REQUIREMENT TO INVESTIGATE.—

“(1) IN GENERAL.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall ensure that each allegation of sexual harassment reported under section 3541 and each allegation of sexual assault reported under section 3542 is investigated thoroughly and promptly.

“(2) SENSE OF CONGRESS ON COMMENCEMENT OF INVESTIGATION.—It is the sense of Congress that the Secretary should ensure that an investigation of an alleged sexual harassment reported under section 3541 or sexual assault reported under section 3542 commences not later than 48 hours after the time at which the allegation was reported.

“(b) NOTIFICATION OF DELAY.—In any case in which the time between the reporting of an alleged sexual harassment or sexual assault under section 3541 or 3542, respectively, and commencement of an investigation of the allegation exceeds 48 hours, the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives of the delay.

#### “SEC. 3547. CRIMINAL REFERRAL.

“If the Secretary of Commerce finds, pursuant to an investigation under section 3546, evidence that a crime may have been committed, the Secretary shall refer the matter to the appropriate law enforcement authorities, including the appropriate United States Attorney.”

(c) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the items relating to sections 3546 and 3547 and inserting the following new items:

“Sec. 3546. Investigation requirement.

“Sec. 3547. Criminal referral.

“Sec. 3548. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.

“Sec. 3549. Sexual assault defined.”

#### SEC. 1755. UPDATE TO ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR GREAT LAKES.

(a) UPDATE REQUIRED FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS FOR GREAT

LAKES.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall commence updating the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes.

(b) PERIODIC UPDATES FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS GENERALLY.—Subject to the availability of appropriations and the priorities set forth in subsection (c), the Under Secretary shall—

(1) periodically update the environmental sensitivity index products of the Administration; and

(2) endeavor to do so not less frequently than once every 7 years.

(c) PRIORITIES.—When prioritizing geographic areas to update environmental sensitivity index products, the Under Secretary shall consider—

(1) the age of existing environmental sensitivity index products for the areas;

(2) the occurrence of extreme events, be it natural or man-made, which have significantly altered the shoreline or ecosystem since the last update;

(3) the natural variability of shoreline and coastal environments; and

(4) the volume of vessel traffic and general vulnerability to spilled pollutants.

(d) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this section, the term “environmental sensitivity index product” means a map or similar tool that is utilized to identify sensitive shoreline, coastal, or offshore resources prior to an oil spill event in order to set baseline priorities for protection and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Under Secretary \$7,500,000 to carry out subsection (a).

(2) AVAILABILITY.—Amounts appropriated or otherwise made available pursuant to paragraph (1) shall be available to the Under Secretary for the purposes set forth in such paragraph until expended.

**SA 2369.** Mr. CASSIDY 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. 1052. LIMITATION ON REALIGNMENT OF MARINE FORCES NORTH COMMAND.**

(a) IN GENERAL.—The Secretary of Defense may not realign Marine Forces North Command from New Orleans, Louisiana, to Norfolk, Virginia, until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report addressing the impact of the proposed realignment on the following:

(1) The readiness of the Armed Forces.

(2) The National Defense Strategy and supporting service strategies.

(3) The organizational structure for the Marine Corps and the administrative control, operational control, and tactical control relationships.

(4) Long-term costs for the Marine Corps, including an assessment of any requirements for new infrastructure or relocation of equipment and assets.

(5) Total force integration and general officer progression for the Marine Corps, including with respect to the reserve components.

(b) APPLICABILITY.—The prohibition under subsection (a) shall apply with respect to—

(1) any action that is not completed as of the date of the enactment of this Act; and

(2) any action commencing after such date.

**SA 2370.** Mrs. BLACKBURN (for herself, Mr. THUNE, Mr. GARDNER, Mr. CRAMER, Mr. JOHNSON, Mr. CORNYN, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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:

In section 212, strike subsection (c) and insert the following:

(c) CROSS-FUNCTIONAL TEAM FOR FIFTH-GENERATION WIRELESS NETWORKING.—

(1) ESTABLISHMENT REQUIRED.—The Secretary of Defense shall, in accordance with section 911(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 111 note), establish a cross-functional team for fifth-generation wireless networking in order—

(A) to advance the adoption of commercially available next generation wireless communication technologies, capabilities, security, and applications by the Department of Defense and the defense industrial base; and

(B) to support public-private partnership between the Department and industry regarding fifth-generation wireless networking.

(2) PURPOSE.—The purpose of the cross-functional team established pursuant to paragraph (1) shall be the—

(A) oversight of the implementation of the strategy developed as required by section 254 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) for harnessing fifth-generation wireless networking technologies, coordinated across all relevant elements of the Department;

(B) coordination of research and development, implementation and acquisition activities, warfighting concept development, spectrum policy, industrial policy and commercial outreach and partnership relating to fifth-generation wireless networking in the Department, and interagency and international engagement;

(C) integration of the Department's fifth-generation wireless networking programs and policies with major Department initiatives, programs, and policies surrounding secure microelectronics and command and control; and

(D) oversight, coordination, execution, and leadership of initiatives to advance fifth-generation wireless network technologies and associated applications developed for the Department.

**SA 2371.** Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. STUDY ON USE OF EMERGING TECHNOLOGIES BY U.S. CUSTOMS AND BORDER PROTECTION.**

(a) STUDY.—The Commissioner of U.S. Customs and Border Protection shall carry out a study, in consultation with appropriate private sector stakeholders and the heads of other Federal agencies, with respect to—

(1) the status of implementation and internal use of emerging technologies, including blockchain technology and other innovative technologies, within U.S. Customs and Border Protection; and

(2) how applications of blockchain technology, cloud and edge computing, and other innovative technologies can—

(A) make the data analysis of U.S. Customs and Border Protection more efficient and effective;

(B) be used to support strategic initiatives of U.S. Customs and Border Protection; and

(C) be further leveraged to improve the informed compliance model of U.S. Customs and Border Protection and enhance the transparency of supply chains.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit to the appropriate congressional committees a report to containing—

(1) all findings and determinations made in carrying out the study required under subsection (a); and

(2) any recommendations identified in carrying out the study for using blockchain technology and other innovative technologies with respect to efforts by U.S. Customs and Border Protection—

(A) to combat money laundering and other forms of illicit finance; and

(B) to detect and deter trade-based money laundering, the distribution of counterfeit goods, and goods made with convict labor, forced labor, or indentured labor.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(2) INFORMED COMPLIANCE MODEL.—The term “informed compliance model” means a model based on shared responsibility between U.S. Customs and Border Protection and importers under which—

(A) U.S. Customs and Border Protection effectively communicates its requirements to importers; and

(B) importers conduct their activities in accordance with those requirements and the statutes and regulations of the United States.

**SA 2372.** Ms. MCSALLY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. AMENDMENTS TO DEFENSE PRODUCTION ACT OF 1950 TO ENSURE SUPPLY OF CERTAIN MEDICAL PRODUCTS ESSENTIAL TO NATIONAL DEFENSE.**

(a) **STATEMENT OF POLICY.**—Section 2(b) of the Defense Production Act of 1950 (50 U.S.C. 4502(b)) is amended—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) authorities under this Act should be used when appropriate to ensure the availability of medical products essential to national defense, including through measures designed to secure the drug and medical device supply chains, and taking into consideration the importance of United States competitiveness, scientific leadership and cooperation, and innovative capacity;”.

(b) **STRENGTHENING DOMESTIC CAPABILITY.**—Section 107 of the Defense Production Act of 1950 (50 U.S.C. 4517) is amended—

(1) in subsection (a), by striking “and industrial resources” and inserting “industrial resources, and medical products”; and

(2) in subsection (b)(1), by striking “and industrial resources” and inserting “industrial resources, and medical products essential to national defense”.

(c) **STRATEGY ON SECURING SUPPLY CHAINS FOR MEDICAL PRODUCTS.**—Title I of the Defense Production Act of 1950 (50 U.S.C. 4511 et seq.) is amended by adding at the end the following:

**“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR MEDICAL PRODUCTS.**

“(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this section, the President, in consultation with the Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Homeland Security, and the Secretary of Defense, shall transmit a strategy to the appropriate Members of Congress that includes the following:

“(1) A detailed plan to use the authorities under this title and title III, or any other provision of law, to ensure the supply of medical products essential to national defense, to the extent necessary for the purposes of this Act.

“(2) An analysis of vulnerabilities to existing supply chains for such medical products, and recommendations to address the vulnerabilities.

“(3) Measures to be undertaken by the President to diversify such supply chains, as appropriate and as required for national defense.

“(4) A discussion of—

“(A) any significant effects resulting from the plan and measures described in this subsection on the production, cost, or distribution of medical products, including vaccines;

“(B) a timeline to ensure that essential components of the supply chain for medical products are not under the exclusive control of a foreign government in a manner that the President determines could threaten the national defense of the United States; and

“(C) efforts to mitigate any risks resulting from the plan and measures described in this subsection to United States competitiveness, scientific leadership, and innovative capacity, including efforts to cooperate and proactively engage with United States allies.

“(b) **PROGRESS REPORT.**—Following submission of the strategy under subsection (a), the President shall submit to the appropriate Members of Congress an annual progress report evaluating the implementation of the strategy, and may include updates to the strategy as appropriate. The strategy and progress reports shall be submitted in unclassified form but may contain a classified annex.

“(c) **APPROPRIATE MEMBERS OF CONGRESS.**—The term ‘appropriate Members of Congress’ means—

“(1) the Speaker, majority leader, and minority leader of the House of Representatives;

“(2) the majority leader and minority leader of the Senate;

“(3) the chairman and ranking member of the Committee on Financial Services of the House of Representatives; and

“(4) the chairman and ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate.”.

**SA 2373.** Ms. KLOBUCHAR (for herself and Mr. LANKFORD) 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. \_\_\_\_ . WAIVER OF MATCHING REQUIREMENT.**

The last proviso under the heading “Election Assistance Commission, Election Security Grants” in the Financial Services and General Government Appropriations Act, 2020 (Public Law 116-93; 133 Stat. 2461) shall not apply with respect to any payment made to a State using funds appropriated or otherwise made available to the Election Assistance Commission under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136).

**SA 2374.** Mr. MANCHIN (for himself and Mrs. CAPITO) 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:

In the funding table in section 4101, in the item relating to MQ-4 TRITON, strike the amount in the Senate Authorized column and insert “411,570”.

In the funding table in section 4101, in the item relating to Total Aircraft Procurement, Navy, strike the amount in the Senate Authorized column and insert “17,718,878”.

In the funding table in section 4301 for Operation and Maintenance, Army relating to Undistributed, in the item relating to “UNDISTRIBUTED”, strike the amount in the Senate Authorized column and insert “358,901”.

In the funding table in section 4301 for Operation and Maintenance, Army relating to Undistributed, in the item relating to Excessive standard price for fuel, strike the amount in the Senate Authorized column and insert “[35,400]”.

In the funding table in section 4301 for Operation and Maintenance, Army relating to Undistributed, in the item relating to Subtotal, Undistributed, strike the amount in the Senate Authorized column and insert “358,901”.

In the funding table in section 4301 for Operation and Maintenance, Army, in the item relating to Total Operation and Maintenance,

Army, strike the amount in the Senate Authorized column and insert “40,206,327”.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Operating Forces, in the item relating to Joint Chiefs of Staff, strike the amount in the Senate Authorized column and insert “378,111”.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Operating Forces, in the item relating to Subtotal Operating Forces, strike the amount in the Senate Authorized column and insert “7,111,746”.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Administrative and Service-Wide Activities, in the item relating to Defense Human Resources Activity, strike the amount in the Senate Authorized column and insert “749,952”.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Administrative and Service-Wide Activities, in the item relating to Office of the Secretary of Defense, strike the amount in the Senate Authorized column and insert “1,513,946”.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Administrative and Service-Wide Activities, in the item relating to Subtotal Administrative and Service-Wide Activities, strike the amount in the Senate Authorized column and insert “31,388,885”.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide, in the item relating to Total Operation and Maintenance, Defense-Wide, strike the amount in the Senate Authorized column and insert “38,619,740”.

**SA 2375.** Mr. REED submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. \_\_\_\_ . INDEPENDENT STUDY ON IDENTIFYING AND ADDRESSING THREATS THAT INDIVIDUALLY OR COLLECTIVELY AFFECT NATIONAL SECURITY, FINANCIAL SECURITY, OR BOTH.**

(a) **INDEPENDENT STUDY.**—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of the Treasury in the Secretary’s capacity as the Chair of the Financial Stability Oversight Council and the heads of other relevant departments and agencies, shall seek to enter into a contract with a federally funded research and development center under which the center will conduct a study on identifying and addressing threats that individually or collectively affect national security, financial security, or both.

(b) **ELEMENTS OF STUDY.**—In carrying out the study referred to in subsection (a), the selected Federally funded research and development center shall be contractually obligated to—

(1) identify threats that individually or collectively affect national security, financial security, or both, including—

(A) foreign entities and governments acquiring financial interests in domestic companies that have access to critical or sensitive national security materials, technologies, or information;

(B) other currencies being used in lieu of the United States Dollar in international transactions;

(C) foreign influence in companies seeking to access capital markets by conducting initial public offerings in other countries;

(D) the use of financial instruments, markets, payment systems, or digital assets in ways that appear legitimate but may be part of a foreign malign strategy to weaken or undermine the economic security of the United States;

(E) the use of entities, such as corporations, companies, limited liability companies, limited partnerships, business trusts, business associations, or other similar entities to obscure or hide the foreign beneficial owner of such entities; and

(F) any other known or potential threats that individually or collectively affect national security, financial security, or both currently or in the foreseeable future.

(2) assess the extent to which the United States Government is currently able to identify and characterize the threats identified under paragraph (1);

(3) assess the extent to which the United States Government is currently able to mitigate the risk posed by the threats identified under paragraph (1);

(4) assess whether current levels of information sharing and cooperation between the United States Government and allies and partners has been helpful or can be improved upon in order for the United States Government to identify, characterize, and mitigate the threats identified under paragraph (1); and

(5) recommend opportunities, and any such authorities or resources required, to improve the efficiency and effectiveness of the United States Government in identifying the threats identified under paragraph (1) and mitigating the risk posed by such threats.

(C) SUBMISSION TO DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 180 days after the date of the enactment of this Act, the federally funded research and development center selected to conduct the study under subsection (a) shall submit to the Director of National Intelligence a report on the results of the study in both classified and unclassified form.

(d) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Director of National Intelligence receives the report under subsection (c), the Director shall submit to the appropriate committees of Congress an unaltered copy of the report in both classified and unclassified form, and such comments as the Director, in coordination with the Secretary of Treasury in his capacity as the Chair of the Financial Stability Oversight Council and the heads of other relevant departments and agencies, may have with respect to the report.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

**SA 2376.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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—Sanctions With Respect to the Russian Federation**

**SEC. 1291. DEFINITIONS.**

In this subtitle:

(1) ADMISSION; ADMITTED; ALIEN.—The terms “admission”, “admitted”, and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term “appropriate congressional committees and leadership” means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, the Select Committee on Intelligence, and the majority leader and the minority leader of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

(3) FINANCIAL INSTITUTION.—The term “financial institution” means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31, United States Code.

(4) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning given that term in regulations prescribed by the Secretary of the Treasury.

(5) 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.

(6) UNITED STATES FINANCIAL INSTITUTION.—The term “United States financial institution” has the meaning given that term in regulations prescribed by the Secretary of the Treasury.

(7) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

**SEC. 1292. IMPOSITION OF SANCTIONS WITH RESPECT TO GOVERNMENT OF RUSSIAN FEDERATION RELATING TO BOUNTIES ON MEMBERS OF ARMED FORCES AND ALLIED FORCES IN AFGHANISTAN.**

(a) CERTIFICATION AND REPORT.—

(1) CERTIFICATION REQUIRED.—Not later than 15 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees and leadership a certification with respect to—

(A) whether or not the Government of the Russian Federation, or proxies of that Government, was responsible for offering bounties for the killing of members of the Armed Forces of the United States or members of the Resolute Support Mission led by the

North Atlantic Treaty Organization (commonly referred to as “NATO”) in Afghanistan;

(B) whether the information described in subparagraph (A) was provided to—

(i) senior officials of the United States Government, including the President and the Vice President, and, if so, when that information was provided to those officials; and

(ii) allies of the United States serving in Afghanistan under the NATO-led Resolute Support Mission.

(2) REPORT REQUIRED.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees and leadership a report describing the measures taken by the Department of Defense to provide greater protection to members of the Armed Forces of the United States in Afghanistan.

(3) FORM.—The certification required by paragraph (1) and the report required by paragraph (2) shall be submitted in unclassified form but may include a classified annex.

(b) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—If the Director of National Intelligence certifies under subsection (a)(1)(A) that the Government of the Russian Federation or any its proxies was responsible for bounties described in that subsection, the President shall, not later than 15 days after the date of the certification, impose the following sanctions:

(A) PROPERTY BLOCKING.—The President shall block and prohibit, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), all transactions in property and interests in property of each person described in paragraph (2) 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) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(i) VISAS, ADMISSION, OR PAROLE.—An alien described in paragraph (2) is—

(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.).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—The visa or other entry documentation of an alien described in paragraph (2) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(II) IMMEDIATE EFFECT.—A revocation under subclause (I) shall—

(aa) take effect immediately; and

(bb) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(C) REJECTION OF TRANSACTIONS WITH DEFENSE AND INTELLIGENCE SECTORS OF RUSSIAN FEDERATION.—The Secretary of the Treasury shall instruct all United States financial institutions to reject all financial transactions involving any person on the list, as of the date of the enactment of this Act, produced by the Secretary of State pursuant to section 231(e) of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525(e)).

(2) PERSONS DESCRIBED.—A person described in this paragraph is any of the following:

(A) Vladimir Putin or any person acting for or on behalf of Vladimir Putin, including any person managing any of his assets anywhere in the world.

(B) Any senior official of the Government of the Russian Federation determined by the

President to have been involved in the activity described in subsection (a)(1)(A).

(C) Any official of a defense or intelligence unit of that Government, including the Main Intelligence Agency of the General Staff of the Armed Forces of the Russian Federation, if that unit is determined by the President to have been involved in the activity described in subsection (a)(1)(A).

**SEC. 1293. IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSACTIONS WITH CERTAIN RUSSIAN POLITICAL FIGURES AND OLIGARCHS.**

(a) IN GENERAL.—On and after the date that is 30 days after the date of the enactment of this Act, the President shall block and prohibit, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), all transactions in property and interests in property of each person described in subsection (b), 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) PERSONS DESCRIBED.—The persons described in this subsection are—

(1) political figures, oligarchs, and other persons that facilitate illicit and corrupt activities, directly or indirectly, on behalf of the President of the Russian Federation, Vladimir Putin, and persons acting for or on behalf of such political figures, oligarchs, and persons;

(2) Russian parastatal entities that facilitate illicit and corrupt activities, directly or indirectly, on behalf of the President of the Russian Federation, Vladimir Putin;

(3) family members of persons described in paragraph (1) or (2) that derive significant benefits from such illicit and corrupt activities; and

(4) persons, including financial institutions, that knowingly engage in significant transactions with persons described in paragraph (1), (2), or (3).

(c) UPDATED REPORT ON OLIGARCHS AND PARASTATAL ENTITIES OF THE RUSSIAN FEDERATION.—Section 241 of the Countering America's Adversaries Through Sanctions Act (Public Law 115-44; 131 Stat. 922) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

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

“(b) UPDATED REPORT.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary of the Treasury, in consultation with the Director of National Intelligence and the Secretary of State, shall submit to the appropriate congressional committees an updated report on oligarchs and parastatal entities of the Russian Federation that builds on the report submitted under subsection (a) on January 29, 2018, by—

“(1) including the matters described in paragraphs (1) through (5) of subsection (a); and

“(2) excluding from the portion of the report responsive to paragraph (1) of subsection (a) any individual with respect to which there is no credible information suggesting the individual has the close financial or political relationships, or engages in the illicit activities, described in subsection (a).”;

(3) in subsection (c), as redesignated by paragraph (1), by striking “The report required under subsection (a)” and inserting “The reports required by subsections (a) and (b).”;

(d) STRATEGY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees and leadership a strategy describing how the President

will coordinate with the European Union and its individual member countries with respect to efforts to deny Russian persons described in the updated report required by subsection (b) of section 241 of the Countering America's Adversaries Through Sanctions Act, as amended by subsection (c), access to financial institutions or real estate in the European Union or United States.

**SEC. 1294. IMPLEMENTATION; PENALTIES.**

(a) 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 the extent necessary to carry out this subtitle.

(b) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of the provisions of subparagraph (A) or (C) of section 1292(b)(1) or section 1293(a), or any regulation, license, or order issued to carry out such provisions, 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.

**SEC. 1295. EXCEPTIONS.**

(a) INTELLIGENCE ACTIVITIES.—This subtitle shall not apply with respect to activities 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.

(b) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under section 1292(b)(1)(B) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(1) 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

(2) to carry out or assist law enforcement activity in the United States.

(c) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions under this subtitle shall not include the authority or a requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this subsection, 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) EXCEPTION RELATING TO ACTIVITIES OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—

(1) IN GENERAL.—This subtitle shall not apply with respect to activities of the National Aeronautics and Space Administration.

(2) RULE OF CONSTRUCTION.—Nothing in this subtitle or the amendments made by this title shall be construed to authorize the imposition of any sanction or other condition, limitation, restriction, or prohibition, that directly or indirectly impedes the supply by any entity of the Russian Federation of any product or service, or the procurement of such product or service by any contractor or subcontractor of the United States or any other entity, relating to or in connection with any space launch conducted for—

(A) the National Aeronautics and Space Administration; or

(B) any other non-Department of Defense customer.

**SEC. 1296. RULE OF CONSTRUCTION.**

Nothing in this subtitle shall be construed—

(1) to supersede the limitations or exceptions on the use of rocket engines for national security purposes under section 1608 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3626; 10 U.S.C. 2271 note), as amended by section 1607 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1100) and section 1602 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2582); or

(2) to prohibit a contractor or subcontractor of the Department of Defense from acquiring components referred to in such section 1608.

**SA 2377.** Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. ST. MARY UNIT AND MILK RIVER PROJECT INFRASTRUCTURE INVESTMENT.**

(a) DEFINITIONS.—In this section:

(1) OPERATION, MAINTENANCE, AND REPLACEMENT.—The term “operation, maintenance, and replacement” means—

(A) any recurring or ongoing activity associated with the day-to-day operation of the St. Mary Unit;

(B) any activity relating to scheduled or unscheduled maintenance of the St. Mary Unit; and

(C) any activity relating to replacing a feature of the St. Mary Unit.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior (acting through the Commissioner of Reclamation).

(3) ST. MARY UNIT.—The term “St. Mary Unit” has the meaning given the term in section 3703 of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1816).

(b) USE OF APPROPRIATED FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall use appropriated funds for the operation, maintenance, and replacement of the St. Mary Unit.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total costs of any activity relating to the operation, maintenance, and replacement of the St. Mary Unit shall be 75 percent, which shall be nonreimbursable to the United States.

(B) NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) may be paid by the State or any other non-Federal interest.

(c) PARTICIPATION OF BLACKFEET TRIBE.—The Secretary shall coordinate with the Blackfeet Tribe in all phases relating to the replacement of a feature of the St. Mary Unit.

(d) OFFSET.—The St. Mary Diversion and Conveyance Works project authorized under section 5103 of the Water Resources Development Act of 2007 (121 Stat. 1234) is deauthorized.

**SA 2378.** Mrs. BLACKBURN (for herself, Mr. MENENDEZ, Mr. SCOTT of Florida, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 of division A, insert the following:

**SEC. 12. 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 through technology development, rather than through media messaging;

“(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, components, 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 2379.** Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 NATIVE AMERICAN AFFAIRS.**

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(b)(1) (15 U.S.C. 633(b)(1)) by adding at the end the following: “One such Associate Administrator shall be the Associate Administrator of the Office of Native American Affairs established under section 49(b).”;

(2) by redesignating section 49 (15 U.S.C. 631 note) as section 50; and

(3) by inserting after section 48 (15 U.S.C. 657u) the following:

**“SEC. 49. NATIVE AMERICAN OUTREACH PROGRAM.**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Associate Administrator’ means the Associate Administrator appointed under subsection (b)(2);

“(2) the terms ‘Indian tribe’ and ‘Native Hawaiian Organization’ have the meanings given those terms in section 8(a);

“(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

“(1) ESTABLISHMENT.—There is established within the Administration the Office of Native American Affairs, which, under the direction of the Associate Administrator, shall implement the programs of the Administration to provide Native American outreach assistance.

“(2) ASSOCIATE ADMINISTRATOR.—

“(A) APPOINTMENT.—The Administrator shall appoint a qualified individual to serve as Associate Administrator of the Office of Native American Affairs in accordance with this paragraph.

“(B) QUALIFICATIONS.—The Associate Administrator shall have—

“(i) knowledge of Native American cultures; and

“(ii) experience providing culturally tailored small business development assistance to Native Americans.

“(C) EMPLOYMENT STATUS.—The Associate Administrator shall—

“(i) be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5, United States Code; and

“(ii) report and be directly responsible to the Administrator.

“(D) RESPONSIBILITIES AND DUTIES.—The Associate Administrator shall—

“(i) administer and manage the Native American outreach program described in subsection (c);

“(ii) act as an ombudsman for Native Americans in all programs of the Administration;

“(iii) enhance assistance to Native Americans by—

“(I) formulating and promoting policies, programs and assistance that better address their entrepreneurial, capital access, business development and contracting needs;

“(II) collaborating with the Associate Administrators of the Administration, including the Associate Administrators of Capital Access, Government Contracting and Business Development, and Entrepreneurial Development, on the development of policies and plans to implement Administration programs in ways that better serve identified capital access, government contracting, and business and entrepreneurial development needs;

“(iv) execute policies and plans formulated and developed under this section and section 1103 of the Coronavirus Aid, Relief and Economic Security Act (Public Law 116-136); and

“(v) recommend the annual administrative and program budgets for the Office of Native American Affairs.

“(c) OUTREACH PROGRAM.—

“(1) IN GENERAL.—The Associate Administrator shall carry out an outreach program to provide assistance to—

“(A) Indian tribes and Native Hawaiian Organizations, as defined section 8(a); and

“(B) small business concerns owned and controlled by individuals who are members of an Indian tribe or a Native Hawaiian Organization or who are Alaska Native or Native Hawaiian.

“(2) ASSISTANCE.—In carrying out the outreach program under this subsection, the Associate Administrator may—

“(A) provide financial assistance by grant, contract, cooperative agreement, or other assistance to deploy training and educational outreach through business development workshops and other mechanisms to advance the start up, operation, financing, and expansion of small business concerns owned and controlled by individuals who are members of an Indian tribe or a Native Hawaiian Organization or who are Alaska Native or Native Hawaiian;

“(B) hold Tribal consultations to solicit input and provide interested parties an opportunity to discuss potential modifications to programs of the Administration, including the program under section 8(a) and the HUBZone program under section 31; and

“(C) provide such other assistance as the Associate Administrator may determine necessary.”.

(b) TRANSFER PROVISIONS.—Effective on the date of enactment of this Act—

(1) the Office of Native American Affairs of the Small Business Administration, as in effect on the day before the date of enactment of this Act, shall be known as the Office of Native American Affairs of the Small Business Administration, as established under section 49 of the Small Business Act, as added by subsection (a);

(2) the Office of Native American Affairs of the Small Business Administration, as established under section 49 of the Small Business Act, as added by subsection (a), shall retain the functions, personnel, assets, and liabilities held by, acquired, or incurred before the date of enactment of this Act the Office of Native American Affairs of the Small Business Administration, as in effect on the day before the date of enactment of this Act; and

(3) the individual serving as Associate Administrator of the Office of Native American Affairs of the Small Business Administration, as in effect on the day before the date of enactment of this Act, shall continue to serve as the Associate Administrator appointed under section 49 of the Small Business Act, as added by subsection (a), until a successor is appointed.

**SA 2380.** Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 COSTS AND BENEFITS OF MAINTAINING A MINIMUM OF 12 PRIMARY AIRCRAFT AUTHORIZED FOR EACH TYPE OF SPECIALTY MISSION AIRCRAFT.**

(a) SENSE OF SENATE.—It is the sense of the Senate that it is important to maintain safety and increase mission readiness and interoperability of the weather reconnaissance, aerial spray, and firefighting system specialty mission capabilities of the Air Force Reserve Command.

(b) REPORT.—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 the costs and benefits of maintaining a minimum of 12 primary aircraft authorized for each type of specialty mission aircraft.

**SA 2381.** Mr. SCOTT, of Florida submitted an amendment intended to be proposed by him to the bill S. 4116, to extend the authority for commitments for the paycheck protection program and separate amounts authorized for other loans under section 7(a) of the Small Business Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 2. AMENDMENTS TO THE PAYCHECK PROTECTION PROGRAM.**

(a) IN GENERAL.—Section 7(a)(36)(G) of the Small Business Act (15 U.S.C. 636(a)(36)(G)) is amended—

(1) in clause (i)—

(A) by striking subclause (I); and

(B) by redesignating subclauses (II), (III), and (IV) as subclauses (I), (II), and (III), respectively; and

(2) by adding at the end the following:

“(ii) SUBSTANTIAL REDUCTION IN REVENUE.—An eligible recipient shall not receive a covered loan unless the eligible recipient demonstrates that the eligible recipient has incurred a substantial reduction in revenue due to COVID-19.”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to a loan under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) made after the date of enactment of this Act.

(c) RULEMAKING OR GUIDANCE.—

(1) IN GENERAL.—Not later than 7 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Administrator of the Small Business Administration, shall issue a rule or guidance defining a substantial reduction in revenue, as used in clause (ii) of section 7(a)(36)(G) of the Small Business Act (15 U.S.C. 636(a)(G)), as added by subsection (a), which shall include the documentation necessary to verify a substantial reduction in revenue.

(2) EXEMPTION FROM RULEMAKING REQUIREMENTS.—The notice and comment requirements under section 553 of title 5, United States Code, shall not apply with respect to the rule or guidance issued under paragraph (1).

**SA 2382.** Ms. HARRIS 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 G of title XII of division A, add the following:

**SEC. 1287. IMPROVING PANDEMIC PREPAREDNESS AND RESPONSE THROUGH DIPLOMACY.**

(a) SHORT TITLE.—This section may be cited as the “Improving Pandemic Preparedness and Response Through Diplomacy Act”.

(b) FINDINGS.—Congress finds the following:

(1) According to the annual report of the Global Preparedness Monitoring Board (an independent panel of experts convened by the World Bank Group and the World Health Organization), “The world is at acute risk for devastating regional or global disease epidemics or pandemics that not only cause loss of life but upend and create social chaos.”.

(2) The World Health Organization—

(A) declared the outbreak of the novel coronavirus disease 2019 (COVID-19) a Public Health Emergency of International Concern on January 30, 2020;

(B) raised its global risk assessment to “Very High” on February 28, 2020; and

(C) ultimately declared the outbreak a pandemic on March 11, 2020.

(3) The risks associated with future outbreaks of infectious disease and other global health emergencies, whether naturally-occurring, accidental, or deliberate, are increasing due to a number of factors, including—

(A) the spillover of pathogens from animals to humans;

(B) the development of antimicrobial resistance;

(C) population growth and resulting strains on the environment;

(D) urbanization;

(E) international travel and trade;

(F) forced and voluntary migration;

(G) climate change;

(H) weak public health infrastructures; and

(I) potential acts of bioterrorism.

(4) Vulnerable populations, including those who live in poverty and in countries with weak public health and government infrastructure, and at-risk groups, such as the sick, older people, ethnic and religious minorities, women, people with disabilities, LGBTQ people, indigenous, migrants, refugees, and children, are particularly susceptible to the outbreak of infectious disease and its consequences.

(5) According to an April 2020 report of the International Monetary Fund—

(A) “It is very likely that this year the global economy will experience its worst recession since the Depression, surpassing that seen during the global financial crisis a decade ago.”; and

(B) “As a result of the pandemic, the global economy is projected to contract sharply by 3% in 2020.”.

(6) As of May 14, 2020, the Department of Labor estimated that 36,500,000 workers filed for first-time unemployment claims during the previous 8 weeks, which coincides with the timeframe during which the impact of the coronavirus became widespread across the United States.

(7) The United States Government, along with the medical, scientific, and public health communities, has historically promoted global public health through—

(A) multilateral cooperation;

(B) funding of relevant research activities; and

(C) the provision of development assistance to prepare for, detect, respond to, and recover from the outbreak of infectious disease.

(8) The Global Health Security Agenda is a multi-faceted, multi-country initiative intended to improve partner countries’ measurable capabilities to prevent, detect, and respond to infectious disease, which the United States is committed to advancing.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) no country, acting alone, can effectively protect the health and safety of all its people from the outbreak and spread of infectious disease and other global health emergencies;

(2) efforts to prepare for, detect, respond to, and recover from disease outbreaks and pandemics globally—

(A) are in the interests of the United States; and

(B) are consistent with the promotion of core values of peace, prosperity, health, and equal dignity and rights of all peoples;

(3) robust diplomacy, including multilateral diplomacy and development assistance, is an essential part of a well-coordinated, whole-of-government strategy to prepare for, detect, respond to, and recover from disease outbreak and spread and other global health emergencies; and

(4) support for, and active participation in, multilateral organizations, such as the United Nations and the World Health Organization, enhance the efforts of the United States to prepare for, detect, respond to, and recover from disease outbreaks and pandemics, both domestically and globally.

(d) SPECIAL PRESIDENTIAL ENVOY FOR PANDEMIC PREPAREDNESS AND RESPONSE.—

(1) DEFINED TERM.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Armed Services of the Senate;

(E) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

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

(G) the Select Committee on Intelligence of the Senate;

(H) the Committee on Foreign Affairs of the House of Representatives;

(I) the Committee on Ways and Means of the House of Representatives;

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

(K) the Committee on Education and Labor of the House of Representatives;

(L) the Committee on Homeland Security of the House of Representatives;

(M) the Committee on Armed Services of the House of Representatives;

(N) the Committee on Agriculture of the House of Representatives; and

(O) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) OFFICE OF THE SPECIAL PRESIDENTIAL ENVOY.—There is established in the Office of the Secretary of State, an Office of the Special Presidential Envoy, which—

(A) shall be led by the Special Presidential Envoy for Pandemic Preparedness and Response (referred to in this section as the “Special Presidential Envoy”) appointed pursuant to paragraph (3);

(B) shall be staffed with—

(i) detailees from the bureaus and offices under the jurisdiction of the Under Secretary for Economic Growth, Energy, and the Environment;

(ii) detailees from the Bureau of Oceans and International Environmental and Scientific Affairs; and

(iii) any other Department of State personnel the Secretary considers necessary.

(3) APPOINTMENT.—The President, in consultation with the Secretary of State and the Secretary of Health and Human Services, shall appoint a Special Presidential Envoy for Pandemic Preparedness and Response, who shall have the rank and status of Ambassador-at-Large.

(4) QUALIFICATIONS.—The Special Presidential Envoy shall have extensive experience in global public health, diplomacy, medicine, or a related field.

(5) DUTIES.—

(A) IN GENERAL.—The principal duty of the Special Presidential Envoy shall be the overall supervision, including policy oversight of resources, of diplomatic efforts to prepare for, detect, respond to, and recover from pandemics and other global outbreaks of infectious disease. The Special Presidential Envoy shall exercise such powers as the Secretary of State may prescribe.

(B) STRATEGY DEVELOPMENT.—The Special Presidential Envoy shall develop, and, in coordination with the heads of relevant departments and agencies, direct the implementation of the diplomatic strategy described in subsection (e).

(6) REPORTS.—

(A) REPORT ON COVID-19 PANDEMIC.—Not later than 30 days after the date of the enactment of this Act, and quarterly thereafter, the Special Presidential Envoy shall submit a report to the appropriate congressional committees that describes his or her efforts to develop and implement a diplomatic strategy comprised of the elements specified in section 5 with respect to the COVID-19 pandemic.

(B) GENERAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Special Presidential Envoy shall submit a report to the appropriate congressional committees that describes his or her efforts to develop and implement a diplomatic strategy comprised of the elements specified in section 5

with respect to any and all future outbreaks of infectious disease or pandemics.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 for the Office of the Special Presidential Envoy to carry out this subsection.

(e) ELEMENTS OF DIPLOMATIC STRATEGY.—The diplomatic strategy to prepare for, detect, respond to, and recover from pandemics and other global outbreaks of infectious disease should address—

(1) the development of medical countermeasures, including vaccines, antimicrobials, therapeutics, and diagnostics for emerging infectious diseases;

(2) zoonotic disease prevention, detection, and response;

(3) the development of disease surveillance systems;

(4) the promotion of disease reporting and greater transparency of disease-related information;

(5) increasing the capabilities and capacity of national laboratories;

(6) combating the spread of antimicrobial resistant microorganisms;

(7) scientific workforce development and training;

(8) the mitigation of, disruptions to, and other issues related to, global medical supply chains;

(9) efforts to prevent the outbreak and spread of infectious diseases among displaced persons and other vulnerable populations;

(10) the development and use of standards and best practices for the imposition and lifting of disease mitigation measures, including travel restrictions, social distancing, quarantining, and other restrictions on economic and social activities; and

(11) efforts to combat the spread of disinformation and racial discrimination related to the outbreak and spread of infectious disease.

(f) INTERAGENCY STEERING COMMITTEE.—

(1) IN GENERAL.—The Secretary of State, acting through the Special Presidential Envoy for Pandemic Preparedness and Response, shall regularly convene an interagency steering committee to aid in the development, coordination, and implementation of the diplomatic strategy described in subsection (e).

(2) MEMBERSHIP.—The interagency steering committee referred to in paragraph (1)—

(A) should be led by the Special Presidential Envoy; and

(B) shall include, as members—

(i) the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs;

(ii) the Global AIDS Coordinator and United States Special Representative for Global Health Diplomacy;

(iii) any other Department of State personnel the Secretary considers necessary;

(iv) the Director of the Office of Global Affairs of the Department of Health and Human Services; and

(v) at least 1 representative from each of the following agencies:

(I) The United States Agency for International Development.

(II) The Department of Health and Human Services.

(III) The Centers for Disease Control and Prevention.

(IV) The National Institutes of Health.

(V) The Department of Agriculture.

(VI) The Department of Homeland Security.

(VII) The Department of the Treasury.

(VIII) The Department of Commerce.

(IX) The Office of the United States Trade Representative.

(X) The Department of Labor.

(XI) The White House Office of Science and Technology Policy.

(XII) The Office of the Director of National Intelligence.

(XIII) The Department of Defense.

(g) OUTSIDE PANEL OF EXPERTS.—

(1) IN GENERAL.—The Secretary of State, acting through the Special Presidential Envoy for Pandemic Preparedness and Response, shall regularly convene an outside panel of experts—

(A) to advise the Special Presidential Envoy regarding scientific, technical, and other policy matters; and

(B) to make recommendations for the development and implementation of the diplomatic strategy described in subsection (e).

(2) COMPOSITION.—The Special Presidential Envoy, in consultation with the interagency steering committee established pursuant to subsection (f), shall determine who will be included on the panel convened pursuant to paragraph (1).

(3) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App. shall not apply to the panel convened pursuant to paragraph (1).

(h) HONORING FINANCIAL COMMITMENTS TO THE WORLD HEALTH ORGANIZATION.—Subject to the availability of appropriations, but notwithstanding any other provision of law, the Secretary of the Treasury shall remit all United States assessed contributions to the World Health Organization not later than the date on which such contributions are due and payable.

**SA 2383.** 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 G of title XII, add the following:

**SEC. 1287. SUPPORT FOR A ROBUST GLOBAL RESPONSE TO THE COVID-19 PANDEMIC.**

(a) UNITED STATES POLICIES AT THE INTERNATIONAL FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262(c)(2)) to use the voice and vote of the United States at that institution—

(A) to seek to ensure adequate fiscal space for world economies in response to the global coronavirus disease 2019 (commonly referred to as “COVID-19”) pandemic through—

(i) the suspension of all debt service payments to the institution; and

(ii) the relaxation of fiscal targets for any government operating a program supported by the institution, or seeking financing from the institution, in response to the pandemic;

(B) to oppose the approval or endorsement of any loan, grant, document, or strategy that would lead to a decrease in health care spending or in any other spending that would impede the ability of any country to prevent or contain the spread of, or treat persons who are or may be infected with, the SARS-CoV-2 virus; and

(C) to require approval of all Special Drawing Rights allocation transfers from wealthier member countries to countries that are emerging markets or developing countries, based on confirmation of implementable transparency mechanisms or protocols to ensure the allocations are used for the public good and in response the global pandemic.

(2) IMF ISSUANCE OF SPECIAL DRAWING RIGHTS.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to support the issuance of a special allocation of not less than 2,000,000,000,000 Special Drawing Rights so that governments are able to access additional resources to finance their responses to the global COVID-19 pandemic.

(b) REPORT REQUIRED.—The Chairman of the National Advisory Council on International Monetary and Financial Policies shall include in the annual report required by section 1701 of the International Financial Institutions Act (22 U.S.C. 262r) a description of progress made toward advancing the policies described in subsection (a).

(c) TERMINATION.—Subsections (a) and (b) shall have no force or effect after the earlier of—

(1) the date that is one year after the date of the enactment of this Act; or

(2) the date that is 30 days after the date on which the Secretary of the Treasury submits to the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives a report stating that the SARS-CoV-2 virus is no longer a serious threat to public health in any part of the world.

**SA 2384.** 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 E of title VIII, add the following:

**SEC. \_\_\_\_ . PERMANENCY OF SBIR AND STTR PROGRAMS.**

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) in the subsection heading, by striking “TERMINATION” and inserting “SBIR PROGRAM AUTHORIZATION”; and

(2) by striking “terminate on September 30, 2022” and inserting “be in effect for each fiscal year”.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking “through fiscal year 2022”.

**SA 2385.** Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. 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 ef-

fects 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.

(c) OFFSET.—The amount authorized to be appropriated by this Act for fiscal year 2021 for operation and maintenance for the Air Force, SAG 12C, other combat operations support programs, is hereby reduced by \$100,000,000.

**SA 2386.** Mrs. GILLIBRAND (for herself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. INCREASE IN AUTHORIZATIONS FOR PURPOSES OF REMEDIATION OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.**

(a) IN GENERAL.—The amount authorized to be appropriated by this Act for fiscal year 2021 for the accounts of the Department of Defense specified in subsection (b) shall be increased by the amounts specified in such subsection and the amount of such increase shall be used for purposes of remediation of perfluoroalkyl substances and polyfluoroalkyl substances.

(b) ACCOUNTS INCREASED.—The accounts of the Department specified in this subsection, and the amounts of any increase so specified, are the following:

(1) The amount authorized to be appropriated for Environmental Restoration, Navy shall be increased by \$17,000,000.

(2) The amount authorized to be appropriated for Operation and Maintenance, Navy shall be increased by \$13,600,000.

(3) The amount authorized to be appropriated for Operation and Maintenance, Army National Guard shall be increased by \$20,000,000.

(4) The amount authorized to be appropriated for Operation and Maintenance, Air National Guard shall be increased by \$15,000,000.

(c) OFFSET.—The amount authorized to be appropriated by this Act for fiscal year 2021 for operation and maintenance for the Air Force, SAG 12C, shall be reduced by \$65,600,000.

**SA 2387.** Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. \_\_\_\_ . INDIAN WATER RIGHTS SETTLEMENT EXTENSION.**

Section 10501 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407) is amended—

(1) in subsection (b)(1), by inserting “and for each of fiscal years 2031 through 2040” after “fiscal years 2020 through 2029”;

(2) in subsection (c)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

“(A) EXPENDITURES.—

“(i) IN GENERAL.—Subject to subparagraph (B)—

“(I) for each of fiscal years 2020 through 2029, the Secretary may expend from the Fund an amount not to exceed \$120,000,000, plus the interest accrued from the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3); and

“(II) subject to clause (ii), for each of fiscal years 2031 through 2045, the Secretary may expend from the Fund an amount not to exceed \$120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraph (2).

“(ii) LIMITATION.—Of the amount described in clause (i)(II) for each of fiscal years 2031 through 2045, the Secretary may expend an amount not to exceed \$90,000,000 for an individual Indian water rights settlement, unless the Secretary determines that an expenditure of more than \$90,000,000 would not adversely affect the funding of the implementation of other congressionally approved settlement agreements.”;

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking “litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation” and inserting “claims concerning Indian water resources, if the settlement agreement or implementing legislation authorizes the Secretary”;

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i)—

(aa) in subclause (I), by striking “the entire period in which the Fund is in existence” and inserting “the period of fiscal years 2020 through 2029”;

(bb) in subclause (II), by inserting “during the period of fiscal years 2020 through 2029” after “into the Fund”;

(II) in clause (ii), by inserting “or are deposited into the Fund after fiscal year 2029” after “subparagraph (B)”;

(ii) in subparagraph (B), in clauses (i)(II)(bb), (iii)(II)(bb), and (iv)(II)(bb), by striking “the entire period in which the Fund is in existence” each place it appears and inserting “the period of fiscal years 2020 through 2029”;

(iii) in subparagraph (C)—

(I) by striking “December 31, 2019” and inserting “December 31, 2021”;

(II) by striking “for any authorized use” and inserting “for any use authorized under paragraph (2)”;

(iv) by adding at the end the following:

“(D) SUFFICIENCY OF FUNDS.—The Secretary may use amounts in the Fund in a fiscal year for multiple settlements under subparagraph (B), without regard to the priorities described in clauses (ii) through (iv) of subparagraph (B), to ensure that sufficient funds are available to meet the enforceability date or substantial completion date of a settlement.”;

(3) in subsection (f), by striking “September 30, 2034” and inserting “September 30, 2045”.

**SA 2388.** Mr. PERDUE (for Mr. MERKLEY) proposed an amendment to the bill S. 3758, to amend the Klamath Basin Water Supply Enhancement Act of 2000 to make certain technical corrections; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000 TECHNICAL CORRECTIONS.**

Section 4(b) of the Klamath Basin Water Supply Enhancement Act of 2000 (114 Stat. 2222; 132 Stat. 3887) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “Pursuant to the reclamation laws and subject” and inserting “Subject”;

(ii) by striking “may” and inserting “is authorized to”;

(B) in subparagraph (A), by inserting “, including conservation and efficiency measures, land idling, and use of groundwater,” after “administer programs”;

(2) in paragraph (3)(A), by inserting “and” after the semicolon at the end;

(3) by redesignating the second paragraph (4) (relating to the effect of the subsection) as paragraph (5); and

(4) in paragraph (5) (as so redesignated)—

(A) by striking subparagraph (B);

(B) in subparagraph (A), by striking “; or” and inserting a period; and

(C) by striking “the Secretary—” and all that follows through “to develop” in subparagraph (A) and inserting “the Secretary to develop”.

**SEC. 2. CONTINUED USE OF PICK-SLOAN MISSOURI BASIN PROGRAM PROJECT USE POWER BY THE KINSEY IRRIGATION COMPANY AND THE SIDNEY WATER USERS IRRIGATION DISTRICT.**

(a) AUTHORIZATION.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of the Interior (acting through the Commissioner of Reclamation) shall continue to treat the irrigation pumping units known as the “Kinsey Irrigation Company” in Custer County, Montana and the “Sidney Water Users Irrigation District” in Richland County, Montana, or any successor to the Kinsey Irrigation Company or Sidney Water Users Irrigation District, as irrigation pumping units of the Pick-Sloan Missouri Basin Program for the purposes of wheeling, administration, and payment of project use power, including the applicability of provisions relating to the treatment of costs beyond the ability to pay under section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891, chapter 665).

(b) LIMITATION.—The quantity of power to be provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District (including any successor to the Kinsey Irrigation Company or the Sidney Water Users Irrigation District) under subsection (a) may not exceed the maximum quantity of power provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District under the applicable contract for electric service in effect on the date of enactment of this Act.

**AUTHORITY FOR COMMITTEES TO MEET**

Mr. CORNYN. Mr. President, I have 10 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 BANKING, HOUSING, AND URBAN AFFAIRS**

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, June 30, 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 Tuesday, June 30, 2020, at 2:30 p.m., to conduct a hearing.

**COMMITTEE ON FINANCE**

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 10:15 a.m., to conduct a hearing.

**COMMITTEE ON FOREIGN RELATIONS**

The Committee on Foreign Relations is authorized to meet during the ses-

sion of the Senate on Tuesday, June 30, 2020, at 10 a.m., to conduct a hearing.

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, 10 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 Tuesday, June 30, 2020, at 2:30 p.m., to conduct a hearing on the Nomination of The Honorable Derek T. Kan to be Deputy Director, Office of Management and Budget.

**COMMITTEE ON THE JUDICIARY**

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 2:30 p.m., to conduct a hearing.

**SELECT COMMITTEE ON INTELLIGENCE**

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 2:30 p.m., to conduct a hearing.

**SUBCOMMITTEE ON TRANSPORTATION AND SAFETY**

The Subcommittee on Transportation and Safety of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, June 9, 2020, at 2:30 p.m., to conduct a hearing.

**SUBCOMMITTEE ON INTERNATIONAL TRADE, CUSTOMS, AND GLOBAL COMPETITIVENESS**

The Subcommittee on International Trade, Customs, and Global Competitiveness of the Committee on Finance is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 2:30 p.m., to conduct a hearing.

**ENSURING QUALITY CARE FOR OUR VETERANS ACT**

Mr. PERDUE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 422, S. 123.

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

The senior assistant legislative clerk read as follows:

A bill (S. 123) to require the Secretary of Veterans Affairs to enter into a contract or other agreement with a third party to review appointees in the Veterans Health Administration who had a license terminated for cause by a State licensing board for care or services rendered at a non-Veterans Health Administration facility and to provide individuals treated by such an appointee with notice if it is determined that an episode of care or services to which they received was below the standard of care, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs.

Mr. PERDUE. 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. Without objection, it is so ordered.

The bill (S. 123) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 123

*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 “Ensuring Quality Care for Our Veterans Act”.

## SEC. 2. THIRD PARTY REVIEW OF APPOINTEES IN VETERANS HEALTH ADMINISTRATION WHO HAD A LICENSE TERMINATED FOR CAUSE AND NOTICE TO INDIVIDUALS TREATED BY THOSE APPOINTEES IF DETERMINED THAT AN EPISODE OF CARE OR SERVICES TO WHICH THEY RECEIVED WAS BELOW THE STANDARD OF CARE.

(a) THIRD PARTY REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract or other agreement with an organization that is not part of the Federal Government to conduct a clinical review for quality management of hospital care or medical services furnished by covered providers.

(2) QUALIFICATIONS.—The Secretary shall ensure that each review of a covered provider under this subsection is performed by an individual who is licensed in the same specialty as the covered provider.

(b) NOTICE TO PATIENTS TREATED BY COVERED PROVIDERS.—With respect to hospital care or medical services furnished by a covered provider under the laws administered by the Secretary, if a clinical review for quality management under subsection (a) determines that the standard of care was not met during an episode of care, the Secretary shall notify the individual who received such care or services from the covered provider as described in applicable policy of the Veterans Health Administration.

(c) DEFINITIONS.—In this section:

(1) COVERED PROVIDER.—The term “covered provider” means an individual who—

(A) was appointed to the Veterans Health Administration under section 7401 of title 38, United States Code; and

(B) had a license terminated for cause by a State licensing board for hospital care or medical services provided in a facility that is not a facility of the Veterans Health Administration.

(2) HOSPITAL CARE OR MEDICAL SERVICES.—The terms “hospital care” and “medical services” have the meanings given those terms in section 1701 of title 38, United States Code.

## AMENDING THE KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000 TO MAKE CERTAIN TECHNICAL CORRECTIONS

Mr. PERDUE. Madam President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 3758 and that the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3758) to amend the Klamath Basin Water Supply Enhancement Act of 2000 to make certain technical corrections.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. PERDUE. I ask unanimous consent that the Merkley amendment at the desk be agreed to and that the bill, as amended, be considered read a third time.

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

The amendment (No. 2388) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

## SECTION 1. KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000 TECHNICAL CORRECTIONS.

Section 4(b) of the Klamath Basin Water Supply Enhancement Act of 2000 (114 Stat. 2222; 132 Stat. 3887) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “Pursuant to the reclamation laws and subject” and inserting “Subject”; and

(ii) by striking “may” and inserting “is authorized to”; and

(B) in subparagraph (A), by inserting “, including conservation and efficiency measures, land idling, and use of groundwater,” after “administer programs”;

(2) in paragraph (3)(A), by inserting “and” after the semicolon at the end;

(3) by redesignating the second paragraph (4) (relating to the effect of the subsection) as paragraph (5); and

(4) in paragraph (5) (as so redesignated)—

(A) by striking subparagraph (B);

(B) in subparagraph (A), by striking “; or” and inserting a period; and

(C) by striking “the Secretary—” and all that follows through “to develop” in subparagraph (A) and inserting “the Secretary to develop”.

## SEC. 2. CONTINUED USE OF PICK-SLOAN MISSOURI BASIN PROGRAM PROJECT USE POWER BY THE KINSEY IRRIGATION COMPANY AND THE SIDNEY WATER USERS IRRIGATION DISTRICT.

(a) AUTHORIZATION.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of the Interior (acting through the Commissioner of Reclamation) shall continue to treat the irrigation pumping units known as the “Kinsey Irrigation Company” in Custer County, Montana and the “Sidney Water Users Irrigation District” in Richland County, Montana, or any successor to the Kinsey Irrigation Company or Sidney Water Users Irrigation District, as irrigation pumping units of the Pick-Sloan Missouri Basin Program for the purposes of wheeling, administration, and payment of project use power, including the applicability of provisions relating to the treatment of costs beyond the ability to pay under section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891, chapter 665).

(b) LIMITATION.—The quantity of power to be provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District (including any successor to the Kinsey Irrigation Company or the Sidney Water Users Irrigation District) under subsection (a) may not exceed the maximum quantity of power provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District under the applicable contract for electric service in effect on the date of enactment of this Act.

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

Mr. PERDUE. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3758), as amended, was passed.

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

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

## SERGEANT DANIEL SOMERS VETERANS NETWORK OF SUPPORT ACT OF 2019

Mr. PERDUE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 414, S. 2864.

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

The senior assistant legislative clerk read as follows:

A bill (S. 2864) 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.

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

## SECTION 1. SHORT TITLE.

*This Act may be cited as the “Sergeant Daniel Somers Veterans Network of Support Act of 2019”.*

## SEC. 2. PILOT PROGRAM ON INFORMATION SHARING BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND DESIGNATED RELATIVES AND FRIENDS OF VETERANS REGARDING THE ASSISTANCE AND BENEFITS AVAILABLE TO THE VETERANS.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence carrying out a pilot program—

(A) to encourage members of the Armed Forces who are transitioning from service in the Armed Forces to civilian life, before separating from such service, to designate up to 10 persons to whom information regarding the assistance and benefits available to the veterans under laws administered by the Secretary shall be disseminated using the contact information obtained under paragraph (7); and

(B) provides such persons, within 30 days after the date on which such persons are designated under subparagraph (A), the option to elect to receive such information.

(2) DURATION.—The Secretary shall carry out the pilot program during a period beginning on the date of the commencement of the pilot program that is not less than two years.

(3) DISSEMINATION.—The Secretary shall disseminate information described in paragraph (1)(A) under the pilot program no less frequently than quarterly.



(4) **TYPES OF INFORMATION.**—The types of information to be disseminated under the pilot program to persons who elect to receive such information shall include information regarding the following:

(A) Services and benefits offered to veterans and their family members by the Department of Veterans Affairs.

(B) Challenges and stresses that might accompany transitioning from service in the Armed Forces to civilian life.

(C) Services available to veterans and their family members to cope with the experiences and challenges of service in the Armed Forces and transition from such service to civilian life.

(D) Services available through community partner organizations to support veterans and their family members.

(E) Services available through Federal, State, and local government agencies to support veterans and their family members.

(F) The environmental health registry program, health and wellness programs, and resources for preventing and managing diseases and illnesses.

(G) A toll-free telephone number through which such persons who elect to receive information under the pilot program may request information regarding the program.

(H) Such other matters as the Secretary, in consultation with members of the Armed Forces and such persons who elect to receive information under the pilot program, determines to be appropriate.

(5) **PRIVACY OF INFORMATION.**—In carrying out the pilot program, the Secretary may not disseminate information under paragraph (4) in violation of laws and regulations pertaining to the privacy of members of the Armed Forces, including requirements pursuant to—

(A) section 552a of title 5, United States Code; and

(B) the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

(6) **NOTICE AND MODIFICATIONS.**—In carrying out the pilot program, the Secretary shall, with respect to a veteran—

(A) ensure that such veteran is notified of the ability to modify designations made by such veteran under paragraph (1)(A); and

(B) upon the request of a veteran, authorize such veteran to modify such designations at any time.

(7) **CONTACT INFORMATION.**—In making a designation under the pilot program, a veteran shall provide necessary contact information, specifically including an email address, to facilitate the dissemination of information regarding the assistance and benefits available to the veteran under laws administered by the Secretary.

(8) **OPT-IN AND OPT-OUT OF PILOT PROGRAM.**—

(A) **OPT-IN BY MEMBERS.**—A veteran may participate in the pilot program only if the veteran voluntarily elects to participate in the program. A veteran seeking to make such an election shall make such election in a manner, and by including such information, as the Secretary shall specify for purposes of the pilot program.

(B) **OPT-IN BY DESIGNATED RECIPIENTS.**—A person designated pursuant to paragraph (1)(A) may receive information under the pilot program only if the person makes the election described in paragraph (1)(B).

(C) **OPT-OUT.**—In carrying out the pilot program, the Secretary shall, with respect to a person who has elected to receive information under such pilot program, cease disseminating such information to that person upon request of such person.

(b) **SURVEY AND REPORT ON PILOT PROGRAM.**—

(1) **SURVEY.**—

(A) **IN GENERAL.**—Not later than one year after the date of the commencement of the pilot program and not less frequently than once each year thereafter for the duration of the pilot program, the Secretary shall administer a survey to persons who elected to receive information under the pilot program for the purpose of receiving feedback regarding the quality of information disseminated under this section.

(B) **ELEMENTS.**—Each survey conducted under subparagraph (A) shall include solicitation of the following:

(i) Feedback on the following:

(I) The nature of information disseminated under the pilot program.

(II) Satisfaction with the pilot program.

(III) The utility of the pilot program.

(IV) Overall pilot program successes and challenges.

(ii) Recommendations for improving the pilot program.

(iii) Reasons for opting in or out of the pilot program.

(iv) Such other feedback or matters as the Secretary considers appropriate.

(2) **REPORT.**—

(A) **IN GENERAL.**—Not later than three years after the date on which the pilot program commences, 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 final report on the pilot program.

(B) **CONTENTS.**—The report submitted under subparagraph (A) shall include the following:

(i) The results of the survey administered under paragraph (1).

(ii) The number of participants enrolled in the pilot program who are veterans.

(iii) The number of persons designated under subsection (a)(1)(A).

(iv) The number of such persons who opted in or out of the pilot program under subsection (a)(8).

(v) The average period such persons remained in the pilot program.

(vi) An assessment of the feasibility and advisability of making the pilot program permanent.

(vii) Identification of legislative or administrative action that may be necessary if the pilot program is made permanent.

(viii) A plan to expand the pilot program if the pilot program is made permanent.

(ix) If the Secretary finds under clause (vi) that making the pilot program permanent is not

feasible or advisable, a justification for such finding.

Mr. PERDUE. I ask unanimous consent that the committee-reported substitute amendment be agreed to; that the bill, as amended, 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. Without objection, it is so ordered.

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

The bill (S. 2864), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## ORDERS FOR WEDNESDAY, JULY 1, 2020

Mr. PERDUE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, July 1; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate resume consideration of Calendar No. 483, S. 4049.

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

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW.

Mr. PERDUE. 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 9:04 p.m., adjourned until Wednesday, July 1, 2020, at 9:30 a.m.

## NOMINATIONS

Executive nomination received by the Senate:

### DEPARTMENT OF THE INTERIOR

WILLIAM PERRY PENDLEY, OF WYOMING, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, VICE NEIL GREGORY KORNEZ.