

Whereas, in 1954, Coya Knutson won a seat in the House of Representatives of the United States, despite having lost the nomination of her party to a man;

Whereas Coya Knutson became the first woman elected to Congress from Minnesota;

Whereas Congresswoman Knutson became the first woman to be appointed to the Committee on Agriculture of the House of Representatives;

Whereas Congresswoman Knutson sponsored legislation that eventually led to expanded school lunch assistance, the first Federal student loan program, and the first appropriations for research on cystic fibrosis;

Whereas Congresswoman Knutson's husband did not support her career and reportedly wrote a public letter in 1958 ordering her to return to Minnesota to "make a home for [her] son and husband";

Whereas the story of the letter was taken up by the national press, with newspapers across the United States running the headline "Coya, Come Home";

Whereas Coya Knutson lost reelection in 1958 to a man whose campaign slogan was "A Big Man for a Man-Sized Job";

Whereas Coya Knutson eventually divorced her husband, moved permanently to Washington, DC, and was appointed by President Kennedy to be the liaison officer in the Office of Civil Defense at the Department of Defense, where she served until 1970;

Whereas Coya Knutson retired from politics and moved back to Minnesota to live with her son and his family until her death in 1996 at 82 years of age; and

Whereas Coya Knutson was a trailblazer and an inspiration who was devoted to her community, State, and country: Now, therefore, be it

*Resolved*, That the Senate honors the life and legacy of Coya Knutson, whose dedication to overcoming exceptional odds and devotion to the well-being of the United States shall serve as an inspiration for generations of individuals in the United States.

#### SENATE RESOLUTION 688—DESIGNATING SEPTEMBER 25, 2020, AS "NATIONAL LOBSTER DAY"

Mr. KING (for himself, Ms. COLLINS, Ms. HASSAN, Mr. MURPHY, Mr. REED, Mr. BLUMENTHAL, Mrs. SHAHEEN, Mr. WHITEHOUSE, Mr. MARKEY, and Ms. WARREN) submitted the following resolution; which was considered and agreed to:

S. RES. 688

Whereas lobstering has served as an economic engine and family tradition in the United States for centuries;

Whereas thousands of families in the United States make their livelihoods from catching, processing, or serving lobsters;

Whereas the lobster industry employs people of all ages year-round, and many harvesters begin fishing as children and stay in the industry for their entire working lives;

Whereas historical lore notes that lobster likely joined turkey on the table at the very first Thanksgiving feast in 1621, and lobster continues to be a mainstay during many other holiday traditions;

Whereas responsible resource management practices beginning in the 1600s have created one of the most sustainable fisheries in the world;

Whereas, throughout history, Presidents of the United States have served lobster at their inaugural celebrations and state dinners with international leaders;

Whereas lobster is an excellent, versatile source of lean protein that is low in saturated fat and high in vitamin B12;

Whereas lobster is continually incorporated into trending recipes such as pho, gnocchi, hummus, and fried lobster and waffles;

Whereas the peak of the lobstering season in the United States occurs in late summer;

Whereas the growing reputation of the American lobster as a unique, high-quality, and healthy food has increased consumption of, and driven demand for, the American lobster internationally;

Whereas the Unicode Consortium added a lobster to its emoji set in 2018 in recognition of the popularity of the species around the world;

Whereas countless people in the United States enjoy lobster rolls to celebrate summer, from beaches to backyards and from fine dining restaurants to lobster shacks;

Whereas lobsters inspire children's books and characters in television shows in the United States;

Whereas lobsters have inspired artists in the United States and throughout the world for hundreds of years;

Whereas lobsters have been, and continue to be, used as mascots for sports teams;

Whereas lobsters inspire festivals across the United States where people come together to celebrate their love for the crustacean, from Maine to New York, down to Texas and Florida, and all the way to California; and

Whereas lobster is a staple on the menus of beloved restaurants across the United States and in kitchens across the United States as well, bringing families and friends together: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 25, 2020, as "National Lobster Day"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2653. Ms. COLLINS (for herself, Mr. ALEXANDER, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 2652 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table.

SA 2654. Mr. CASSIDY (for himself, Ms. COLLINS, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 2652 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2655. Mr. KENNEDY (for himself, Mr. BARRASSO, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2653.** Ms. COLLINS (for herself, Mr. ALEXANDER, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 2652 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in

Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

Beginning on page 260, line 18, strike "as follows" and all that follows through page 262, line 24, and insert the following: "not more than 15 days after receiving an award from the Secretary under this section."

Beginning on page 262, strike line 25 and all that follows through "(f)" on page 268, line 9, and insert the following:

(d) **USES OF FUNDS.**—A local educational agency or non-public school that receives funds under subsection (c) or section 105 may use funds for any of the following:

(1) Activities to support returning to in-person instruction, including purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(2) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(3) Providing principals and other school leaders with the resources necessary to address the needs of their individual schools directly related to coronavirus.

(4) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

(5) Training and professional development for staff of the local educational agency or non-public school on sanitation and minimizing the spread of infectious diseases.

(6) Purchasing supplies to sanitize, clean, and disinfect the facilities of a local educational agency or non-public school, including buildings operated by such agency.

(7) Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(8) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

(9) Expanding healthcare and other health services (including mental health services and supports), including for children at risk of abuse or neglect.

(10) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(e) On page 268, line 16, strike “(g)” and insert “(f)”.

On page 269, line 13, strike “(h)” and insert “(g)”.

On page 269, line 19, strike “(i)” and insert “(h)”.

On page 269, line 24, strike “(j)” and insert “(i)”.

On page 270, line 22, strike “(e)” and insert “(d)”.

On page 270, line 25, strike “(e)” and insert “(d)”.

Beginning on page 278, line 7, strike the comma at the end and all that follows through page 279, line 3, and insert a period.

On page 279, line 4, strike “(c)” and insert “(b)”.

**SA 2654.** Mr. CASSIDY (for himself, Ms. COLLINS, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 2652 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

**SEC. \_\_\_\_ CORONAVIRUS LOCAL COMMUNITY STABILIZATION FUND.**

(a) IN GENERAL.—Title VI of the Social Security Act, as added by section 5001(a) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), is amended by adding at the end the following:

**“SEC. 602. CORONAVIRUS LOCAL COMMUNITY STABILIZATION FUND.**

“(a) APPROPRIATION.—

“(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for making payments to States under this section, \$500,000,000,000 for fiscal year 2020, to remain available until expended.

“(2) RESERVATION OF FUNDS.—Of the amount appropriated under paragraph (1), the Secretary shall reserve \$16,000,000,000 of such amount for making payments to Tribal governments under subsection (c)(7).

“(b) AUTHORITY TO MAKE PAYMENTS.—

“(1) IN GENERAL.—The Secretary shall pay each State the following amounts:

“(A) Not later than 30 days after the date of enactment of this section, the relative population proportion amount determined for the State under subsection (c)(1).

“(B) Not later than 30 days after the date of enactment of this section, the relative infected population proportion amount determined for the State under subsection (c)(2).

“(C) As soon as practicable after December 31, 2020, the relative lost revenue proportion amount determined for the State under subsection (c)(3).

“(2) AMOUNTS RESERVED FOR PAYMENTS TO LOCAL GOVERNMENTS.—A State shall reserve  $\frac{1}{3}$  of each amount received by the State under paragraph (1) to make direct payments to units of local government in the State under subsection (c)(6).

“(c) PAYMENT AMOUNTS.—

“(1) RELATIVE POPULATION PROPORTION AMOUNT.—Subject to paragraph (5), the rel-

ative population proportion amount for a State is the product of—

“(A) \$161,333,333,333; and

“(B) the amount equal to the quotient of—

“(i) the population of the State; and

“(ii) the total population of all States.

“(2) RELATIVE INFECTED POPULATION PROPORTION AMOUNT.—Subject to subparagraph (5), the relative infected population proportion amount determined under this paragraph for a State is the product of—

“(A) \$161,333,333,333; and

“(B) the quotient of—

“(i) the cumulative population of the State that has been infected with Coronavirus Disease 2019 (COVID-19) as of June 1, 2020 (including individuals who were infected and have recovered as of such date); and

“(ii) the total cumulative population of all States that has been infected with Coronavirus Disease 2019 (COVID-19) as of such date (including individuals who were infected and have recovered as of such date).

“(3) RELATIVE LOST REVENUE PROPORTION AMOUNT.—The relative lost revenue proportion amount determined under this paragraph for a State is the product of—

“(A) \$161,333,333,333; and

“(B) the quotient of—

“(i) the lost revenue amount determined for the State under paragraph (4); and

“(ii) the sum of the lost revenue amounts determined for all States under paragraph (4).

“(4) LOST REVENUE AMOUNT.—

“(A) IN GENERAL.—For purposes of paragraph (3), with respect to a State, the lost revenue amount is the amount equal to the amount by which—

“(i) the amount of revenue from taxes or other sources for the State for calendar year 2019; exceeds

“(ii) subject to subparagraph (B), the amount of revenue from taxes or other sources for the State for calendar year 2020 (as certified by the Governor of the State).

“(B) ADJUSTMENTS TO LOST REVENUE AMOUNT.—For purposes of subparagraph (A)(ii), the amount of revenue from taxes or other sources for a State and calendar year 2020 shall be adjusted in the following manner:

“(i) Such amount shall exclude any funds received by the State in calendar year 2020 under this title.

“(ii) Such amount shall be increased by the amount of any reduction to State revenue from taxes or other sources for calendar year 2020 that results from the State—

“(I) enacting a tax cut, rebate, deduction, or credit; or

“(II) reducing, delaying, or eliminating any fee or other source of revenue.

“(iii) Such amount shall be reduced by the amount of any expenditures made by the State during calendar year 2020 necessary to meet the non-Federal share contribution requirement of any public assistance that is provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on the basis of a disaster or emergency declaration under such Act that—

“(I) is declared during the period beginning on January 1, 2020, and ending on the date of enactment of this section; and

“(II) is not related to the COVID-19 pandemic.

“(5) COMBINED MINIMUM PAYMENT AMOUNT FOR RELATIVE POPULATION AND RELATIVE INFECTED POPULATION AMOUNTS.—

“(A) IN GENERAL.—The sum of the amounts determined under paragraphs (1) and (2) for a State described in subparagraph (C) shall not be less than \$2,000,000,000.

“(B) PRO RATA ADJUSTMENTS.—The Secretary shall adjust on a pro rata basis the amounts determined under paragraph (2) for

each State described in subparagraph (C) to the extent necessary to comply with the requirement of subparagraph (A).

“(C) STATES DESCRIBED.—The States described in this subparagraph are each of the 50 States, the District of Columbia, and Puerto Rico.

“(6) DIRECT PAYMENTS TO UNITS OF LOCAL GOVERNMENT.—Not later than 15 days after a State receives a payment under paragraph (1) of subsection (b), the State shall make the following payments from the amount reserved by the State under paragraph (2) of that subsection with respect to such State payment:

“(A) DIRECT PAYMENTS TO COUNTIES AND MUNICIPALITIES BASED ON POPULATION.—From each of the amounts reserved by a State under paragraph (2) of subsection (b) with respect to the payments received by the State under subparagraphs (A) and (B) of paragraph (1) of that subsection, the State shall pay to each unit of local government in the State that is a county or a municipality an amount equal to the product of—

“(i) 50 percent of the amount so reserved; and

“(ii) the quotient of—

“(I) the population of the county or municipality (as applicable); and

“(II) the total population of—

“(aa) in the case of a county, all counties in the State; or

“(bb) in the case of a municipality, all municipalities in the State.

“(B) DIRECT PAYMENTS TO COUNTIES AND MUNICIPALITIES BASED ON LOST REVENUE.—From the amount reserved by a State under paragraph (2) of subsection (b) with respect to the payment received by the State under subparagraph (C) of paragraph (1) of that subsection, the State shall pay to each unit of local government in the State that is a county or a municipality an amount equal to the product of—

“(i) 50 percent of the amount so reserved; and

“(ii) the quotient of—

“(I) the lost revenue amount determined for the county or municipality (as applicable) under subparagraph (C); and

“(II) the total lost revenue amounts determined under subparagraph (C) for—

“(aa) in the case of a county, all counties in the State; or

“(bb) in the case of a municipality, all municipalities in the State.

“(C) LOST REVENUE AMOUNT.—For purposes of subparagraph (B), with respect to a county or municipality, the lost revenue amount shall be determined in the same manner as the lost revenue amount for a State is determined under paragraph (4).

“(7) PAYMENTS TO TRIBAL GOVERNMENTS.—The amounts paid under this section to Tribal governments from the amount reserved under subsection (a)(2) shall be paid not later than 30 days after the date of enactment of this section, and shall be determined in the same manner as the amounts paid to Tribal governments under section 601(c)(7) except that, for purposes of this section—

“(A) the term ‘Tribal government’ means the governing body of an Indian Tribe included on the most recent list published by the Secretary pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131); and

“(B) the term ‘Indian Tribe’ has the meaning given that term in section 102 of such Act (25 U.S.C. 5130), except that such term shall not include an Alaska Native regional or village corporation established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

“(8) DATA.—For purposes of this subsection—

“(A) the population of States, units of local governments, and Indian Tribes shall be determined based on the most recent year for which data are available from the Bureau of the Census;

“(B) the determination of the populations of States infected with COVID-19 shall be based on data from the Centers for Disease Control and Prevention; and

“(C) where Indian Tribal population cannot be readily determined by the most recent year for which data are available from the Bureau of the Census, the Department may consider tribal population data from the Department of Interior or Department of Housing and Urban Development.

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—Amounts paid or distributed under this subsection shall be used—

“(A) to cover only those costs of the State, unit of local government, or Tribal government that—

“(i) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) (including expenditures necessary to meet the non-Federal share contribution requirement of any public assistance that is provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on the basis of a disaster or emergency declaration under such Act that is declared in calendar year 2020;

“(ii) were not accounted for in the budget most recently approved as of March 27, 2020, for the State or local government; and

“(iii) were incurred during the period that begins on March 1, 2020, and ends on December 31, 2022; or

“(B) for expenditures in calendar year 2020, 2021, or 2022 that the State, Tribal government, or unit of local government would otherwise be unable to make because of decreased or delayed revenues.

“(2) LIMITATION.—No State may use funds made available under this section for deposit into any State pension fund.

“(e) FAIR AND EQUITABLE BUDGETING REQUIREMENT.—As a condition for receiving amounts paid under this subsection, each State, to the extent allowable by State law, shall agree—

“(1) to base any cut to funding to units of local government under the State budget on emergency need, and shall ensure that such cuts are balanced to ensure all units of local government are treated fairly;

“(2) to primarily use economic conditions, budgetary shortfall, and revenue loss for each respective county and municipality, as compared to 2019 levels, to determine whether any such cut is balanced and appropriate; and

“(3) that the State legislative body shall have the authority to disapprove such a cut if it violates a condition of paragraph (1) or (2).

“(f) APPLICATION OF OTHER PROVISIONS.—

“(1) DEFINITIONS.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph and subsection (c)(7), the terms used in this section have the meanings given those terms in subsection (g) of section 601.

“(B) COUNTY.—The term ‘county’ means a county, parish, or other equivalent county division (as defined by the Bureau of the Census).

“(C) UNIT OF LOCAL GOVERNMENT.—In this section, the term ‘unit of local government’ means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

“(2) OVERSIGHT.—The amounts paid under this section—

“(A) shall be subject to the oversight requirements of subsection (f) of section 601 in

the same manner as such requirements apply to the amounts paid under that section, and the recoupment authority under paragraph (2) of that subsection shall apply to oversight of compliance with the use of funds requirements of subsection (d) of this section and the fair and equitable budgeting requirements of subsection (e) of this section; and

“(B) shall be distributed in accordance with all applicable Federal laws.

“(3) IG FUNDING AUTHORITY.—Notwithstanding section 601(f)(3), the Inspector General of the Department of the Treasury may use the amounts appropriated under that section to carry out oversight and recoupment activities under this section in addition to the oversight and recoupment activities carried out under section 601(f).”

(b) CONFORMING AMENDMENTS.—

(1) Section 601(d) of the Social Security Act is amended—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and adjusting the margins accordingly;

(B) in subparagraph (A) (as so redesignated), by inserting “(including expenditures necessary to meet the non-Federal share contribution requirement of any public assistance that is provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on the basis of a disaster or emergency declaration under such Act that is declared in calendar year 2020)” before the semicolon;

(C) in subparagraph (C) (as so redesignated), by striking the period at the end and inserting “; and”;

(D) by striking “under this section to cover only” and inserting “under this section—

“(1) to cover only—”; and

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

“(2) for expenditures in calendar year 2020, 2021, or 2022 that the State, Tribal government, or unit of local government would otherwise be unable to make because of decreased or delayed revenues.”

(2) Section 5001(b) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) is amended by striking “for fiscal year 2020 under section 601(a)(1) of the Social Security Act (as added by subsection (a))” and inserting “under title VI of the Social Security Act”.

**SA 2655.** Mr. KENNEDY (for himself, Mr. BARRASSO, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **AMERICAN INNOVATION AND MANUFACTURING.**

(a) **SHORT TITLE.**—This section may be cited as the “American Innovation and Manufacturing Act of 2020”.

(b) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **ALLOWANCE.**—The term “allowance” means a limited authorization for the production or consumption of a regulated substance established under subsection (e).

(3) **CONSUMPTION.**—The term “consumption”, with respect to a regulated substance, means a quantity equal to the difference between—

(A) a quantity equal to the sum of—

(i) the quantity of that regulated substance produced in the United States; and

(ii) the quantity of the regulated substance imported into the United States; and

(B) the quantity of the regulated substance exported from the United States.

(4) **CONSUMPTION BASELINE.**—The term “consumption baseline” means the baseline established for the consumption of regulated substances under subsection (e)(1)(C).

(5) **EXCHANGE VALUE.**—The term “exchange value” means the value assigned to a regulated substance in accordance with subsections (c) and (e), as applicable.

(6) **IMPORT.**—The term “import” means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, regardless of whether that landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(7) **PRODUCE.**—

(A) **IN GENERAL.**—The term “produce” means the manufacture of a regulated substance from a raw material or feedstock chemical (but not including the destruction of a regulated substance by a technology approved by the Administrator).

(B) **EXCLUSIONS.**—The term “produce” does not include—

(i) the manufacture of a regulated substance that is used and entirely consumed (except for trace quantities) in the manufacture of another chemical; or

(ii) the reclamation, reuse, or recycling of a regulated substance.

(8) **PRODUCTION BASELINE.**—The term “production baseline” means the baseline established for the production of regulated substances under subsection (e)(1)(B).

(9) **RECLAIM; RECLAMATION.**—The terms “reclaim” and “reclamation” mean—

(A) the reprocessing of a recovered regulated substance to at least the purity described in standard 700-2016 of the Air-Conditioning, Heating, and Refrigeration Institute (or an appropriate successor standard adopted by the Administrator); and

(B) the verification of the purity of that regulated substance using, at a minimum, the analytical methodology described in the standard referred to in subparagraph (A).

(10) **RECOVER.**—The term “recover” means the process by which a regulated substance is—

(A) removed, in any condition, from equipment; and

(B) stored in an external container, with or without testing or processing the regulated substance.

(11) **REGULATED SUBSTANCE.**—The term “regulated substance” means—

(A) a substance listed in the table contained in subsection (c)(1); and

(B) a substance included as a regulated substance by the Administrator under subsection (c)(3).

(c) **LISTING OF REGULATED SUBSTANCES.**—

(1) **LIST OF REGULATED SUBSTANCES.**—Each of the following substances, and any isomers of such a substance, shall be a regulated substance:

Chemical Name	Common Name	Exchange Value
CHF <sub>2</sub> CHF <sub>2</sub>	HFC-134	1100
CH <sub>2</sub> FCF <sub>3</sub>	HFC-134a	1430
CH <sub>2</sub> FCHF <sub>2</sub>	HFC-143	353
CHF <sub>2</sub> CH <sub>2</sub> CF <sub>3</sub>	HFC-245fa	1030
CF <sub>3</sub> CH <sub>2</sub> CF <sub>2</sub> CH <sub>3</sub>	HFC-365mfc	794

Chemical Name	Common Name	Ex-change Value
CF <sub>3</sub> CHFCF <sub>3</sub>	HFC-227ea	3220
CH <sub>2</sub> FCF <sub>2</sub> CF <sub>3</sub>	HFC-236cb	1340
CHF <sub>2</sub> CHFCF <sub>3</sub>	HFC-236ea	1370
CF <sub>3</sub> CH <sub>2</sub> CF <sub>3</sub>	HFC-236fa	9810
CH <sub>2</sub> FCF <sub>2</sub> CHF <sub>2</sub>	HFC-245ca	693
CF <sub>3</sub> CHFCHFCF <sub>2</sub> CF <sub>3</sub>	HFC-43-10mee	1640
CH <sub>2</sub> F <sub>2</sub>	HFC-32	675
CHF <sub>2</sub> CF <sub>3</sub>	HFC-125	3500
CH <sub>3</sub> CF <sub>3</sub>	HFC-143a	4470
CH <sub>3</sub> F	HFC-41	92
CH <sub>2</sub> FCH <sub>2</sub> F	HFC-152	53
CH <sub>3</sub> CHF <sub>2</sub>	HFC-152a	124
CHF <sub>3</sub>	HFC-23	14800

(2) REVIEW.—The Administrator may—

(A) review the exchange values listed in the table contained in paragraph (1) on a periodic basis; and

(B) subject to notice and opportunity for public comment, adjust the exchange values solely on the basis of—

(i) publicly available, peer-reviewed scientific data; and

(ii) other information consistent with widely used or commonly accepted existing exchange values.

(3) OTHER REGULATED SUBSTANCES.—

(A) IN GENERAL.—Subject to notice and opportunity for public comment, the Administrator may designate a substance not included in the table contained in paragraph (1) as a regulated substance if—

(i) the substance—

(I) is a chemical substance that is a saturated hydrofluorocarbon; and

(II) has an exchange value, as determined by the Administrator in accordance with the basis described in paragraph (2)(B), of greater than 53; and

(ii) the designation of the substance as a regulated substance would be consistent with the purposes of this section.

(B) SAVINGS PROVISION.—Nothing in this paragraph authorizes the Administrator to designate as a regulated substance a blend of substances that includes a saturated hydrofluorocarbon for purposes of phasing down production or consumption of regulated substances under subsection (e), even if the saturated hydrofluorocarbon is, or may be, designated as a regulated substance.

(d) MONITORING AND REPORTING REQUIREMENTS.—

(1) PRODUCTION, IMPORT, AND EXPORT LEVEL REPORTS.—

(A) IN GENERAL.—On a periodic basis, to be determined by the Administrator, but not less frequently than annually, each person who, within the applicable reporting period, produces, imports, exports, destroys, transforms, uses as a process agent, or reclaims a regulated substance shall submit to the Administrator a report that describes, as applicable, the quantity of the regulated substance that the person—

(i) produced, imported, and exported;

(ii) reclaimed;

(iii) destroyed by a technology approved by the Administrator;

(iv) used and entirely consumed (except for trace quantities) in the manufacture of another chemical; or

(v) used as a process agent.

(B) REQUIREMENTS.—

(i) SIGNED AND ATTESTED.—The report under subparagraph (A) shall be signed and attested by a responsible officer (within the meaning of the Clean Air Act (42 U.S.C. 7401 et seq.)).

(ii) NO FURTHER REPORTS REQUIRED.—A report under subparagraph (A) shall not be required from a person if the person—

(I) permanently ceases production, importation, exportation, destruction, transformation, use as a process agent, or reclamation of all regulated substances; and

(II) notifies the Administrator in writing that the requirement under subclause (I) has been met.

(iii) BASELINE PERIOD.—Each report under subparagraph (A) shall include, as applicable, the information described in that subparagraph for the baseline period of calendar years 2011 through 2013.

(2) COORDINATION.—The Administrator may allow any person subject to the requirements of paragraph (1)(A) to combine and include the information required to be reported under that paragraph with any other related information that the person is required to report to the Administrator.

(e) PHASE-DOWN OF PRODUCTION AND CONSUMPTION OF REGULATED SUBSTANCES.—

(1) BASELINES.—

(A) IN GENERAL.—Subject to subparagraph (D), the Administrator shall establish for the phase-down of regulated substances—

(i) a production baseline for the production of all regulated substances in the United States, as described in subparagraph (B); and

(ii) a consumption baseline for the consumption of all regulated substances in the United States, as described in subparagraph (C).

(B) PRODUCTION BASELINE DESCRIBED.—The production baseline referred to in subparagraph (A)(i) is the quantity equal to the sum of—

(i) the average annual quantity of all regulated substances produced in the United States during the period—

(I) beginning on January 1, 2011; and

(II) ending on December 31, 2013; and

(ii) the quantity equal to the sum of—

(I) 15 percent of the production level of hydrochlorofluorocarbons in calendar year 1989; and

(II) 0.42 percent of the production level of chlorofluorocarbons in calendar year 1989.

(C) CONSUMPTION BASELINE DESCRIBED.—The consumption baseline referred to in subparagraph (A)(ii) is the quantity equal to the sum of—

(i) the average annual quantity of all regulated substances consumed in the United States during the period—

(I) beginning on January 1, 2011; and

(II) ending on December 31, 2013; and

(ii) the quantity equal to the sum of—

(I) 15 percent of the consumption level of hydrochlorofluorocarbons in calendar year 1989; and

(II) 0.42 percent of the consumption level of chlorofluorocarbons in calendar year 1989.

(D) EXCHANGE VALUES.—

(i) IN GENERAL.—For purposes of subparagraphs (B) and (C), the Administrator shall use the following exchange values for hydrochlorofluorocarbons and chlorofluorocarbons:

Table 2		
Chemical Name	Common Name	Ex-change Value
CHFC1 <sub>2</sub>	HCFC-21	151
CHF <sub>2</sub> C1	HCFC-22	1810
C <sub>2</sub> HF <sub>3</sub> C1 <sub>2</sub>	HCFC-123	77
C <sub>2</sub> HF <sub>4</sub> C1	HCFC-124	609
CH <sub>3</sub> CFC1 <sub>2</sub>	HCFC-141b	725
CH <sub>3</sub> CF <sub>2</sub> C1	HCFC-142b	2310
CF <sub>3</sub> CF <sub>2</sub> CHC1 <sub>2</sub>	HCFC-225ca	122
CF <sub>2</sub> C1CF <sub>2</sub> CHC1F	HCFC-225cb	595

Table 3		
Chemical Name	Common Name	Ex-change Value
CFC1 <sub>3</sub>	CFC-11	4750
CF <sub>2</sub> C1 <sub>2</sub>	CFC-12	10900
C <sub>2</sub> F <sub>3</sub> C1 <sub>3</sub>	CFC-113	6130
C <sub>2</sub> F <sub>4</sub> C1 <sub>2</sub>	CFC-114	10000
C <sub>2</sub> F <sub>5</sub> C1	CFC-115	7370

(ii) REVIEW.—The Administrator may—

(I) review the exchange values listed in the tables contained in clause (i) on a periodic basis; and

(II) subject to notice and opportunity for public comment, adjust the exchange values solely on the basis of—

(aa) publicly available, peer-reviewed scientific data; and

(bb) other information consistent with widely used or commonly accepted existing exchange values.

(2) PRODUCTION AND CONSUMPTION PHASE-DOWN.—

(A) IN GENERAL.—During the period beginning on January 1 of each year listed in the table contained in subparagraph (C) and ending on December 31 of the year before the next year listed on that table, except as otherwise permitted under this section, no person shall—

(i) produce a quantity of a regulated substance without a corresponding quantity of production allowances, except as provided in paragraph (5); or

(ii) consume a quantity of a regulated substance without a corresponding quantity of consumption allowances.

(B) COMPLIANCE.—For each year listed on the table contained in subparagraph (C), the Administrator shall ensure that the annual quantity of all regulated substances produced or consumed in the United States does not exceed the product obtained by multiplying—

(i) the production baseline or consumption baseline, as applicable; and

(ii) the applicable percentage listed on the table contained in subparagraph (C).

(C) RELATION TO BASELINE.—On January 1 of each year listed in the following table, the Administrator shall apply the applicable percentage, as described in subparagraph (A):

Date	Percentage of Production Baseline	Percentage of Consumption Baseline
2020–2023	90 percent	90 percent
2024–2028	60 percent	60 percent
2029–2033	30 percent	30 percent
2034–2035	20 percent	20 percent
2036 and thereafter	15 percent	15 percent

## (D) ALLOWANCES.—

(i) QUANTITY.—Not later than October 1 of each calendar year, the Administrator shall use the quantity calculated under subparagraph (B) to determine the quantity of allowances for the production and consumption of regulated substances that may be used for the following calendar year.

## (ii) NATURE OF ALLOWANCES.—

(I) IN GENERAL.—An allowance allocated under this section—

(aa) does not constitute a property right; and

(bb) is a limited authorization for the production or consumption of a regulated substance under this section.

(II) SAVINGS PROVISION.—Nothing in this section or in any other provision of law limits the authority of the United States to terminate or limit an authorization described in subclause (I)(bb).

(3) REGULATIONS REGARDING PRODUCTION AND CONSUMPTION OF REGULATED SUBSTANCES.—Not later than 270 days after the date of enactment of this Act, which shall include a period of notice and opportunity for public comment, the Administrator shall issue a final rule—

(A) phasing down the production of regulated substances in the United States through an allowance allocation and trading program in accordance with this section; and

(B) phasing down the consumption of regulated substances in the United States through an allowance allocation and trading program in accordance with the schedule under paragraph (2)(C) (subject to the same exceptions and other requirements as are applicable to the phase-down of production of regulated substances under this section).

## (4) EXCEPTIONS; ESSENTIAL USES.—

(A) FEEDSTOCKS AND PROCESS AGENTS.—Except for the reporting requirements described in subsection (d)(1), this section does not apply to—

(i) a regulated substance that is used and entirely consumed (except for trace quantities) in the manufacture of another chemical; or

(ii) a regulated substance that is used and not entirely consumed in the manufacture of another chemical, if the remaining amounts of the regulated substance are subsequently destroyed.

## (B) ESSENTIAL USES.—

(i) IN GENERAL.—Beginning on the date of enactment of this Act and subject to paragraphs (2) and (3) and clauses (ii) and (iii), the Administrator may, after considering technical achievability, commercial demands, safety, and other relevant factors, including overall economic costs and environmental impacts compared to historical trends, allocate a quantity of allowances for a period of not more than 5 years for the production and consumption of a regulated substance exclusively for the use of the regulated substance in an application, if—

(I) no safe or technically achievable substitute will be available during the applicable period for that application; and

(II) the supply of the regulated substance that manufacturers or users of the regulated substance for that application are capable of

securing from chemical manufacturers, as authorized under paragraph (2)(A), including any quantities of a regulated substance available from reclaiming, prior production, or prior import, is insufficient to accommodate the application.

(ii) PETITION.—If the Administrator receives a petition requesting the designation of an application as an essential use under clause (i), the Administrator shall—

(I) not later than 180 days after the date on which the Administrator receives the petition—

(aa) make the complete petition available to the public; and

(bb) when making the petition available to the public under item (aa), propose and seek public comment on—

(AA) a determination of whether to designate the application as an essential use; and

(BB) if the Administrator proposes to designate the application as an essential use, making the requisite allocation of allowances; and

(II) not later than 270 days after the date on which the Administrator receives the petition, take final action on the petition.

(iii) LIMITATION.—A person receiving an allocation under clause (i) or (iv) or as a result of a petition granted under clause (ii) may not produce or consume a quantity of regulated substances that, considering the respective exchange values of the regulated substances, exceeds the number of allowances issued under paragraphs (2) and (3) that are held by that person.

## (iv) MANDATORY ALLOCATIONS.—

(I) IN GENERAL.—Notwithstanding clause (i) and subject to clause (iii) and paragraphs (2) and (3), for the 5-year period beginning on the date of enactment of this Act, the Administrator shall allocate the full quantity of allowances necessary, based on projected, current, and historical trends, for the production or consumption of a regulated substance for the exclusive use of the regulated substance in an application solely for—

(aa) a propellant in metered-dose inhalers;

(bb) defense sprays;

(cc) structural composite preformed polyurethane foam for marine use and trailer use;

(dd) the etching of semiconductor material or wafers and the cleaning of chemical vapor deposition chambers within the semiconductor manufacturing sector;

(ee) mission-critical military end uses, such as armored vehicle engine and shipboard fire suppression systems and systems used in deployable and expeditionary applications; and

(ff) onboard aerospace fire suppression.

(II) REQUIREMENT.—The allocation of allowances under subclause (I) shall be determined through a rulemaking.

## (v) REVIEW.—

(I) IN GENERAL.—For each essential use application receiving an allocation of allowances under clause (i) or (iv), the Administrator shall review the availability of substitutes, including any quantities of the regulated substance available from reclaiming or prior production, not less frequently than once every 5 years.

(II) EXTENSION.—If, pursuant to a review under subclause (I), the Administrator determines, subject to notice and opportunity for public comment, that the requirements described in subclauses (I) and (II) of clause (i) are met, the Administrator shall authorize the production or consumption, as applicable, of any regulated substance used in the application for renewable periods of not more than 5 years for exclusive use in the application.

(5) DOMESTIC MANUFACTURING.—Notwithstanding paragraph (2)(A)(i), the Adminis-

trator may authorize a person to produce a regulated substance in excess of the number of production allowances held by that person, subject to the conditions that—

(A) the authorization is—

(i) for a renewable period of not more than 5 years; and

(ii) subject to notice and opportunity for public comment; and

(B) the production—

(i) is at a facility located in the United States;

(ii) is solely for export to, and use in, a foreign country that is not subject to the prohibition in subsection (j)(1); and

(iii) would not violate paragraph (2)(B).

## (f) ACCELERATED SCHEDULE.—

(1) IN GENERAL.—Subject to paragraph (4), the Administrator may, only in response to a petition submitted to the Administrator in accordance with paragraph (3) and after notice and opportunity for public comment, promulgate regulations that establish a schedule for phasing down the production or consumption of regulated substances that is more stringent than the production and consumption levels of regulated substances required under subsection (e)(2)(C).

(2) REQUIREMENTS.—Any regulations promulgated under this subsection—

(A) shall—

(i) apply uniformly to the allocation of production and consumption allowances for regulated substances, in accordance with subsection (e)(3);

(ii) ensure that there will be sufficient quantities of regulated substances, including substances available from reclaiming, prior production, or prior import, to meet the needs for—

(I) applications that receive an allocation under clause (i) of subsection (e)(4)(B); and

(II) all applications that receive a mandatory allocation under items (aa) through (ff) of clause (iv)(I) of that subsection; and

(iii) foster continued reclamation of and transition from regulated substances; and

(B) shall not set the level of production allowances or consumption allowances below the percentage of the consumption baseline that is actually consumed during the calendar year prior to the year during which the Administrator makes a final determination with respect to the applicable proposal described in paragraph (3)(C)(iii)(I).

## (3) PETITION.—

(A) IN GENERAL.—A person may petition the Administrator to promulgate regulations for an accelerated schedule for the phase-down of production or consumption of regulated substances under paragraph (1).

(B) REQUIREMENT.—A petition submitted under subparagraph (A) shall—

(i) be made at such time, in such manner, and containing such information as the Administrator shall require; and

(ii) include a showing by the petitioner that there are data to support the petition.

## (C) TIMELINES.—

(i) IN GENERAL.—If the Administrator receives a petition under subparagraph (A), the Administrator shall—

(I) not later than 180 days after the date on which the Administrator receives the petition—

(aa) make the complete petition available to the public; and

(bb) when making the petition available to the public under item (aa), propose and seek public comment on the proposal of the Administrator to grant or deny the petition; and

(II) not later than 270 days after the date on which the Administrator receives the petition, take final action on the petition.

(ii) FACTORS FOR DETERMINATION.—In making a determination to grant or deny a petition submitted under subparagraph (A), the

Administrator shall, to the extent practicable, factor in—

(I) the best available data, including relevant publicly available and peer-reviewed scientific data;

(II) the availability of substitutes for uses of the regulated substance that is the subject of the petition, taking into account technological achievability, commercial demands, safety, consumer costs, building codes, appliance efficiency standards, contractor training costs, and other relevant factors, including the quantities of regulated substances available from reclaiming, prior production, or prior import;

(III) overall economic costs and environmental impacts, as compared to historical trends; and

(IV) the remaining phase-down period for regulated substances under the final rule issued under subsection (e)(3), if applicable.

(iii) REGULATIONS.—After receiving public comment with respect to the proposal under clause (i)(I)(bb), if the Administrator makes a final determination to grant a petition under subparagraph (A), the final regulations with respect to the petition shall—

(I) be promulgated by not later than 1 year after the date on which the Administrator makes the proposal to grant the petition under that clause; and

(II) meet the requirements of paragraph (2).

(D) PUBLICATION.—When the Administrator makes a final determination to grant or deny a petition under subparagraph (A), the Administrator shall publish a description of the reasons for that grant or denial, including a description of the information considered under subclauses (I) through (IV) of subparagraph (C)(ii).

(E) INSUFFICIENT INFORMATION.—If the Administrator determines that the data included under subparagraph (B)(ii) in a petition are not sufficient to make a determination under this paragraph, the Administrator shall use any authority available to the Administrator to acquire the necessary data.

(4) DATE OF EFFECTIVENESS.—The Administrator may not promulgate under paragraph (1) a regulation for the production or consumption of regulated substances that is more stringent than the production or consumption levels required under subsection (e)(2)(C) that takes effect before January 1, 2025.

(5) REVIEW.—

(A) IN GENERAL.—The Administrator shall review the availability of substitutes for regulated substances subject to an accelerated schedule established under paragraph (1) in each sector and subsector in which the regulated substance is used, taking into account technological achievability, commercial demands, safety, and other relevant factors, including the quantities of regulated substances available from reclaiming, prior production, or prior import, by January 1, 2025 (for the first review), by January 1, 2030 (for the second review), and at least once every 5 years thereafter.

(B) PUBLIC AVAILABILITY.—The Administrator shall make the results of a review conducted under subparagraph (A) publicly available.

(6) SAVINGS PROVISION.—Nothing in this subsection authorizes the Administrator to promulgate regulations pursuant to this subsection that establish a schedule for phasing down the production or consumption of regulated substances that is less stringent than the production and consumption levels of regulated substances required under subsection (e)(2)(C).

(g) EXCHANGE AUTHORITY.—

(1) TRANSFERS.—Not later than 270 days after the date of enactment of this Act, which shall include a period of notice and op-

portunity for public comment, the Administrator shall promulgate a final regulation that governs the transfer of allowances for the production of regulated substances under subsection (e)(3)(A) that uses—

(A) the applicable exchange values described in the table contained in subsection (c)(1); or

(B) the exchange value described in the rule designating the substance as a regulated substance under subsection (c)(3).

(2) REQUIREMENTS.—The final rule promulgated pursuant to paragraph (1) shall—

(A) ensure that the transfers under this subsection will result in greater total reductions in the production of regulated substances in each year than would occur during the year in the absence of the transfers;

(B) permit 2 or more persons to transfer production allowances if the transferor of the allowances will be subject, under the final rule, to an enforceable and quantifiable reduction in annual production that—

(i) exceeds the reduction otherwise applicable to the transferor under this section;

(ii) exceeds the quantity of production represented by the production allowances transferred to the transferee; and

(iii) would not have occurred in the absence of the transaction; and

(C) provide for the trading of consumption allowances in the same manner as is applicable under this subsection to the trading of production allowances.

(h) MANAGEMENT OF REGULATED SUBSTANCES.—

(1) IN GENERAL.—For purposes of maximizing reclaiming and minimizing the release of a regulated substance from equipment and ensuring the safety of technicians and consumers, the Administrator shall promulgate regulations to control, where appropriate, any practice, process, or activity regarding the servicing, repair, disposal, or installation of equipment (including requiring, where appropriate, that any such servicing, repair, disposal, or installation be performed by a trained technician meeting minimum standards, as determined by the Administrator) that involves—

(A) a regulated substance;

(B) a substitute for a regulated substance;

(C) the reclaiming of a regulated substance used as a refrigerant; or

(D) the reclaiming of a substitute for a regulated substance used as a refrigerant.

(2) RECLAIMING.—

(A) IN GENERAL.—In carrying out this section, the Administrator shall consider the use of authority available to the Administrator under this section to increase opportunities for the reclaiming of regulated substances used as refrigerants.

(B) RECOVERY.—A regulated substance used as a refrigerant that is recovered shall be reclaimed before the regulated substance is sold or transferred to a new owner, except where the recovered regulated substance is sold or transferred to a new owner solely for the purposes of being reclaimed or destroyed.

(3) COORDINATION.—In promulgating regulations to carry out this subsection, the Administrator may coordinate those regulations with any other regulations promulgated by the Administrator that involve—

(A) the same or a similar practice, process, or activity regarding the servicing, repair, disposal, or installation of equipment; or

(B) reclaiming.

(4) INAPPLICABILITY.—No regulation promulgated pursuant to this subsection shall apply to a regulated substance or a substitute for a regulated substance that is contained in a foam.

(5) SMALL BUSINESS GRANTS.—

(A) DEFINITION OF SMALL BUSINESS CONCERN.—In this paragraph, the term “small business concern” has the same meaning as

in section 3 of the Small Business Act (15 U.S.C. 632).

(B) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a grant program to award grants to small business concerns for the purchase of new specialized equipment for the recycling, recovery, or reclamation of a substitute for a regulated substance, including the purchase of approved refrigerant recycling equipment (as defined in section 609(b) of the Clean Air Act (42 U.S.C. 7671h(b))) for recycling, recovery, or reclamation in the service or repair of motor vehicle air conditioning systems.

(C) MATCHING FUNDS.—The non-Federal share of a project carried out with a grant under this paragraph shall be not less than 25 percent.

(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$5,000,000 for each of fiscal years 2021 through 2023.

(i) TECHNOLOGY TRANSITIONS.—

(1) AUTHORITY.—Subject to the provisions of this subsection, the Administrator may by rule restrict, fully, partially, or on a graduated schedule, the use of a regulated substance in the sector or subsector in which the regulated substance is used.

(2) NEGOTIATED RULEMAKING.—

(A) CONSIDERATION REQUIRED.—Before proposing a rule for the use of a regulated substance for a sector or subsector under paragraph (1), the Administrator shall consider negotiating with stakeholders in the sector or subsector subject to the potential rule in accordance with the negotiated rulemaking procedure provided for under subchapter III of chapter 5 of title 5, United States Code (commonly known as the “Negotiated Rulemaking Act of 1990”).

(B) NEGOTIATED RULEMAKINGS.—If the Administrator negotiates a rulemaking with stakeholders using the procedure described in subparagraph (A), the Administrator shall, to the extent practicable, give priority to completing that rulemaking over completing rulemakings that were not negotiated using that procedure.

(C) NO NEGOTIATED RULEMAKING.—If the Administrator does not negotiate a rulemaking with stakeholders using the procedure described in subparagraph (A), the Administrator shall, before commencement of the rulemaking process for a rule under paragraph (1), publish an explanation of the decision of the Administrator to not use that procedure.

(3) PETITIONS.—

(A) IN GENERAL.—A person may petition the Administrator to promulgate a rule under paragraph (1) for the restriction on use of a regulated substance in a sector or subsector, which may include a request that the Administrator negotiate with stakeholders in accordance with paragraph (2)(A).

(B) RESPONSE.—The Administrator shall grant or deny a petition under subparagraph (A) not later than 180 days after the date of receipt of the petition.

(C) REQUIREMENTS.—

(i) EXPLANATION.—If the Administrator denies a petition under subparagraph (B), the Administrator shall publish in the Federal Register an explanation of the denial.

(ii) FINAL RULE.—If the Administrator grants a petition under subparagraph (B), the Administrator shall promulgate a final rule not later than 2 years after the date on which the Administrator grants the petition.

(iii) PUBLICATION OF PETITIONS.—Not later than 30 days after the date on which the Administrator receives a petition under subparagraph (A), the Administrator shall make that petition available to the public in full.

(4) FACTORS FOR DETERMINATION.—In carrying out a rulemaking using the procedure



described in paragraph (2) or making a determination to grant or deny a petition submitted under paragraph (3), the Administrator shall, to the extent practicable, factor in—

(A) the best available data, including relevant publicly available and peer-reviewed scientific data;

(B) the availability of substitutes for use of the regulated substance that is the subject of the rulemaking or petition, as applicable, in a sector or subsector, taking into account technological achievability, commercial demands, safety, consumer costs, building codes, appliance efficiency standards, contractor training costs, and other relevant factors, including the quantities of regulated substances available from reclaiming, prior production, or prior import;

(C) overall economic costs and environmental impacts, as compared to historical trends; and

(D) the remaining phase-down period for regulated substances under the final rule issued under subsection (e)(3), if applicable.

(5) EVALUATION.—In carrying out this subsection, the Administrator shall—

(A) evaluate substitutes for regulated substances in a sector or subsector, taking into account technological achievability, commercial demands, safety, overall economic costs and environmental impacts, and other relevant factors; and

(B) make the evaluation under subparagraph (A) available to the public.

(6) EFFECTIVE DATE OF RULES.—No rule under this subsection may take effect before the date that is 1 year after the date on which the Administrator promulgates the applicable rule under this subsection.

(7) APPLICABILITY.—

(A) DEFINITION OF RETROFIT.—In this paragraph, the term “retrofit” means to upgrade existing equipment where the regulated substance is changed, which—

(i) includes the conversion of equipment to achieve system compatibility; and

(ii) may include changes in lubricants, gaskets, filters, driers, valves, o-rings, or equipment components for that purpose.

(B) APPLICABILITY OF RULES.—A rule promulgated under this subsection shall not apply to—

(i) an essential use under clause (i) or (iv) of subsection (e)(4)(B), including any use for which the production or consumption of the regulated substance is extended under clause (v)(II) of that subsection; or

(ii) except for a retrofit application, equipment in existence in a sector or subsector before the date of enactment of this Act.

(j) INTERNATIONAL COOPERATION.—

(1) IN GENERAL.—Subject to paragraph (2), no person subject to the requirements of this section shall trade or transfer a production allowance or, after January 1, 2033, export a regulated substance to a person in a foreign country that, as determined by the Administrator, has not enacted or otherwise established within a reasonable timeframe after the date of enactment of this Act the same or similar requirements or otherwise undertaken commitments regarding the production and consumption of regulated substances as are contained in this section.

(2) TRANSFERS.—Pursuant to paragraph (1), a person in the United States may engage in a trade or transfer of a production allowance—

(A) to a person in a foreign country if, at the time of the transfer, the Administrator revises the number of allowances for production under subsection (e)(2), as applicable, for the United States such that the aggregate national production of the regulated substance to be traded under the revised production limits is equal to the least of—

(i) the maximum production level permitted for the applicable regulated substance in the year of the transfer under this section, less the production allowances transferred;

(ii) the maximum production level permitted for the applicable regulated substances in the transfer year under applicable law, less the production allowances transferred; and

(iii) the average of the actual national production level of the applicable regulated substances for the 3-year period ending on the date of the transfer, less the production allowances transferred; or

(B) from a person in a foreign country if, at the time of the trade or transfer, the Administrator finds that the foreign country has revised the domestic production limits of the regulated substance in the same manner as provided with respect to transfers by a person in United States under this subsection.

(3) EFFECT OF TRANSFERS ON PRODUCTION LIMITS.—The Administrator may—

(A) reduce the production limits established under subsection (e)(2)(B) as required as a prerequisite to a transfer described in paragraph (2)(A); or

(B) increase the production limits established under subsection (e)(2)(B) to reflect production allowances acquired under a trade or transfer described in paragraph (2)(B).

(4) REGULATIONS.—The Administrator shall—

(A) not later than 1 year after the date of enactment of this Act, promulgate a final rule to carry out this subsection; and

(B) not less frequently than annually, review and, if necessary, revise the final rule promulgated pursuant to subparagraph (A).

(k) RELATIONSHIP TO OTHER LAW.—

(1) IMPLEMENTATION.—

(A) RULEMAKINGS.—The Administrator may promulgate such regulations as are necessary to carry out the functions of the Administrator under this section.

(B) DELEGATION.—The Administrator may delegate to any officer or employee of the Environmental Protection Agency such of the powers and duties of the Administrator under this section as the Administrator determines to be appropriate.

(C) CLEAN AIR ACT.—Sections 113, 114, 304, and 307 of the Clean Air Act (42 U.S.C. 7413, 7414, 7604, 7607) shall apply to this section and any rule, rulemaking, or regulation promulgated by the Administrator pursuant to this section as though this section were expressly included in each of those sections, as applicable, and the requirements of this section were part of that Act (42 U.S.C. 7401 et seq.).

(2) PREEMPTION.—

(A) IN GENERAL.—Subject to subparagraph (B), during the 5-year period beginning on the date of enactment of this Act, and with respect to an exclusive use for which a mandatory allocation of allowances is provided under subsection (e)(4)(B)(iv)(I), no State or political subdivision of a State may enforce a statute or administrative action restricting the management or use of a regulated substance within that exclusive use.

(B) EXTENSION.—

(i) IN GENERAL.—Subject to clause (ii), if, pursuant to subclause (I) of subsection (e)(4)(B)(v), the Administrator authorizes an additional period under subclause (II) of that subsection for the production or consumption of a regulated substance for an exclusive use described in subparagraph (A), no State or political subdivision of a State may enforce a statute or administrative action restricting the management or use of the regulated substance within that exclusive use for the duration of that additional period.

(ii) LIMITATION.—The period for which the limitation under clause (i) applies shall not exceed 5 years from the date on which the period described in subparagraph (A) ends.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. SANDERS. Mr. President, I have one request for committees to meet during today's session of the Senate. It has the approval of the Majority and Minority Leaders.

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

### COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, September 10, 2020, at 10 a.m., in room 325 of the Russell Senate Office Building, to conduct a committee executive business meeting.

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to the provisions of Public Law 116-92, appoints the following individuals to serve as members of the Commission on Combating Synthetic Opioid Trafficking: The Honorable TOM COTTON of Arkansas; Mr. Victor L. Brown of Kentucky.

The Chair announces, on behalf of the Democratic Leader, pursuant to the provisions of Public Law 107-12, the appointment of the following individual to serve as a member of the Public Safety Officer Medal of Valor Review Board: Trevor Whipple of Vermont.

## NATIONAL LOBSTER DAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 688, submitted earlier today.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 688) designating September 25, 2020, as “National Lobster Day”.

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

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 688) was agreed to.

The preamble was agreed to.

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