Whereas improvements in energy efficiency technologies and practices, along with policies of the United States enacted since the 1970s, have resulted in energy savings of more than 60,000,000,000,000,000 British thermal units and energy cost avoidance of more than $800,000,000,000 annually;

Whereas energy efficiency has enjoyed bipartisan support in Congress and in administrations of both parties for more than 40 years;

Whereas bipartisan legislation enacted since the 1970s to advance Federal energy efficiency policies includes—

(1) the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.);

(2) the National Appliance Energy Conservation Act of 1987 (Public Law 100–12; 101 Stat. 103);

(3) the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.);

(4) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.);

(5) the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 et seq.); and

(6) the Energy Efficiency Improvement Act of 2015 (Public Law 114–11; 129 Stat. 182);

Whereas energy efficiency has long been supported by a diverse coalition of businesses (including manufacturers, utilities, energy service companies, and technology firms), public-interest organizations, environmental and conservation groups, and State and local governments;

Whereas, since 1980, the United States has more than doubled its energy productivity, realizing twice the economic output per unit of energy consumed;

Whereas more than 2,000,000 individuals in the United States are currently employed across the energy efficiency sector, as the United States has doubled its energy productivity, and business and industry have become more innovative and competitive in global markets;

Whereas the Office of Energy Efficiency and Renewable Energy of the Department of Energy is the principal Federal agency responsible for renewable energy technologies and energy efficiency efforts;

Whereas cutting energy waste saves the consumers of the United States billions of dollars on utility bills annually; and

Whereas energy efficiency policies, financing innovations, and public-private partnerships have contributed to a reduction in energy intensity in Federal facilities by nearly 50 percent since the mid-1970s, which results in direct savings to United States taxpayers: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 7, 2020, as ''Energy Efficiency Day''; and

(2) calls on the people of the United States to observe Energy Efficiency Day with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 741—DESIGNATING OCTOBER 30, 2020, AS A NATIONAL DAY OF REMEMBRANCE FOR THE WORKERS OF THE NUCLEAR WEAPONS PROGRAM OF THE UNITED STATES

Mr. MCCONNELL (for Mr. ALEXANDER (for himself, Mr. UDALL, Mr. MCCONNELL, Mr. SCHUMER, Mr. GRAHAM, Mr. HEINRICH, Mr. GARDNER, Mr. BROWN, Mr. PORTMAN, Mrs. MURRAY, Mr. ROBERTS, Ms. CANTWELL, Mrs. BLACKBURN, Mr. MANCHIN, Mr. MARKEY, and Ms. ROSEN)) submitted the following resolution; which was considered and agreed to:

S. RES. 741

Whereas, since World War II, hundreds of thousands of patriotic men and women, including uranium miners, millers, and haulers, have served the United States by building nuclear weapons for the defense of the United States;

Whereas dedicated workers paid a high price for advancing a nuclear weapons program at the service and for the benefit of the United States, including by developing disabling or fatal illnesses;

Whereas the Senate recognized the contributions, services, and sacrifices that those patriotic men and women made for the defense of the United States in—

(1) Senate Resolution 151, 111th Congress, agreed to May 20, 2009;

(2) Senate Resolution 653, 111th Congress, agreed to September 28, 2010;

(3) Senate Resolution 275, 112th Congress, agreed to September 26, 2011;

(4) Senate Resolution 519, 112th Congress, agreed to August 1, 2012;

(5) Senate Resolution 164, 113th Congress, agreed to September 18, 2013;

(6) Senate Resolution 417, 113th Congress, agreed to July 9, 2014;

(7) Senate Resolution 213, 114th Congress, agreed to September 25, 2015;

(8) Senate Resolution 560, 114th Congress, agreed to November 16, 2016;

(9) Senate Resolution 314, 115th Congress, agreed to October 30, 2017;

(10) Senate Resolution 682, 115th Congress, agreed to October 11, 2018; and

(11) Senate Resolution 377, 116th Congress, agreed to October 30, 2019;

Whereas a time capsule for a national day of remembrance has been crossing the United States, collecting stories and artifacts of workers of the nuclear weapons program that relate to the nuclear defense era of the United States, and a remembrance quilt has been constructed to memorialize the contribution of those workers;

Whereas the stories and artifacts reflected in the time capsule and the remembrance quilt reinforce the importance of recognizing the workers of the nuclear weapons program of the United States; and

Whereas those patriotic men and women deserve to be recognized for the contributions, services, and sacrifices they made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2020, as a national day of remembrance for the workers of the nuclear weapons program of the United States, including the uranium miners, millers, and haulers; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2020, as a national day of remembrance for past and present workers of the nuclear weapons program of the United States.

SENATE CONCURRENT RESOLUTION 48—EXPRESSING SUPPORT FOR THE DESIGNATION OF OCTOBER 28, 2020, AS ''HONORING THE NATION'S FIRST RESPONDERS DAY''

Ms. WARREN (for herself, Mr. COTTON, Mr. PETERS, Ms. ROSEN, Mr. JOHNSON, and Mr. LANKFORD) submitted the following concurrent resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 48

Whereas, in the United States, first responders include professional and volunteer firefighters, police officers, emergency medical technicians, and paramedics;

Whereas, according to a 2017 compilation of data on the Emergency Services Sector in the United States by the Department of Homeland Security, ''The first responder community comprises an estimated 4.6 million career and volunteer professionals within five primary disciplines: Law Enforcement, Fire and Rescue Services, Emergency Medical Services, Emergency Management, and Public Works.'';

Whereas first responders deserve to be recognized for their commitment to safety, defense, and honor;

Whereas the people of the United States have depended on the service and sacrifices of first responders during the national emergency relating to the Coronavirus disease 2019 (COVID–19) pandemic; and

Whereas October 28, 2020, would be an appropriate day to establish as ''Honoring the Nation's First Responders Day'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the designation of October 28, 2020, as ''Honoring the Nation's First Responders Day'';

(2) honors and recognizes the contributions of first responders; and

(3) encourages the people of the United States to observe Honoring the Nation's First Responders Day with appropriate ceremonies and activities that promote awareness of the contributions of first responders in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2673. Mr. MCCONNELL (for Mr. TILLIS) proposed an amendment 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.

SA 2674. Mr. PORTMAN (for Mr. WICKER) proposed an amendment to the bill S. 910, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

SA 2675. Mr. COONS 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.

SA 2676. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 2657, supra; which was ordered to lie on the table.

SA 2677. Mr. PORTMAN (for Mr. MARKEY (for himself, Mr. WICKER, and Mr. BLUMENTHAL)) proposed an amendment to the bill S. 3681, to require a joint task force on air travel during and after the COVID–19 Public Health Emergency, and for other purposes.

TEXT OF AMENDMENTS

SA 2673. Mr. MCCONNELL (for Mr. TILLIS) proposed an amendment 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; as follows:

At the appropriate place, insert the following:

SEC. ___. GUARANTEED AVAILABILITY OF COVERAGE; PROHIBITING DISCRIMINATION.

(a) IN GENERAL.—Subtitle C of title I of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) is amended by adding at the end the following:

"SEC. 196. PROHIBITION OF PRE-EXISTING CONDITION EXCLUSIONS.

''(a) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage may not impose any pre-existing condition exclusion with respect to such plan or coverage.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PRE-EXISTING CONDITION EXCLUSION.—

''(A) IN GENERAL.—The term 'pre-existing condition exclusion' means, with respect to coverage, a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the enrollment date for such coverage, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before such date.

''(B) TREATMENT OF GENETIC INFORMATION.—Genetic information shall not be treated as a condition described in subparagraph (A) in the absence of a diagnosis of the condition related to such information.

''(2) ENROLLMENT DATE.—The term 'enrollment date' means, with respect to an individual covered under a group health plan or health insurance coverage, the date of enrollment of the individual in the plan or coverage or, if earlier, the first day of the waiting period for such enrollment.

''(3) WAITING PERIOD.—The term 'waiting period' means, with respect to a group health plan and an individual who is a potential participant or beneficiary in the plan, the period that must pass with respect to the individual before the individual is eligible to be covered for benefits under the terms of the plan.

"SEC. 197. GUARANTEED AVAILABILITY OF COVERAGE.

''(a) GUARANTEED ISSUANCE OF COVERAGE IN THE INDIVIDUAL AND GROUP MARKET.—Subject to subsections (b) through (d), each health insurance issuer that offers health insurance coverage in the individual or group market in a State must accept every employer and individual in the State that applies for such coverage.

''(b) ENROLLMENT.—

''(1) RESTRICTION.—A health insurance issuer described in subsection (a) may restrict enrollment in coverage described in such subsection to open or special enrollment periods.

''(2) ESTABLISHMENT.—A health insurance issuer described in subsection (a) shall, in accordance with the regulations promulgated under paragraph (3), establish special enrollment periods for qualifying events (under section 603 of the Employee Retirement Income Security Act of 1974).

''(3) REGULATIONS.—The Secretary shall promulgate regulations with respect to enrollment periods under paragraphs (1) and (2).

''(c) SPECIAL RULES FOR NETWORK PLANS.—

''(1) IN GENERAL.—In the case of a health insurance issuer that offers health insurance coverage in the group and individual market through a network plan, the issuer may—

''(A) limit the employers that may apply for such coverage to those with eligible individuals who live, work, or reside in the service area for such network plan; and

''(B) within the service area of such plan, deny such coverage to such employers and individuals if the issuer has demonstrated, if required, to the applicable State authority that—

''(i) it will not have the capacity to deliver services adequately to enrollees of any additional groups or any additional individuals because of its obligations to existing group contract holders and enrollees; and

''(ii) it is applying this paragraph uniformly to all employers and individuals without regard to the claims experience of those individuals, employers and their employees (and their dependents), or any health status-related factor relating to such individuals, employees, and dependents.

''(2) 180-DAY SUSPENSION UPON DENIAL OF COVERAGE.—An issuer, upon denying health insurance coverage in any service area in accordance with paragraph (1)(B), may not offer coverage in the group or individual market within such service area for a period of 180 days after the date such coverage is denied.

''(d) APPLICATION OF FINANCIAL CAPACITY LIMITS.—

''(1) IN GENERAL.—A health insurance issuer may deny health insurance coverage in the group or individual market if the issuer has demonstrated, if required, to the applicable State authority that—

''(A) it does not have the financial reserves necessary to underwrite additional coverage; and

''(B) it is applying this paragraph uniformly to all employers and individuals in the group or individual market in the State consistent with applicable State law and without regard to the claims experience of those individuals, employers and their employees (and their dependents) or any health status-related factor relating to such individuals, employees, and dependents.

''(2) 180-DAY SUSPENSION UPON DENIAL OF COVERAGE.—A health insurance issuer upon denying health insurance coverage in connection with group health plans in accordance with paragraph (1) in a State may not offer coverage in connection with group health plans in the group or individual market in the State for a period of 180 days after the date such coverage is denied or until the issuer has demonstrated to the applicable State authority, if required under applicable State law, that the issuer has sufficient financial reserves to underwrite additional coverage, whichever is later. An applicable State authority may provide for the application of this subsection on a service-area-specific basis

''(e) DEFINITIONS.—In this section and in sections 196 and 198:

''(1) The term 'Secretary' means the Secretary of Health and Human Services.

''(2) The terms 'genetic information', 'genetic test', 'group health plan', 'group market', 'health insurance coverage', 'health insurance issuer', 'group health insurance coverage', 'individual health insurance coverage', 'individual market', and 'underwriting purpose' have the meanings given such terms in section 2791 of the Public Health Service Act.''.

"SEC. 198. PROHIBITING DISCRIMINATION AGAINST INDIVIDUAL PARTICIPANTS AND BENEFICIARIES BASED ON HEALTH STATUS.

''(a) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage may not establish rules for eligibility (including continued eligibility) of any individual to enroll under the terms of the plan or coverage based on any of the following health status-related factors in relation to the individual or a dependent of the individual:

''(1) Health status.

''(2) Medical condition (including both physical and mental illnesses).

''(3) Claims experience.

''(4) Receipt of health care.

''(5) Medical history.

''(6) Genetic information.

''(7) Evidence of insurability (including conditions arising out of acts of domestic violence).

''(8) Disability.

''(9) Any other health status-related factor determined appropriate by the Secretary.

''(b) IN PREMIUM CONTRIBUTIONS.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group or individual health insurance coverage, may not require any individual (as a condition of enrollment or continued enrollment under the plan) to pay a premium or contribution which is greater than such premium or contribution for a similarly situated individual enrolled in the plan on the basis of any health status-related factor in relation to the individual or to an individual enrolled under the plan as a dependent of the individual.

''(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

''(A) to restrict the amount that an employer or individual may be charged for coverage under a group health plan except as provided in paragraph (3) or individual health coverage, as the case may be; or

''(B) to prevent a group health plan, and a health insurance issuer offering group health insurance coverage, from establishing premium discounts or rebates or modifying otherwise applicable copayments or deductibles in return for adherence to programs of health promotion and disease prevention.

''(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—

''(A) IN GENERAL.—For purposes of this section, a group health plan, and health insurance issuer offering group health insurance coverage in connection with a group health plan, may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or in paragraphs (1) and (2) of subsection (d) shall be construed to limit the ability of a health insurance issuer offering group or individual health insurance coverage to increase the premium for an employer based on the manifestation of a disease or disorder of an individual who is enrolled in the plan. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer.

''(c) GENETIC TESTING.—

''(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI of the Social Security Act and section 264 of this Act, as may be revised from time to time) consistent with subsection (a).

''(B) LIMITATION.—For purposes of subparagraph (A), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request only the minimum amount of information necessary to accomplish the intended purpose.

''(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

''(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(B) The plan or issuer clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

''(i) compliance with the request is voluntary; and

''(ii) noncompliance will have no effect on enrollment status or premium or contribution amounts.

''(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

''(D) The plan or issuer notifies the Secretary in writing that the plan or issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

''(E) The plan or issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

''(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information for underwriting purposes.

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or coverage in connection with such enrollment.

''(3) INCIDENTAL COLLECTION.—If a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

''(e) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

''(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.

''(f) PROGRAMS OF HEALTH PROMOTION OR DISEASE PREVENTION.—

''(1) GENERAL PROVISIONS.—

''(A) GENERAL RULE.—For purposes of subsection (b)(2)(B), a program of health promotion or disease prevention (referred to in this subsection as a 'wellness program') shall be a program offered by an employer that is designed to promote health or prevent disease that meets the applicable requirements of this subsection.

''(B) NO CONDITIONS BASED ON HEALTH STATUS FACTOR.—If none of the conditions for obtaining a premium discount or rebate or other reward for participation in a wellness program is based on an individual satisfying a standard that is related to a health status factor, such wellness program shall not violate this section if participation in the program is made available to all similarly situated individuals and the requirements of paragraph (2) are complied with.

''(C) CONDITIONS BASED ON HEALTH STATUS FACTOR.—If any of the conditions for obtaining a premium discount or rebate or other reward for participation in a wellness program is based on an individual satisfying a standard that is related to a health status factor, such wellness program shall not violate this section if the requirements of paragraph (3) are complied with.

''(2) WELLNESS PROGRAMS NOT SUBJECT TO REQUIREMENTS.—If none of the conditions for obtaining a premium discount or rebate or other reward under a wellness program as described in paragraph (1)(B) are based on an individual satisfying a standard that is related to a health status factor (or if such a wellness program does not provide such a reward), the wellness program shall not violate this section if participation in the program is made available to all similarly situated individuals. The following programs shall not have to comply with the requirements of paragraph (3) if participation in the program is made available to all similarly situated individuals:

''(A) A program that reimburses all or part of the cost for memberships in a fitness center.

''(B) A diagnostic testing program that provides a reward for participation and does not base any part of the reward on outcomes.

''(C) A program that encourages preventive care related to a health condition through the waiver of the copayment or deductible requirement under group health plan for the costs of certain items or services related to a health condition (such as prenatal care or well-baby visits).

''(D) A program that reimburses individuals for the costs of smoking cessation programs without regard to whether the individual quits smoking.

''(E) A program that provides a reward to individuals for attending a periodic health education seminar.

''(3) WELLNESS PROGRAMS SUBJECT TO REQUIREMENTS.—If any of the conditions for obtaining a premium discount, rebate, or reward under a wellness program as described in paragraph (1)(C) is based on an individual satisfying a standard that is related to a health status factor, the wellness program shall not violate this section if the following requirements are complied with:

''(A) The reward for the wellness program, together with the reward for other wellness programs with respect to the plan that requires satisfaction of a standard related to a health status factor, shall not exceed 30 percent of the cost of employee-only coverage under the plan. If, in addition to employees or individuals, any class of dependents (such as spouses or spouses and dependent children) may participate fully in the wellness program, such reward shall not exceed 30 percent of the cost of the coverage in which an employee or individual and any dependents are enrolled. For purposes of this paragraph, the cost of coverage shall be determined based on the total amount of employer and employee contributions for the benefit package under which the employee is (or the employee and any dependents are) receiving coverage. A reward may be in the form of a discount or rebate of a premium or contribution, a waiver of all or part of a cost-sharing mechanism (such as deductibles, copayments, or coinsurance), the absence of a surcharge, or the value of a benefit that would otherwise not be provided under the plan. The Secretaries of Labor, Health and Human Services, and the Treasury may increase the reward available under this subparagraph to up to 50 percent of the cost of coverage if the Secretaries determine that such an increase is appropriate.

''(B) The wellness program shall be reasonably designed to promote health or prevent disease. A program complies with the preceding sentence if the program has a reasonable chance of improving the health of, or preventing disease in, participating individuals and it is not overly burdensome, is not a subterfuge for discriminating based on a health status factor, and is not highly suspect in the method chosen to promote health or prevent disease.

''(C) The plan shall give individuals eligible for the program the opportunity to qualify for the reward under the program at least once each year.

''(D) The full reward under the wellness program shall be made available to all similarly situated individuals. For such purpose, among other things:

''(i) The reward is not available to all similarly situated individuals for a period unless the wellness program allows—

''(I) for a reasonable alternative standard (or waiver of the otherwise applicable standard) for obtaining the reward for any individual for whom, for that period, it is unreasonably difficult due to a medical condition to satisfy the otherwise applicable standard; and

''(II) for a reasonable alternative standard (or waiver of the otherwise applicable standard) for obtaining the reward for any individual for whom, for that period, it is medically inadvisable to attempt to satisfy the otherwise applicable standard.

''(ii) If reasonable under the circumstances, the plan or issuer may seek verification, such as a statement from an individual's physician, that a health status factor makes it unreasonably difficult or medically inadvisable for the individual to satisfy or attempt to satisfy the otherwise applicable standard.

''(E) The plan or issuer involved shall disclose in all plan materials describing the terms of the wellness program the availability of a reasonable alternative standard (or the possibility of waiver of the otherwise applicable standard) required under subparagraph (D). If plan materials disclose that such a program is available, without describing its terms, the disclosure under this subparagraph shall not be required.''.

(b) CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) is amended by inserting after the item relating to section 195 the following:

(c) ENFORCEMENT.—

(1) PHSA.—Section 2723 of the Public Health Service Act (42 U.S.C. 300gg–22) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''and sections 196 ,197, and 198 of the Health Insurance Portability and Accountability Act of 1996'' after ''this part''; and

(ii) in paragraph (2), by inserting ''or section 196, 197, or 198 of the Health Insurance Portability and Accountability Act of 1996'' after ''this part''; and

(B) in subsection (b), by inserting ''or section 196, 197, or 198 of the Health Insurance Portability and Accountability Act of 1996'' after ''this part'' each place such term appears.

(2) ERISA.—Section 715 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185d) is amended by adding at the end the following:

''(c) ADDITIONAL PROVISIONS.—Section 197 of the Health Insurance Portability and Accountability Act of 1996 shall apply to health insurance issuers providing health insurance coverage in connection with group health plans, and sections 196 and 198 of such Act shall apply to group health plans and health insurance issuers providing health insurance coverage in connection with group health plans, as if included in this subpart, and to the extent that any provision of this part conflicts with a provision of such section 197 with respect to health insurance issuers providing health insurance coverage in connection with group health plans or of such section 196 or 198 with respect to group health plans or health insurance issuers providing health insurance coverage in connection with group health plans, the provisions of such sections 196, 197, and 198, as applicable, shall apply.''.

(3) IRC.—Section 9815 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(c) ADDITIONAL PROVISIONS.—Section 197 of the Health Insurance Portability and Accountability Act of 1996 shall apply to health insurance issuers providing health insurance coverage in connection with group health plans, and section 196 and 198 of such Act shall apply to group health plans and health insurance issuers providing health insurance coverage in connection with group health plans, as if included in this subchapter, and to the extent that any provision of this chapter conflicts with a provision of such section 197 with respect to health insurance issuers providing health insurance coverage in connection with group health plans or of such section 196 or 198 with respect to group health plans or health insurance issuers providing health insurance coverage in connection with group health plans, the provisions of such sections 196, 197, and 198, as applicable, shall apply.''.

(d) EFFECTIVE DATE.—This amendments made by this section shall take effect one day after the date of enactment of this Act.

SA 2674. Mr. PORTMAN (for Mr. WICKER) proposed an amendment to the bill S. 910, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Sea Grant College Program Amendments Act of 2020''.

SEC. 2. REFERENCES TO THE NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, wherever in this Act 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 Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. MODIFICATION OF DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.

(a) IN GENERAL.—Section 208(b) (33 U.S.C. 1127(b)) is amended by striking ''may'' and inserting ''shall''.

(b) PLACEMENTS IN CONGRESS.—Such section is further amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

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

(2) in paragraph (1), as designated by paragraph (1), in the second sentence, by striking ''A fellowship'' and inserting the following:

''(2) PLACEMENT PRIORITIES.—

''(A) IN GENERAL.—In each year in which the Secretary awards a legislative fellowship under this subsection, when considering the placement of fellows, the Secretary shall prioritize placement of fellows in the following:

''(i) Positions in offices of, or with Members on, committees of Congress that have jurisdiction over the National Oceanic and Atmospheric Administration.

''(ii) Positions in offices of Members of Congress that have a demonstrated interest in ocean, coastal, or Great Lakes resources.

''(B) EQUITABLE DISTRIBUTION.—In placing fellows in offices described in subparagraph (A), the Secretary shall ensure that placements are equitably distributed among the political parties.

''(3) DURATION.—A fellowship''.

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

(d) SENSE OF CONGRESS CONCERNING FEDERAL HIRING OF FORMER FELLOWS.—It is the sense of Congress that in recognition of the competitive nature of the fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)), and of the exceptional qualifications of fellowship awardees, the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, should encourage participating Federal agencies to consider opportunities for fellowship awardees at the conclusion of their fellowships for workforce positions appropriate for their education and experience.

SEC. 4. MODIFICATION OF AUTHORITY OF SECRETARY OF COMMERCE TO ACCEPT DONATIONS FOR NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) IN GENERAL.—Section 204(c)(4)(E) (33 U.S.C. 1123(c)(4)(E)) is amended to read as follows:

''(E) accept donations of money and, notwithstanding section 1342 of title 31, United States Code, of voluntary and uncompensated services;''.

(b) PRIORITIES.—The Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall establish priorities for the use of donations accepted under section 204(c)(4)(E) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(4)(E)), and shall consider among those priorities the possibility of expanding the Dean John A. Knauss Marine Policy Fellowship's placement of additional fellows in relevant legislative offices under section 208(b) of that Act (33 U.S.C. 1127(b)), in accordance with the recommendations under subsection (c) of this section.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Sea Grant College Program, in consultation with the National Sea Grant Advisory Board and the Sea Grant Association, shall—

(1) develop recommendations for the optimal use of any donations accepted under section 204(c)(4)(E) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(4)(E)); and

(2) submit to Congress a report on the recommendations developed under paragraph (1).

(d) CONSTRUCTION.—Nothing in this section shall be construed to limit or otherwise affect any other amounts available for marine policy fellowships under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)), including amounts—

(1) accepted under section 204(c)(4)(F) of that Act (33 U.S.C. 1123(c)(4)(F)); or

(2) appropriated pursuant to the authorization of appropriations under section 212 of that Act (33 U.S.C. 1131).

SEC. 5. REDUCTION IN FREQUENCY REQUIRED FOR NATIONAL SEA GRANT ADVISORY BOARD REPORT.

Section 209(b)(2) (33 U.S.C. 1128(b)(2)) is amended—

(1) in the paragraph heading, by striking ''BIENNIAL'' and inserting ''PERIODIC'';

(2) by striking the first sentence and inserting the following: ''The Board shall report to Congress at least once every four years on the state of the national sea grant college program and shall notify Congress of any significant changes to the state of the program not later than two years after the submission of such a report.''; and

(3) in the second sentence, by adding before the end period the following: ''and provide a summary of research conducted under the program''.

SEC. 6. MODIFICATION OF ELEMENTS OF NATIONAL SEA GRANT COLLEGE PROGRAM.

Section 204(b) (33 U.S.C. 1123(b)) is amended, in the matter preceding paragraph (1), by inserting ''for research, education, extension, training, technology transfer, and public service'' after ''financial assistance''.

SEC. 7. DESIGNATION OF NEW NATIONAL SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207(b) (33 U.S.C. 1126(b)) is amended—

(1) in the subsection heading, by striking ''EXISTING DESIGNEES'' and inserting ''ADDITIONAL DESIGNATIONS''; and

(2) by striking ''Any institution'' and inserting the following:

''(1) NOTIFICATION TO CONGRESS OF DESIGNATIONS.—

''(A) IN GENERAL.—Not less than 30 days before designating an institution, or an association or alliance of two or more such institutions, as a sea grant college or sea grant institute under subsection (a), the Secretary shall notify Congress in writing of the proposed designation. The notification shall include an evaluation and justification for the designation.

''(B) EFFECT OF JOINT RESOLUTION OF DISAPPROVAL.—The Secretary may not designate an institution, or an association or alliance of two or more such institutions, as a sea grant college or sea grant institute under subsection (a) if, before the end of the 30-day period described in subparagraph (A), a joint resolution disapproving the designation is enacted.

''(2) EXISTING DESIGNEES.—Any institution''.

SEC. 8. DIRECT HIRE AUTHORITY; DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.

(a) IN GENERAL.—During fiscal year 2019 and any fiscal year thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of that title, a qualified candidate described in subsection (b) directly to a position with the

Federal agency for which the candidate meets Office of Personnel Management qualification standards.

(b) DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.—Subsection (a) applies with respect to a former recipient of a Dean John A. Knauss Marine Policy Fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)) who—

(1) earned a graduate or post-graduate degree in a field related to ocean, coastal, and Great Lakes resources or policy from an accredited institution of higher education; and

(2) successfully fulfilled the requirements of the fellowship within the executive or legislative branch of the United States Government.

(c) LIMITATION.—The direct hire authority under this section shall be exercised with respect to a specific qualified candidate not later than 2 years after the date that the candidate completed the fellowship described in subsection (b).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) IN GENERAL.—Section 212(a) (33 U.S.C. 1131(a)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

''(A) $87,520,000 for fiscal year 2020;

''(B) $91,900,000 for fiscal year 2021;

''(C) $96,500,000 for fiscal year 2022;

''(D) $101,325,000 for fiscal year 2023; and

''(E) $105,700,000 for fiscal year 2024.''; and

(2) by amending paragraph (2) to read as follows:

''(2) PRIORITY ACTIVITIES FOR FISCAL YEARS 2020 THROUGH 2024.—In addition to the amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated $6,000,000 for each of fiscal years 2020 through 2024 for competitive grants for the following:

''(A) University research on the biology, prevention, and control of aquatic nonnative species.

''(B) University research on oyster diseases, oyster restoration, and oyster-related human health risks.

''(C) University research on the biology, prevention, and forecasting of harmful algal blooms.

''(D) University research, education, training, and extension services and activities focused on coastal resilience and United States working waterfronts and other regional or national priority issues identified in the strategic plan under section 204(c)(1).

''(E) University research and extension on sustainable aquaculture techniques and technologies.

''(F) Fishery research and extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.''.

(b) MODIFICATION OF LIMITATIONS ON AMOUNTS FOR ADMINISTRATION.—Paragraph (1) of section 212(b) (33 U.S.C. 1131(b)) is amended to read as follows:

''(1) ADMINISTRATION.—

''(A) IN GENERAL.—There may not be used for administration of programs under this title in a fiscal year more than 5.5 percent of the lesser of—

''(i) the amount authorized to be appropriated under this title for the fiscal year; or

''(ii) the amount appropriated under this title for the fiscal year.

''(B) CRITICAL STAFFING REQUIREMENTS.—

''(i) IN GENERAL.—The Director shall use the authority under subchapter VI of chapter 33 of title 5, United States Code, and under section 210 of this title, to meet any critical staffing requirement while carrying out the activities authorized under this title.

''(ii) EXCEPTION FROM CAP.—For purposes of subparagraph (A), any costs incurred as a result of an exercise of authority as described in clause (i) shall not be considered an amount used for administration of programs under this title in a fiscal year.''.

(c) ALLOCATION OF FUNDING.—

(1) IN GENERAL.—Section 204(d)(3) (33 U.S.C. 1123(d)(3)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''With respect to sea grant colleges and sea grant institutes'' and inserting ''With respect to sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects''; and

(B) in subparagraph (B), in the matter preceding clause (i), by striking ''funding among sea grant colleges and sea grant institutes'' and inserting ''funding among sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects''.

(2) REPEAL OF REQUIREMENTS CONCERNING DISTRIBUTION OF EXCESS AMOUNTS.—Section 212 (33 U.S.C. 1131) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 10. REPEAL OF REQUIREMENT FOR REPORT ON COORDINATION OF OCEANS AND COASTAL RESEARCH ACTIVITIES.

Section 9 of the National Sea Grant College Program Act Amendments of 2002 (33 U.S.C. 857–20) is repealed.

SEC. 11. TECHNICAL CORRECTIONS.

The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended—

(1) in section 204(d)(3)(B) (33 U.S.C. 1123(d)(3)(B)), by moving clause (vi) 2 ems to the right; and

(2) in section 209(b)(2) (33 U.S.C. 1128(b)(2)), as amended by section 5, in the third sentence, by striking ''The Secretary shall'' and inserting the following:

''(3) AVAILABILITY OF RESOURCES OF DEPARTMENT OF COMMERCE.—The Secretary shall''.

SA 2675. Mr. COONS 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. ___. ENERGY TECHNOLOGY COMMERCIALIZATION FOUNDATION.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Board of Directors described in subsection (b)(2)(A).

(2) EXECUTIVE DIRECTOR.—The term ''Executive Director'' means the Executive Director described in subsection (b)(5)(A).

(3) FOUNDATION.—The term ''Foundation'' means the Energy Technology Commercialization Foundation established under subsection (b)(1).

(b) ENERGY TECHNOLOGY COMMERCIALIZATION FOUNDATION.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a nonprofit corporation to be known as the ''Energy Technology Commercialization Foundation''.

(B) MISSION.—The mission of the Foundation shall be—

(i) to support the mission of the Department; and

(ii) to advance collaboration with energy researchers, institutions of higher education, industry, and nonprofit and philanthropic organizations to accelerate the commercialization of energy technologies.

(C) LIMITATION.—The Foundation shall not be an agency or instrumentality of the Federal Government.

(D) TAX-EXEMPT STATUS.—The Board shall take all necessary and appropriate steps to ensure that the Foundation receives a determination from the Internal Revenue Service that the Foundation is an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.

(E) COLLABORATION WITH EXISTING ORGANIZATIONS.—The Secretary may collaborate with 1 or more organizations to establish the Foundation and carry out the activities of the Foundation.

(2) BOARD OF DIRECTORS.—

(A) ESTABLISHMENT.—The Foundation shall be governed by a Board of Directors.

(B) COMPOSITION.—

(i) IN GENERAL.—The Board shall be composed of the members described in clause (ii).

(ii) BOARD MEMBERS.—

(I) INITIAL MEMBERS.—The Secretary may—

(aa) seek to enter into a contract with the National Academies of Sciences, Engineering, and Medicine to develop a list of individuals to serve as members of the Board who are well-qualified and will meet the requirements of subclauses (II) and (III); and

(bb) appoint the initial members of the Board from that list, in consultation with the National Academies of Sciences, Engineering, and Medicine.

(II) REPRESENTATION.—The members of the Board shall reflect a broad cross-section of stakeholders from academia, industry, nonprofit organizations, State or local governments, the investment community, the philanthropic community, and management and operating contractors of the National Laboratories.

(III) EXPERIENCE.—The Secretary shall ensure that a majority of the members of the Board—

(aa)(AA) has experience in the energy sector;

(BB) has research experience in the energy field; or

(CC) has experience in technology commercialization or foundation operations; and

(bb) to the extent practicable, represents diverse regions and energy sectors.

(C) CHAIR AND VICE CHAIR.—

(i) IN GENERAL.—The Board shall designate from among the members of the Board—

(I) an individual to serve as Chair of the Board; and

(II) an individual to serve as Vice Chair of the Board.

(ii) TERMS.—The term of service of the Chair and Vice Chair of the Board shall end on the earlier of—

(I) the date that is 3 years after the date on which the Chair or Vice Chair of the Board, as applicable, is designated for the position; and

(II) the last day of the term of service of the member, as determined under subparagraph (D)(i), who is designated to be Chair or Vice Chair of the Board, as applicable.

(iii) REPRESENTATION.—The Chair and Vice Chair of the Board—

(I) shall not be representatives of the same area or entity, as applicable, under subparagraph (B)(ii)(II); and

(II) shall not be representatives of any area or entity, as applicable, represented by the immediately preceding Chair and Vice Chair of the Board.

(D) TERMS AND VACANCIES.—

(i) TERMS.—

(I) IN GENERAL.—Except as provided in subclause (II), the term of service of each member of the Board shall be 5 years.

(II) INITIAL MEMBERS.—Of the initial members of the Board appointed under subparagraph (B)(ii)(I), half of the members shall serve for 4 years and half of the members shall serve for 5 years, as determined by the Chair of the Board.

(ii) VACANCIES.—Any vacancy in the membership of the Board—

(I) shall be filled in accordance with the bylaws of the Foundation by an individual capable of representing the same area or entity, as applicable, as represented by the vacating board member under subparagraph (B)(ii)(II);

(II) shall not affect the power of the remaining members to execute the duties of the Board; and

(III) shall be filled by an individual selected by the Board.

(E) MEETINGS; QUORUM.—

(i) INITIAL MEETING.—Not later than 60 days after the Board is established, the Secretary shall convene a meeting of the members of the Board to incorporate the Foundation.

(ii) QUORUM.—A majority of the members of the Board shall constitute a quorum for purposes of conducting the business of the Board.

(F) DUTIES.—The Board shall—

(i) establish bylaws for the Foundation in accordance with subparagraph (G);

(ii) provide overall direction for the activities of the Foundation and establish priority activities;

(iii) carry out any other necessary activities of the Foundation;

(iv) evaluate the performance of the Executive Director; and

(v) actively solicit and accept funds, gifts, grants, devises, or bequests of real or personal property to the Foundation, including from private entities.

(G) BYLAWS.—

(i) IN GENERAL.—The bylaws established under subparagraph (F)(i) may include—

(I) policies for the selection of Board members, officers, employees, agents, and contractors of the Foundation;

(II) policies, including ethical standards, for—

(aa) the acceptance, solicitation, and disposition of donations and grants to the Foundation, including appropriate limits on the ability of donors to designate, by stipulation or restriction, the use or recipient of donated funds; and

(bb) the disposition of assets of the Foundation;

(III) policies that subject all employees, fellows, trainees, and other agents of the Foundation (including members of the Board) to conflict of interest standards; and

(IV) the specific duties of the Executive Director.

(ii) REQUIREMENTS.—The Board shall ensure that the bylaws of the Foundation and the activities carried out under those bylaws shall not—

(I) reflect unfavorably on the ability of the Foundation to carry out activities in a fair and objective manner; or

(II) compromise, or appear to compromise, the integrity of any governmental agency or program, or any officer or employee employed by, or involved in, a governmental agency or program.

(H) COMPENSATION.—

(i) IN GENERAL.—No member of the Board shall receive compensation for serving on the Board.

(ii) CERTAIN EXPENSES.—In accordance with the bylaws of the Foundation, members of the Board may be reimbursed for travel expenses, including per diem in lieu of subsistence, and other necessary expenses incurred in carrying out the duties of the Board.

(3) PURPOSE.—The purpose of the Foundation is to increase private and philanthropic sector investments that support efforts to create, develop, and commercialize innovative technologies that address crosscutting national energy challenges by methods that include—

(A) fostering collaboration and partnerships with researchers from the Federal Government, State governments, institutions of higher education, federally funded research and development centers, industry, and nonprofit organizations for the research, development, or commercialization of transformative energy and associated technologies;

(B)(i) strengthening regional economic development through scientific and energy innovation; and

(ii) disseminating lessons learned from that development to foster the creation and growth of new regional energy innovation clusters;

(C) promoting new product development that supports job creation;

(D) administering prize competitions to accelerate private sector competition and investment; and

(E) supporting programs that advance technologies from the prototype stage to a commercial stage.

(4) ACTIVITIES.—

(A) STUDIES, COMPETITIONS, AND PROJECTS.—The Foundation may conduct and support studies, competitions, projects, and other activities that further the purpose of the Foundation described in paragraph (3).

(B) FELLOWSHIPS AND GRANTS.—

(i) IN GENERAL.—The Foundation may award fellowships and grants for activities relating to research, development, demonstration, maturation, or commercialization of energy technologies.

(ii) FORM OF AWARD.—A fellowship or grant under clause (i) may consist of a stipend, health insurance benefits, funds for travel, and funds for other appropriate expenses.

(iii) SELECTION.—In selecting a recipient for a fellowship or grant under clause (i), the Foundation—

(I) shall make the selection based on the technical and commercialization merits of the proposed project of the potential recipient; and

(II) may consult with a potential recipient regarding the ability of the potential recipient to carry out various projects that would further the purpose of the Foundation described in paragraph (3).

(iv) NATIONAL LABORATORIES.—A National Laboratory that applies for or accepts a grant under clause (i) shall not be considered to be engaging in a competitive process.

(C) ACCESSING FACILITIES AND EXPERTISE.—The Foundation may work with the Department—

(i) to leverage the capabilities and facilities of National Laboratories to commercialize technology; and

(ii) to assist with resources, including through the development of internet websites that provide information on the capabilities and facilities of each National Laboratory relating to the commercialization of technology.

(D) TRAINING AND EDUCATION.—The Foundation may support programs that provide commercialization training to researchers, scientists, and other relevant personnel at National Laboratories and institutions of higher education to help commercialize federally funded technology.

(E) MATURATION FUNDING.—The Foundation shall support programs that provide maturation funding to researchers to advance the technology of those researchers for the purpose of moving products from a prototype stage to a commercial stage.

(F) STAKEHOLDER ENGAGEMENT.—The Foundation shall convene, and may consult with, representatives from the Department, institutions of higher education, National Laboratories, the private sector, and commercialization organizations to develop programs for the purpose of the Foundation described in paragraph (3) and to advance the activities of the Foundation.

(G) INDIVIDUAL LABORATORY FOUNDATIONS PROGRAM.—

(i) DEFINITION OF INDIVIDUAL LABORATORY FOUNDATION.—In this subparagraph, the term ''Individual Laboratory Foundation'' means a Laboratory Foundation established by a National Laboratory.

(ii) SUPPORT.—The Foundation shall provide support to and collaborate with Individual Laboratory Foundations.

(iii) GUIDELINES AND TEMPLATES.—For the purpose of providing support under clause (ii), the Secretary shall establish suggested guidelines and templates for Individual Laboratory Foundations, including—

(I) a standard adaptable organizational design for the responsible management of an Individual Laboratory Foundation;

(II) standard and legally tenable bylaws and money-handling procedures for Individual Laboratory Foundations; and

(III) a standard training curriculum to orient and expand the operating expertise of personnel employed by an Individual Laboratory Foundation.

(iv) AFFILIATIONS.—Nothing in this subparagraph requires—

(I) an existing Individual Laboratory Foundation to modify current practices or affiliate with the Foundation; or

(II) an Individual Laboratory Foundation to be bound by charter or corporate bylaws as permanently affiliated with the Foundation.

(H) SUPPLEMENTAL PROGRAMS.—The Foundation may carry out supplemental programs—

(i) to conduct and support forums, meetings, conferences, courses, and training workshops consistent with the purpose of the Foundation described in paragraph (3);

(ii) to support and encourage the understanding and development of—

(I) data that promotes the translation of technologies from the research stage, through the development and maturation stage, and ending in the market stage; and

(II) policies that make regulation more effective and efficient by leveraging the technology translation data described in subclause (I) for the regulation of relevant technology sectors;

(iii) for writing, editing, printing, publishing, and vending books and other materials relating to research carried out under the Foundation and the Department; and

(iv) to conduct other activities to carry out and support the purpose of the Foundation described in paragraph (3).

(I) EVALUATIONS.—The Foundation shall support the development of an evaluation methodology, to be used as part of any program supported by the Foundation, that shall—

(i) consist of qualitative and quantitative metrics; and

(ii) include periodic third party evaluation of those programs and other activities of the Foundation.

(J) COMMUNICATIONS.—The Foundation shall develop an expertise in communications to promote the work of grant and fellowship recipients under subparagraph (B), the commercialization successes of the Foundation, opportunities for partnership with the Foundation, and other activities.

(K) SOLICITATION AND USE OF FUNDS.—The Foundation may solicit and accept gifts,

grants, and other donations, establish accounts, and invest and expend funds in support of the activities and programs of the Foundation.

(5) ADMINISTRATION.—

(A) EXECUTIVE DIRECTOR.—The Board shall hire an Executive Director of the Foundation, who shall serve at the pleasure of the Board.

(B) ADMINISTRATIVE CONTROL.—No member of the Board, officer or employee of the Foundation or of any program established by the Foundation, or participant in a program established by the Foundation, shall exercise administrative control over any Federal employee.

(C) STRATEGIC PLAN.—Not later than 1 year after the date of enactment of this Act, the Foundation shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a strategic plan that contains—

(i) a plan for the Foundation to become financially self-sustaining in fiscal year 2022 and thereafter (except for the amounts provided each fiscal year under paragraph (12)(A)(iii));

(ii) a forecast of major crosscutting energy challenge opportunities, including short- and long-term objectives, identified by the Board, with input from communities representing the entities and areas, as applicable, described in paragraph (2)(B)(ii)(II);

(iii) a description of the efforts that the Foundation will take to be transparent in the processes of the Foundation, including processes relating to—

(I) grant awards, including selection, review, and notification;

(II) communication of past, current, and future research priorities; and

(III) solicitation of and response to public input on the opportunities identified under clause (ii); and

(iv) a description of the financial goals and benchmarks of the Foundation for the following 10 years.

(D) ANNUAL REPORT.—Not later than 1 year after the date on which the Foundation is established, and every 2 years thereafter, the Foundation shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Secretary a report that, for the year covered by the report—

(i) describes the activities of the Foundation and the progress of the Foundation in furthering the purpose of the Foundation described in paragraph (3);

(ii) provides a specific accounting of the source and use of all funds made available to the Foundation to carry out those activities;

(iii) describes how the results of the activities of the Foundation could be incorporated into the procurement processes of the General Services Administration; and

(iv) includes a summary of each evaluation conducted using the evaluation methodology described in paragraph (4)(I).

(E) EVALUATION BY COMPTROLLER GENERAL.—Not later than 5 years after the date on which the Foundation is established, the Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives—

(i) an evaluation of—

(I) the extent to which the Foundation is achieving the mission of the Foundation; and

(II) the operation of the Foundation; and

(ii) any recommendations on how the Foundation may be improved.

(F) AUDITS.—The Foundation shall—

(i) provide for annual audits of the financial condition of the Foundation; and

(ii) make the audits, and all other records, documents, and papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

(G) SEPARATE FUND ACCOUNTS.—The Board shall ensure that any funds received under paragraph (12)(A) are held in a separate account from any other funds received by the Foundation.

(H) INTEGRITY.—

(i) IN GENERAL.—To ensure integrity in the operations of the Foundation, the Board shall develop and enforce procedures relating to standards of conduct, financial disclosure statements, conflicts of interest (including recusal and waiver rules), audits, and any other matters determined appropriate by the Board.

(ii) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board is prohibited from any participation in deliberations by the Foundation of a matter that would directly or predictably affect any financial interest of—

(I) the individual;

(II) a relative (as defined in section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.)) of that individual; or

(III) a business organization or other entity in which the individual has an interest, including an organization or other entity with which the individual is negotiating employment.

(I) INTELLECTUAL PROPERTY.—The Board shall adopt written standards to govern the ownership and licensing of any intellectual property rights developed by the Foundation or derived from the collaborative efforts of the Foundation.

(J) LIABILITY.—The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligations of the Foundation.

(K) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Foundation.

(6) DEPARTMENT COLLABORATION.—

(A) NATIONAL LABORATORIES.—The Secretary shall collaborate with the Foundation to develop a process to ensure collaboration and coordination between the Department, the Foundation, and National Laboratories—

(i) to streamline contracting processes between National Laboratories and the Foundation, including by—

(I) streamlining the ability of the Foundation to transfer equipment and funds to National Laboratories;

(II) standardizing contract mechanisms to be used by the Foundation; and

(III) streamlining the ability of the Foundation to fund endowed positions at National Laboratories;

(ii) to allow a National Laboratory or site of a National Laboratory—

(I) to accept and perform work for the Foundation, consistent with provided resources, notwithstanding any other provision of law governing the administration, mission, use, or operations of the National Laboratory or site, as applicable; and

(II) to perform that work on a basis equal to other missions at the National Laboratory; and

(iii) to permit the director of any National Laboratory or site of a National Laboratory to enter into a cooperative research and development agreement or negotiate a licensing agreement with the Foundation pursuant to section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(B) DEPARTMENT LIAISONS.—The Secretary shall appoint liaisons from across the Department to collaborate and coordinate with the Foundation.

(C) ADMINISTRATION.—The Secretary shall leverage appropriate arrangements, contracts, and directives to carry out the process developed under subparagraph (A).

(7) NATIONAL SECURITY.—Nothing in this section exempts the Foundation from any national security policy of the Department.

(8) SUPPORT SERVICES.—The Secretary shall provide facilities, utilities, and support services to the Foundation if it is determined by the Secretary to be advantageous to the research programs of the Department.

(9) ANTI-DEFICIENCY ACT.—Subsection (a)(1) of section 1341 of title 31, United States Code (commonly referred to as the ''Anti-Deficiency Act''), shall not apply to any Federal officer or employee carrying out any activity of the Foundation using funds of the Foundation.

(10) PREEMPTION OF AUTHORITY.—This section shall not preempt any authority or responsibility of the Secretary under any other provision of law.

(11) TRANSFER FUNDS.—The Foundation may transfer funds to the Department, which shall be subject to all applicable Federal limitations relating to federally funded research.

(12) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated—

(i) to the Secretary, not less than $1,500,000 for fiscal year 2021 to establish the Foundation;

(ii) to the Foundation, not less than $30,000,000 for fiscal year 2021 to carry out the activities of the Foundation; and

(iii) to the Foundation, not less than $3,000,000 for fiscal year 2022, and each fiscal year thereafter, for administrative and operational costs.

(B) COST SHARE.—Funds made available under subparagraph (A)(ii) shall be required to be cost-shared by a partner of the Foundation other than the Department.

SA 2676. Mr. COONS 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 end, add the following:

TITLE IV—ENERGIZING TECHNOLOGY TRANSFER

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Energizing Technology Transfer Act of 2020''.

SEC. 4002. DEFINITIONS.

In this title:

(1) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology that, as determined by the Secretary, significantly—

(A) reduces energy use;

(B) increases energy efficiency;

(C) reduces greenhouse gas emissions;

(D) reduces emissions of other pollutants; or

(E) mitigates other negative environmental consequences.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

Subtitle A—National Clean Energy Technology Transfer Programs

SEC. 4101. ENERGY INNOVATION CORPS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTICIPANT.—The term ''eligible participant'' means—

(A) an employee of a National Laboratory;
(B) a researcher;
(C) a student; and
(D) a clean energy entrepreneur, as determined by the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary, acting through the Chief Commercialization Officer appointed under subsection (a)(4) of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391).

(b) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the ''Energy Innovation Corps Program'' (referred to in this section as ''Energy I-Corps''), to support entrepreneurial and commercial application education, training, professional development, and mentorship.

(c) PURPOSES.—The purposes of Energy I-Corps are—

(1) to help eligible participants develop entrepreneurial skills; and

(2) to accelerate the commercial application of clean energy technologies.

(d) ACTIVITIES.—In carrying out Energy I-Corps, the Secretary shall support, including through grants—

(1) market analysis and customer discovery for clean energy technologies;

(2) entrepreneurial and commercial application education, training, and mentoring activities, including workshops, seminars, and short courses;

(3) engagement with private sector entities to identify future research and development activities; and

(4) any other activities that the Secretary determines to be relevant to the purposes described in subsection (c).

(e) STATE AND LOCAL PARTNERSHIPS.—In carrying out Energy I-Corps, the Secretary may engage in partnerships with National Laboratories, State and local governments, economic development organizations, and nonprofit organizations to broaden access to Energy I-Corps and support activities relevant to the purposes described in subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out Energy I-Corps—

(1) for eligible participants described in subsection (a)(1)(A), $3,000,000 for each of fiscal years 2021 through 2025; and

(2) for eligible participants described in subparagraphs (B) through (D) of subsection (a)(1), $3,000,000 for each of fiscal years 2021 through 2025.

SEC. 4102. CLEAN ENERGY TECHNOLOGY TRANSFER COORDINATION.

(a) IN GENERAL.—The Secretary, acting through the Chief Commercialization Officer appointed under subsection (a)(4) of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391), shall support the coordination of relevant technology transfer programs, including programs authorized under this subtitle and section 4202, that advance the commercial application of clean energy technologies nationally and across all energy sectors.

(b) ACTIVITIES.—In carrying out subsection (a), the Secretary may—

(1) facilitate the sharing of information on best practices for successful operation of clean energy technology transfer programs;

(2) coordinate resources and improve cooperation among clean energy technology transfer programs;

(3) organize national platforms or events for showcasing innovative companies and entrepreneurs and promoting networking with prospective investors and partners;

(4) facilitate connections between entrepreneurs and startup companies and Department programs related to clean energy technology transfer; and

(5) facilitate the development of metrics to measure the impact of clean energy technology transfer programs on—

(A) advancing the development, demonstration, and commercial application of clean energy technologies;

(B) job creation and workforce development, including in low-income communities;

(C) increasing the competitiveness of the United States in the clean energy sector, including in manufacturing; and

(D) the advancement of clean energy technology companies led by entrepreneurs from underrepresented backgrounds.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $3,000,000 for each of fiscal years 2021 through 2025.

Subtitle B—Technology Development at National Laboratories

SEC. 4201. LAB PARTNERING SERVICE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PILOT PROGRAM.—The term ''pilot program'' means the Lab Partnering Service Pilot Program established under subsection (b).

(2) SECRETARY.—The term ''Secretary'' means the Secretary, acting through the Chief Commercialization Officer appointed under subsection (a)(4) of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391).

(b) ESTABLISHMENT.—The Secretary shall establish a pilot program, to be known as the ''Lab Partnering Service Pilot Program''—

(1) to provide services that encourage and support partnerships between the National Laboratories and public and private sector entities; and

(2) to improve communication of research, development, demonstration, and commercial application projects and opportunities at the National Laboratories to potential partners.

(c) EXISTING PROGRAM.—The pilot program may be established within, or as an expansion of, an existing Department program.

(d) ACTIVITIES.—In carrying out the pilot program, the Secretary shall—

(1) conduct outreach to and engage with relevant public and private sector entities;

(2) identify and disseminate best practices for strengthening connections between the National Laboratories and public and private sector entities; and

(3) develop a website to disseminate information on—

(A) different partnering mechanisms for working with the National Laboratories;

(B) National Laboratory experts and research areas; and

(C) National Laboratory facilities and user facilities.

(e) COORDINATION.—In carrying out the pilot program, the Secretary shall coordinate with the Directors and dedicated technology transfer staff of the National Laboratories, with a focus on matchmaking services for individual projects led by the National Laboratories.

(f) METRICS.—The Secretary shall collaborate with program evaluation experts to develop metrics to determine—

(1) the effectiveness of the pilot program in achieving the purposes described in subsection (b); and

(2) the number and types of partnerships established between public and private sector entities and the National Laboratories compared to historical trends.

(g) FUNDING EMPLOYEE PARTNERING ACTIVITIES.—The Secretary shall delegate to the Directors of the National Laboratories the authority to establish, without regard to title 5, United States Code, or any regulation issued under that title, a mechanism for compensating National Laboratory employees providing services under the pilot program.

(h) DURATION.—Subject to the availability of appropriations, the pilot program shall operate for not less than 3 years.

(i) EVALUATION.—Not later than 180 days after the date on which the pilot program terminates, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that—

(1) evaluates the success of the pilot program in achieving the purposes of the pilot program; and

(2) includes an analysis of the performance of the pilot program based on the metrics developed under subsection (f).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $3,700,000 for each of fiscal years 2021 through 2023, of which $1,700,000 each fiscal year shall be used to carry out subsection (g).

SEC. 4202. LAB-EMBEDDED ENTREPRENEURSHIP PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COVERED PROGRAM.—The term ''covered program'' means a lab-embedded entrepreneurship program established or supported by an eligible entity using a grant awarded under the program.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a National Laboratory;
(B) a nonprofit organization;
(C) an institution of higher education; and
(D) a federally owned corporation.

(3) ENTREPRENEURIAL FELLOW.—The term ''entrepreneurial fellow'' means an individual participating in a covered program.

(4) PROGRAM.—The term ''program'' means the Lab-Embedded Entrepreneurship Program authorized under subsection (b).

(b) PROGRAM.—The Secretary shall continue the program within the Office of Energy Efficiency and Renewable Energy known as the ''Lab-Embedded Entrepreneurship Program'', under which the Secretary, or a designee of the Secretary at a National Laboratory, shall award grants to eligible entities for the purpose of establishing or supporting a covered program.

(c) PURPOSE.—The purpose of a covered program is to provide entrepreneurial fellows with access to National Laboratory research facilities, expertise, and mentorship—

(1) to perform research and development; and

(2) to gain expertise that may be required or beneficial for the commercial application of research ideas.

(d) ENTREPRENEURIAL FELLOWS.—

(1) IN GENERAL.—In participating in a covered program, an entrepreneurial fellow shall be provided—

(A) by the Secretary or an eligible entity, with—

(i) opportunities for entrepreneurial training, professional development, and networking through exposure to leaders from academia, industry, government, and finance, who may serve as advisors to or partners of an entrepreneurial fellow;

(ii) financial and technical support for research, development, and commercial application activities;

(iii) fellowship awards to cover costs of living, health insurance, and travel stipends for the duration of the fellowship; and

(iv) any other resources determined appropriate by the Secretary; and

(B) by an eligible entity with—

(i) access to the facilities and expertise of staff of a National Laboratory;

(ii) engagement with external stakeholders; and

(iii) market and customer development opportunities.

(2) PRIORITY.—In carrying out a covered program, an eligible entity shall give priority to supporting entrepreneurial fellows with respect to professional development and development of a relevant technology.

(e) METRICS.—The Secretary shall support the development of short-term and long-term metrics to assess the effectiveness of covered programs in achieving the purposes of the program.

(f) COORDINATION; INTERAGENCY COLLABORATION.—The Secretary shall—

(1) oversee the planning and coordination of grants awarded under the program; and

(2) collaborate with other Federal agencies, including the Department of Defense, regarding opportunities for Federal agencies to partner with covered programs.

(g) BEST PRACTICES.—The Secretary shall identify and disseminate to eligible entities best practices for achieving the purposes of the program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2021 through 2025.

SEC. 4203. SMALL BUSINESS VOUCHER PROGRAM.

Section 1003 of the Energy Policy Act of 2005 (42 U.S.C. 16393) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(B) in the matter preceding subparagraph (A) (as so redesignated)—

(i) , by striking ''and may require the Director of a single-purpose research facility'' and inserting ''the Director of each single-purpose research facility, and the Director of each covered facility''; and

(ii) by striking ''The Secretary'' and inserting the following:

''(1) DEFINITION OF COVERED FACILITY.—In this subsection, the term 'covered facility' means a national security laboratory or nuclear weapons production facility (as those terms are defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)) that the Administrator of the National Nuclear Security Administration determines is within the mission of a program established under subsection (b) or (c).

''(2) RESPONSIBILITIES.—The Secretary''; and

(C) in paragraph (2) (as so designated)—

(i) in subparagraph (A) (as so redesignated)—

(I) by striking ''increase'' and inserting ''encourage'';

(II) by striking ''collaborative research,'' and inserting ''research, development, demonstration, commercial application activities, including product development,''; and

(III) by striking ''Laboratory or single-purpose research facility'' and inserting ''Laboratory, single-purpose research facility, or covered facility, as applicable'';

(ii) in subparagraph (B) (as so redesignated)—

(I) by striking ''Laboratory or single-purpose research facility'' and inserting ''Laboratory, single-purpose research facility, or covered facility, as applicable,''; and

(II) by striking ''procurement and collaborative research along with'' and inserting ''the activities described in subparagraph (A) and'';

(iii) in subparagraph (C) (as so redesignated)—

(I) by inserting ''facilities,'' before ''training''; and

(II) by striking ''procurement and collaborative research activities'' and inserting ''the activities described in subparagraph (A)'';

(iv) in subparagraph (D) (as so redesignated), by striking ''Laboratory or single-purpose research facility'' and inserting ''Laboratory, single-purpose research facility, or covered facility, as applicable,''; and

(v) in subparagraph (E) (as so redesignated)—

(I) by striking ''for the program under subsection (b)'' and inserting ''and metrics for the programs under subsections (b) and (c)''; and

(II) by striking ''Laboratory or single-purpose research facility'' and inserting ''Laboratory, single-purpose research facility, or covered facility, as applicable'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

''(c) SMALL BUSINESS VOUCHER PROGRAM.—

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

''(A) COVERED FACILITY.—The term 'covered facility' means a national security laboratory or nuclear weapons production facility (as those terms are defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)) that the Administrator of the National Nuclear Security Administration determines is within the mission of the program.

''(B) DIRECTOR.—The term 'Director' means—

''(i) the Director of a National Laboratory;

''(ii) the Director of a single-purpose research facility; and

''(iii) the Director of a covered facility.

''(C) PROGRAM.—The term 'program' means the program established under paragraph (2).

''(2) ESTABLISHMENT.—The Secretary, acting through the Chief Commercialization Officer appointed under section 1001(a)(4), and in consultation with the Directors, shall establish a program to provide small business concerns with vouchers—

''(A) to achieve the goal described in subsection (a)(1)(A); and

''(B) to improve the products, services, and capabilities of small business concerns in the mission space of the Department.

''(3) VOUCHERS.—Vouchers provided under the program shall be used at National Laboratories, single-purpose research facilities, and covered facilities for—

''(A) research, development, demonstration, technology transfer, or commercial application activities; or

''(B) any other activity that the applicable Director determines appropriate.

''(4) EXPEDITED CONTRACTING.—The Secretary, in collaboration with the Directors, shall establish a streamlined approval process for expedited contracting between—

''(A) a small business concern selected to receive a voucher under the program; and

''(B) a National Laboratory, single-purpose research facility, or covered facility.

''(5) COST-SHARING REQUIREMENT.—In carrying out the program, the Secretary shall require cost-sharing in accordance with section 988.

''(6) ANNUAL REPORT.—The Secretary shall include in the annual report required under section 1001(f)(2) a description of the implementation and progress of the program, including, for the year covered by the report, the number and locations of small business concerns that have received vouchers under the program.''; and

(4) in subsection (e) (as so redesignated), by striking ''this section'' and all that follows through the period at the end and inserting ''subsection (c) $25,000,000 for each of fiscal years 2021 through 2025.''.

SEC. 4204. ENTREPRENEURIAL LEAVE PROGRAM.

(a) IN GENERAL.—The Secretary shall delegate to each Director of a National Laboratory the authority to carry out an entrepreneurial leave program (referred to in this section as a ''leave program'') to allow employees of the National Laboratory to take, for the purpose of advancing the commercial application of energy and related technologies relevant to the mission of the Department, and notwithstanding any provision of title 5, United States Code, or any regulation issued under that title—

(1) a full leave of absence, with the option to return to the same or comparable position not more than 3 years after the date on which the full leave of absence begins; or

(2) a partial leave of absence.

(b) TERMINATION AUTHORITY.—Notwithstanding any provision of title 5, United States Code, or any regulation issued under that title, each Director of a National Laboratory may remove any National Laboratory employee who participates in a leave program if the employee is found to violate the terms by which that employee is employed.

(c) LICENSING.—To reduce barriers to participation in a leave program, the Secretary shall require each Director of a National Laboratory to establish streamlined mechanisms for facilitating the licensing of technology that is the focus of a National Laboratory employee who participates in a leave program.

(d) REPORT.—The Secretary shall include in each updated technology transfer execution plan submitted under subsection (f)(2) of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) information on the implementation of the leave program, including, for the year covered by the report—

(1) the number of employees that have participated in the program at each National Laboratory; and

(2) the number of employees that have taken a permanent leave of absence.

SEC. 4205. OUTSIDE EMPLOYMENT AND ACTIVITIES FOR NATIONAL LABORATORY EMPLOYEES.

(a) IN GENERAL.—The Secretary shall delegate to each Director of a National Laboratory the authority to allow an employee of that National Laboratory, notwithstanding any provision of title 5, United States Code, or any regulation issued under that title—

(1) to engage in and receive compensation for outside employment, including providing consulting services, relating to licensing technologies developed at a National Laboratory or an area of expertise of the employee at the National Laboratory;

(2) to engage in other outside activities related to the area of expertise of the employee at the National Laboratory; and

(3) in the course of that outside employment or activity, to access the National Laboratories under the same contracting mechanisms as nonlaboratory employees and entities, in accordance with appropriate conflict of interest protocols.

(b) REQUIREMENTS.—If a Director of National Laboratory elects to use the authority delegated under subsection (a), the Director, or a designee, shall—

(1) require employees to obtain approval from the Director or the designee prior to engaging in the outside employment or activity described in that subsection;

(2) develop and require appropriate conflict of interest protocols for employees that engage in that outside employment or activity; and

(3) maintain the authority to terminate an employee engaging in that outside employment or activity if the employee is found to violate the applicable terms of employment, including conflict of interest protocols.

(c) RESTRICTIONS.—An employee of a National Laboratory engaging in outside employment or activity permitted under subsection (a) may not, in the course of or due to that outside employment or activity—

(1) sacrifice, hamper, or impede the duties of the employee at the National Laboratory;

(2) use National Laboratory equipment, property, or resources unless that use is in accordance with a National Laboratory contracting mechanism, such as a cooperative research and development agreement or a strategic partnership project, under which

all relevant conflict of interest requirements apply; or

(3) use the position of the employee at a National Laboratory to provide an unfair competitive advantage to an outside employer or startup activity.

(d) REPORT.—The Secretary shall include in each updated technology transfer execution plan submitted under subsection (f)(2) of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) information on the use of the authority delegated under this section.

Subtitle C—Department of Energy Modernization

SEC. 4301. MANAGEMENT OF LARGE DEMONSTRATION PROJECTS.

(a) DEFINITION OF COVERED PROJECT.—In this section, the term ''covered project'' means a Department demonstration project that receives or is eligible to receive not less than $50,000,000 in funding from the Department.

(b) ESTABLISHMENT.—The Secretary, in coordination with the heads of relevant Department program offices, shall establish a program to conduct project management and oversight of covered projects, including by—

(1) conducting evaluations of covered project proposals prior to selection of a project for funding;

(2) conducting independent oversight of the execution of a covered project after funding has been awarded for that project; and

(3) ensuring a balanced portfolio of investments in clean energy technology demonstration projects.

(c) DUTIES.—The head of the program established under subsection (b), in coordination with the heads of relevant Department program offices, shall—

(1) evaluate covered project proposals, including scope, technical specifications, maturity of design, funding profile, estimated costs, proposed schedule, proposed technical and financial milestones, and potential for commercial success based on economic and policy projections;

(2) develop independent cost estimates of covered project proposals, if appropriate;

(3) recommend to the Director of a program office whether to fund a covered project proposal, as appropriate;

(4) oversee the execution of covered projects, including reconciling estimated costs compared to actual costs;

(5) conduct reviews of ongoing covered projects, including—

(A) evaluating the progress of a covered project based on the proposed schedule and technical and financial milestones; and

(B) providing those evaluations to the Secretary; and

(6) assess lessons learned and implement improvements to evaluate and oversee covered projects.

(d) PROJECT TERMINATION.—Notwithstanding any other provision of law, if a covered project receives an unfavorable review under subsection (c)(5), the Director of the Department program office funding that project, or a designee of that Director, may cease funding the project and reallocate the remaining funds to a new or existing covered project carried out by that program office.

(e) EMPLOYEES.—To carry out the program established under subsection (b), the Secretary—

(1) shall appoint at least 2 full-time employees; and

(2) may hire personnel pursuant to section 4306.

(f) COORDINATION.—In carrying out the program established under subsection (b), the Secretary shall coordinate with—

(1) project management and acquisition management entities within the Department, including the Office of Project Management; and

(2) professional organizations in project management, construction, cost estimation, and other relevant fields.

(g) REPORT BY SECRETARY.—The Secretary shall include in each updated technology transfer execution plan submitted under subsection (f)(2) of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) information on the implementation of and progress made under the program established under subsection (b), including, for the year covered by the report—

(1) the covered projects under the purview of the program; and

(2) the review of each covered project under subsection (c)(5).

(h) REPORT BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives an evaluation of the operation of the program established under subsection (b), including—

(1) the processes and procedures used to evaluate covered project proposals and oversee covered projects; and

(2) any recommended changes to the program, including to—

(A) the processes and procedures described in paragraph (1); and

(B) the structure of the program, for the purpose of better carrying out the program.

SEC. 4302. STREAMLINING PRIZE COMPETITIONS.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) (as amended by section 1301(f)) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (i), (e), and (f), respectively, and moving those subsections so as to appear in alphabetical order; and

(2) by inserting after subsection (f) (as so redesignated) the following:

''(g) COORDINATION.—In carrying out a program under subsection (a), and for any prize competition carried out under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Secretary shall—

''(1) designate at least 1 full-time employee to serve as a Department-wide point of contact for the program or prize competition, as applicable;

''(2) issue Department-wide guidance on the design, development, and implementation of a prize competition;

''(3) collect and disseminate best practices on the design and administration of a prize competition;

''(4) streamline contracting mechanisms for the implementation of a prize competition; and

''(5) provide training and prize competition design support, as necessary, to Department staff to develop prize competitions and challenges.

''(h) REPORT.—The Secretary shall include in the annual report required under section 1001(f)(2) a description of, with respect to the programs carried out under subsection (a) and prize competitions carried out under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), for each year covered by the report—

''(1) each program and prize competition carried out;

''(2) the total amount of prizes awarded and the total amount of private sector contributions, if applicable;

''(3) the methods used for solicitation and evaluation; and

''(4) the manner in which each prize competition advances the mission of the Department.''.

SEC. 4303. EXTENSION OF OTHER TRANSACTION AUTHORITY.

Section 646(g)(10) of the Department of Energy Organization Act (42 U.S.C. 7256(g)(10) is amended by striking ''2020'' and inserting ''2030''.

SEC. 4304. MILESTONE-BASED DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Pursuant to section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)), the Secretary shall establish a program under which the Secretary shall award funds to eligible entities, as determined by the Secretary, to carry out milestone-based demonstration projects that require technical and financial milestones to be met before the eligible entity is awarded funds.

(b) PROPOSALS.—An eligible entity shall submit to the Secretary a proposal to carry out a milestone-based demonstration project at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a business plan, which may include a plan for scalable manufacturing;

(2) a plan for raising private sector investment; and

(3) proposed technical and financial milestones, including estimated project timelines and total costs.

(c) AWARDS.—

(1) IN GENERAL.—The Secretary shall award funds of a predetermined amount under subsection (a)—

(A) for projects that successfully meet project milestones; and

(B) for expenses determined reimbursable by the Secretary, in accordance with terms negotiated for the award of funds.

(2) COST RESPONSIBILITY.—An eligible entity that receives funds under subsection (a) shall be responsible for the costs of the milestone-based demonstration project until—

(A) the applicable technical and financial milestones are achieved; or

(B) reimbursable expenses are reviewed and verified by the Department.

(3) FAILURE TO MEET MILESTONES.—If an eligible entity that receives funds under subsection (a) does not meet the milestones of the milestone-based demonstration project, the Secretary or a designee may cease funding the project and reallocate the remaining funds to new or existing milestone-based demonstration projects.

(d) PROJECT MANAGEMENT.—In carrying out the program established under subsection (a), including in assessing the completion of milestones in each milestone-based demonstration project awarded funds under the program, the Secretary—

(1) shall consult with experts that represent diverse perspectives and professional experiences, including experts from the private sector, to ensure a complete and thorough review;

(2) shall communicate regularly with selected eligible entities; and

(3) may allow for flexibilities in adjusting the technical and financial milestones of a milestone-based demonstration project as the demonstration project matures.

(e) COST-SHARING.—Each milestone-based demonstration project awarded funds under subsection (a) shall require cost-sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(f) REPORT.—The Secretary shall include in each updated technology transfer execution plan submitted under subsection (f)(2) of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) information on the implementation of and progress made under the program established under subsection (a), including, for the year covered by the report, each milestone-based demonstration project awarded funds under the program.

SEC. 4305. COST-SHARING.

(a) TERMINATION DATE EXTENSION FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.—Section 988(b)(4)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)(4)(B)) is amended by striking ''this paragraph'' and inserting ''the Energizing Technology Transfer Act of 2020''.

(b) REPORTS.—Section 108(b) of the Department of Energy Research and Innovation Act (Public Law 115–246; 132 Stat. 3134) is amended by striking ''this Act'' each place it appears and inserting ''the Energizing Technology Transfer Act of 2020''.

SEC. 4306. SPECIAL HIRING AUTHORITY FOR SCIENTIFIC, ENGINEERING, AND PROJECT MANAGEMENT PERSONNEL.

(a) IN GENERAL.—Without regard to the civil service laws, the Secretary may—

(1) make appointments of scientific, engineering, and professional personnel to assist the Department in meeting specific project or research needs;

(2) fix the basic pay of an employee appointed under paragraph (1) at a rate to be determined by the Secretary, but not in excess of the rate of pay for level II of the Executive Schedule under section 5313 of title 5, United States Code; and

(3) pay an employee appointed under paragraph (1) payments in addition to basic pay, except that the total amount of additional payments for any 12-month period shall not exceed the lesser of—

(A) $25,000;

(B) the amount equal to 25 percent of the annual rate of basic pay of that employee; and

(C) the amount of the limitation in a calendar year under section 5307(a)(1) of title 5, United States Code.

(b) TERM.—With respect to an employee appointed under subsection (a)(1)—

(1) the term of such an employee shall be for a period that is not longer than 3 years, unless a longer term is explicitly authorized under law; and

(2) notwithstanding any provision of title 5, United States Code, or any regulation issued under that title, the Secretary may remove any such employee at any time based on—

(A) the performance of the employee; or

(B) changing project or research needs of the Department.

Subtitle D—Reports

SEC. 4401. UPDATED TECHNOLOGY TRANSFER EXECUTION PLAN REPORT.

Subsection (f)(2) of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) (as redesignated by section 1805(a)(4)) is amended by striking ''Congress'' and all that follows through the period at the end and inserting the following: ''Congress—

''(A) an updated execution plan; and

''(B) a report that, for the year covered by the report—

''(i) describes progress toward meeting the goals set forth in the execution plan;

''(ii) describes the funds expended under subsection (c); and

''(iii) contains any other information required to be included in the report—

''(I) under this title; and

''(II) under the Energizing Technology Transfer Act of 2020.''.

SEC. 4402. REPORT ON SHORT- AND LONG-TERM METRICS.

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that, with respect to each program established under sections 4101 and 4202—

(1) includes an evaluation of the program; and

(2) describes the extent to which the program is achieving the purposes of the program, based on relevant short-term and long-term metrics, including any metrics developed under the program, if applicable.

SEC. 4403. REPORT ON TECHNOLOGY TRANSFER GAPS.

Not later than 3 years after the date of enactment of this Act, the Secretary shall—

(1) seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to study existing programmatic gaps in the commercial application of technologies among National Laboratories under programs supported by the Department; and

(2) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the findings of the study under paragraph (1).

SA 2677. Mr. PORTMAN (for Mr. MARKEY (for himself, Mr. WICKER, and Mr. BLUMENTHAL)) proposed an amendment to the bill S. 3681, to require a joint task force on air travel during and after the COVID–19 Public Health Emergency, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ensuring Health Safety in the Skies Act of 2020''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Joint Federal Advisory Committee established under section 4.

(2) AIR TRAVEL.—The term ''air travel'' includes international air travel.

(3) COVID–19 PUBLIC HEALTH EMERGENCY.—The term ''COVID–19 public health emergency'' means the public health emergency first declared on January 31, 2020, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19 and includes any renewal of such declaration pursuant to such section 319.

(4) JOINT TASK FORCE.—The term ''Joint Task Force'' means the Joint Task Force on Air Travel During and After the COVID–19 Public Health Emergency established under section 3(a).

SEC. 3. JOINT TASK FORCE ON AIR TRAVEL DURING AND AFTER THE COVID–19 PUBLIC HEALTH EMERGENCY.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall establish the Joint Task Force on Air Travel During and After the COVID–19 Public Health Emergency.

(b) DUTIES.—

(1) IN GENERAL.—The Joint Task Force shall develop recommended requirements, plans, and guidelines to address the health, safety, security, and logistical issues relating to—

(A) the continuation of air travel during the COVID–19 public health emergency; and

(B) the resumption of full operations at airports and increased passenger air travel after the COVID–19 public health emergency.

(2) RECOMMENDATIONS.—The recommendations developed under paragraph (1), with respect to the applicable periods described in paragraph (3), shall include—

(A) modifying airport, air carrier, security (including passenger security screening), and other operations related to passenger air travel, including passenger queuing, boarding, deplaning, and baggage handling procedures, as a result of—

(i) current and anticipated changes to passenger air travel during and after the COVID–19 public health emergency; and

(ii) anticipated changes to passenger air travel resulting from any seasonal recurrence of the coronavirus;

(B) mitigating the public health and economic impacts of the COVID–19 public health emergency and any seasonal recurrence of the coronavirus on airports and passenger air travel (including through the use of personal protective equipment, the implementation of strategies to promote overall passenger and employee safety, and the accommodation of social distancing as feasible and necessary);

(C) addressing privacy and civil liberty issues that may arise from passenger health screenings, contact-tracing, or other processes used to monitor the health of individuals engaged in air travel; and

(D) operating procedures to manage future public health crises that can be anticipated, to the extent such public health crises may impact air travel.

(3) APPLICABLE PERIODS.—For purposes of paragraph (2), the applicable periods described in this paragraph are the following periods:

(A) The period beginning on the date of the first meeting of the Joint Task Force and ending on the last day of the COVID–19 public health emergency.

(B) The 1-year period beginning on the day after the end of the period described in subparagraph (A).

(c) ACTIVITIES OF THE JOINT TASK FORCE.—

(1) IN GENERAL.—In developing the recommended requirements, plans, and guidelines under subsection (b), and prior to including such recommendations in the final report required under section 5(b), the Joint Task Force shall—

(A) conduct cost-benefit evaluations regarding such recommendations, including costs impacting air operations and impacts on air travel;

(B) consider funding constraints;

(C) use risk-based decision-making; and

(D) consult with the Advisory Committee established in section 4(a) and consider any consensus policy recommendations of the Advisory Committee submitted under section 4(b).

(2) INTERNATIONAL CONSULTATION.—The Joint Task Force shall consult, as practicable, with relevant international entities and operators, including the International Civil Aviation Organization, to harmonize (to the extent possible) recommended requirements, plans, and guidelines for air travel during and after the COVID–19 public health emergency.

(d) MEMBERSHIP.—

(1) CHAIR.—The Secretary of Transportation (or the Secretary's designee) shall serve as Chair of the Joint Task Force.

(2) VICE-CHAIR.—The Secretary of Health and Human Services (or the Secretary's designee) shall serve as Vice-Chair of the Joint Task Force.

(3) OTHER MEMBERS.—In addition to the Chair and Vice-Chair, the members of the Joint Task Force shall include representatives of the following:

(A) The Department of Transportation.

(B) The Department of Homeland Security.

(C) The Department of Health and Human Services.

(D) The Federal Aviation Administration.

(E) The Transportation Security Administration.

(F) U.S. Customs and Border Protection.

(G) The Centers for Disease Control and Prevention.

(H) The Occupational Safety and Health Administration.

(I) The National Institute for Occupational Safety and Health.

(J) The Pipeline and Hazardous Materials Safety Administration.

(K) The Department of State.

(L) The Environmental Protection Agency.

SEC. 4. JOINT FEDERAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 15 days after the date on which the Joint Task Force is established under section 3(a), the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall establish a Joint Federal Advisory Committee to advise the Joint Task Force.

(b) DUTIES OF THE ADVISORY COMMITTEE.—The Advisory Committee shall develop and submit consensus policy recommendations to the Joint Task Force for the Joint Task Force to consider when developing recommendations under section 3(b).

(c) MEMBERSHIP.—The members of the Advisory Committee shall include representatives of the following:

(1) Airport operators designated by the Secretary of Transportation in consultation with the Secretary of Homeland Security.

(2) Air carriers designated by the Secretary of Transportation.

(3) Aircraft and aviation manufacturers designated by the Secretary of Transportation.

(4) Labor organizations representing—

(A) aviation industry workers (including pilots, flight attendants, engineers, maintenance, mechanics, air traffic controllers, and safety inspectors) designated by the Secretary of Transportation; and

(B) security screening personnel designated by the Secretary of Homeland Security.

(5) Public health experts designated by the Secretary of Health and Human Services.

(6) Organizations representing airline passengers designated by the Secretary of Transportation.

(7) Privacy and civil liberty organizations designated by the Secretary of Homeland Security.

(8) Manufacturers and integrators of passenger screening and identity verification technologies designated by the Secretary of Homeland Security.

(9) Trade associations representing air carriers (including major passenger air carriers, low-cost passenger air carriers, regional passenger air carriers, cargo air carriers, and foreign passenger air carriers) designated by the Secretary of Transportation in consultation with the Secretary of Homeland Security.

(10) Trade associations representing airport operators (including large hub, medium hub, small hub, nonhub primary, and nonprimary commercial service airports) designated by the Secretary of Transportation in consultation with the Secretary of Homeland Security.

(d) VACANCIES.—Any vacancy in the membership of the Advisory Committee shall not affect its responsibilities but shall be filled in the same manner as the original appointment and in accordance with the Federal Advisory Committee Act (5 U.S.C. App).

(e) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall not receive any compensation from the Federal Government by reason of their service on the Advisory Committee.

(f) PUBLICATION.—Not later than 14 days after the date on which the Advisory Committee submits policy recommendations to the Joint Task Force pursuant to subsection (b), the Secretary of Transportation shall publish such policy recommendations on a publicly accessible website.

SEC. 5. BRIEFINGS AND REPORTS.

(a) PRELIMINARY BRIEFINGS.—As soon as practicable, but not later than 6 months after the date on which the Joint Task Force is established under section 3(a), the Joint Task Force shall begin providing preliminary briefings to Congress on the status of the development of the recommended requirements, plan, and guidelines under section 3(b). The preliminary briefings shall include interim versions, if any, of the recommendations of the Joint Task Force.

(b) FINAL REPORT.—

(1) DEADLINE.—As soon as practicable, but not later than 18 months after the date of enactment of this Act, the Joint Task Force shall submit a final report to Congress.

(2) CONTENT.—The final report shall include the following:

(A) All of the recommended requirements, plans, and guidelines developed by the Joint Task Force under section 3(b), and a description of any action taken by the Federal Government as a result of such recommendations.

(B) Consensus policy recommendations submitted by the Advisory Committee under section 4(b), and an explanation (including data and risk analysis) of any action by the Joint Task Force in response to such recommendations.

SEC. 6. TERMINATION.

The Joint Task Force and the Advisory Committee shall terminate 30 days after the date on which the Joint Task Force submits the final report required under section 5(b).

AUTHORITY FOR COMMITTEES TO MEET

Mr. LANKFORD. Mr. President, I have 3 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 COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, September 30, 2020, at 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 Wednesday, September 30, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, September 30, 2020, at 10 a.m., to conduct a hearing.

RESOLUTIONS SUBMITTED TODAY

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 730 through S. Res. 741.

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

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. PORTMAN. I know of no further debate on the resolutions.

The PRESIDING OFFICER. If there is no further debate, the question is on adoption of the resolutions en bloc.

The resolutions were agreed to.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the preambles, where applicable, be agreed to and that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

HONORING THE LIFE AND LEGACY OF COYA KNUTSON

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 687 and the Senate proceed to its immediate consideration.

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. 687) honoring the life and legacy of Coya Knutson.

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and 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. 687) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 10, 2020, under ''Submitted Resolutions.'')

RECOGNIZING 100 YEARS OF SERVICE BY CHIEF PETTY OFFICERS IN THE UNITED STATES COAST GUARD

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration and the Senate now proceed to S. Res. 694.

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