

# AMENDING THE NUTRIA ERADICATION AND CONTROL ACT OF 2003 TO INCLUDE CALIFORNIA IN THE PROGRAM

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 4403 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 4403) to amend the Nutria Eradication and Control Act of 2003 to include California in the program, and for other purposes.

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

Mr. KENNEDY. Mr. President, though my bill, S. 4403, a bill to amend the Nutria Eradication and Control Act of 2003 to include California in the program, amends P.L. 108-16, which calls specifically for the Secretary to “require that the program consist of management, research, and public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled ‘Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds’ dated March 2002” and to “give consideration to the 2002 report from the Louisiana Department of Wildlife and Fisheries titled ‘Nutria in Louisiana,’” the Secretary and State participants should also consider data that has been established since 2002, in developing strategies for the eradication of Nutria.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the bill be considered read a third time.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. PORTMAN. I know of no further debate on this bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 4403) was passed, as follows:

S. 4403

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

## SECTION 1. NUTRIA ERADICATION.

The Nutria Eradication and Control Act of 2003 (Public Law 108-16) is amended—

(1) in section 2—

(A) in subsection (a)—

(i) in paragraph (1), by striking “Wetlands and tidal marshes of the Chesapeake Bay and in Louisiana” and inserting “Wetlands, tidal marshes, and agricultural lands”;

(ii) in paragraph (2), by striking “in Maryland and Louisiana”;

(iii) by amending paragraph (3) to read as follows:

“(3) Traditional harvest methods to control or eradicate nutria have failed. Consequently, marsh loss, loss of public and pri-

vate wetlands, and loss of agricultural lands are accelerating.”; and

(B) in subsection (b), by striking “the State of Maryland and the State of Louisiana” and inserting “any State that has demonstrated the need”; and

(2) in section 3—

(A) by amending subsection (a) to read as follows:

“(a) GRANT AUTHORITY.—The Secretary of the Interior (referred to in this Act as the ‘Secretary’), may provide financial assistance to a State, in an amount that is in proportion to the total impacted area of such State affected by nutria, that has demonstrated to the Secretary sufficient need for a program to implement measures to eradicate or control nutria and restore marshland, public and private wetlands, and agricultural lands damaged by nutria.”;

(B) by striking subsection (b);

(C) in subsection (d)—

(i) in paragraph (1), by striking “the program may” and inserting “a State program referred to in subsection (a) may”; and

(ii) in paragraph (2), by striking “the program may” and inserting “a State program referred to in subsection (a) may”;

(D) in subsection (e), by inserting “to a State” after “provided”;

(E) in subsection (f), by striking “\$4,000,000” and all that follows and inserting “\$12,000,000 for each of fiscal years 2021 through 2025.”; and

(F) by redesignating subsections (c) through (f) as subsections (b) through (e).

Passed the Senate September 30 (legislative day, September 29), 2020.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

## EXTENSION OF THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 991 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 991) to extend certain provisions of the Caribbean Basin Economic Recovery Act until September 30, 2030, and for other purposes.

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

Mr. PORTMAN. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 991) was ordered to a third reading, was read the third time, and passed.

## PROTECTING BUSINESS OPPORTUNITIES FOR VETERANS ACT OF 2019

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Com-

mittee on Veterans’ Affairs be discharged from further consideration of H.R. 561 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 561) to amend title 38, United States Code, to improve the oversight of contracts awarded by the Secretary of Veterans Affairs to small business concerns owned and controlled by veterans, and for other purposes.

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

Mr. CARDIN. Mr. President, I wish to enter into a colloquy with Senators MORAN and TESTER, the chairman and ranking member of the Senate Committee on Veterans’ Affairs, to discuss H.R. 561, the Protecting Business Opportunities for Veterans Act.

H.R. 561 is important legislation that seeks to prevent large companies from using a veteran-owned small business as a front to win a small business set-aside or sole-source contract that the small business contractor is incapable of performing. To prevent this, H.R. 561 places certain subcontracting limitations on the Department of Veterans’ Affairs Vet’s First contracting program. For the agency’s small business set-asides for veteran-owned and service-disabled veteran-owned small businesses, the small business prime would need to certify that it will perform 50 percent more of the work. This limitation on subcontracting can only be circumvented if the small business prime subcontracts to a “similarly situated” business.

However, as ranking member of the Senate Small Business and Entrepreneurship Committee, I have two concerns with this legislation.

The first concern is that all the penalties for violating the limitations on subcontracting fall on the small business prime contractor and does not provide the agency with the flexibility to impose penalties on the subcontractor that is using the small business as a front to win the contract. This is inconsistent with similar Small Business Administration regulations governing other small business set-asides that provide the necessary flexibility to penalize the appropriate party.

The second concern is that the bill requires the Department of Veterans’ Affairs to monitor compliance by using a reporting system that is not used by small business prime contractors because small businesses are exempt from the requirement to provide a small business subcontracting plan. The current system does not have the capability to record compliance on limitations of subcontracting and a system has not been established by the Small Business Administration. Simply put, there is no system in place for small businesses to report into and needs to be created.

While I recognize the importance and need for H.R. 561 and believe it should be sent to the President for his signature, would the chair and ranking member of the Senate Veterans Affairs Committee provide assurances that we can work together on future legislation to address my concerns?

Mr. MORAN. Yes.

Mr. TESTER. Yes. The bill before us, H.R. 561, seeks to crack down on the unfair practice of using veteran and service-disabled owned small businesses as pass-throughs for larger contractors to secure Federal contracts. I would like to thank Senator CARDIN for working diligently on this issue and for his leadership as ranking member of the Senate Small Business and Entrepreneurship Committee. I look forward to working closely with him to ensure this legislation meets congressional intent once it is enacted.

Mr. PORTMAN. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 561) was ordered to a third reading, was read the third time, and passed.

#### ENSURING HEALTH SAFETY IN THE SKIES ACT OF 2020

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 508, S. 3681.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3681), to require a joint task force on the operation of air travel during and after the COVID-19 pandemic, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

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

#### SEC. 2. JOINT TASK FORCE ON AIR TRAVEL.

(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 a Joint Task Force on Air Travel During and After the COVID-19 Public Health Emergency (in this section referred to as the “Joint Task Force”).

##### (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 the continuation of air travel during the COVID-19 Public Health Emergency, and with respect to the resumption of full operations at airports and increased passenger air travel after the COVID-19 Public Health Emergency ends. The Joint Task Force shall develop, at a minimum, rec-

ommended requirements, plans, and guidelines as appropriate, with respect to each of the applicable periods described in paragraph (2) for—

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

(i) current and anticipated changes to passenger air travel during the COVID-19 Public Health Emergency and after that emergency ends; and

(ii) anticipated changes to passenger air travel as a result of the projected seasonal recurrence of the coronavirus;

(B) mitigating the public health and economic impacts of the COVID-19 Public Health Emergency and the projected seasonal recurrence of the coronavirus on airports and passenger air travel, including through the use of personal protective equipment for passengers and employees, the implementation of strategies to promote overall passenger and employee safety, and the accommodation of social distancing as necessary;

(C) addressing the privacy and civil liberty concerns created by passenger health screenings, contact-tracing, or any other process for monitoring the health of individuals engaged in air travel; and

(D) operating procedures to manage future public health crises affecting air travel.

(2) *APPLICABLE PERIODS.*—For purposes of paragraph (1), the applicable periods are the following:

(A) The period beginning with the date of the first meeting of the Joint Task Force and ending with the date on which the COVID-19 Public Health Emergency ends.

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

##### (c) REQUIREMENTS.—

(1) *IN GENERAL.*—In developing the recommended requirements, plans, and guidelines under subsection (b), and prior to including them in the final report required under subsection (f)(2), the Joint Task Force shall—

(A) consider the consensus recommendations of the Advisory Committee established under subsection (e);

(B) conduct cost-benefit evaluations;

(C) consider funding constraints; and

(D) use risk-based decision-making.

(2) *INTERNATIONAL CONSULTATION.*—The Joint Task Force shall consult, as practicable, with relevant international entities and operators, including the International Civil Aviation Organization, towards the goal of maximizing the harmonization of 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.

(e) *ADVISORY COMMITTEE.*—

(1) *ESTABLISHMENT.*—Not later than 15 days after the date on which the Joint Task Force is established under subsection (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 (in this section referred to as the “Advisory Committee”).

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

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

(B) Air carriers designated by the Secretary of Transportation in consultation with Secretary of Homeland Security.

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

(D) Labor organizations representing aviation industry workers, including, but not limited to, pilots, flight attendants, maintenance, mechanics, air traffic controllers, and safety inspectors, designated by the Secretary of Transportation.

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

(F) Consumers and air passenger rights organizations designated by the Secretary of Transportation in consultation with Secretary of Homeland Security.

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

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

(I) Trade associations representing air carriers, including, but not limited to, major air carriers, low cost carriers, regional air carriers, cargo air carriers, and foreign air carriers, designated by the Secretary of Transportation in consultation with Secretary of Homeland Security.

(J) Trade associations representing airport operators designated by the Secretary of Transportation in consultation with Secretary of Homeland Security.

(3) *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.).

##### (4) DUTIES.—

(A) *IN GENERAL.*—The Advisory Committee shall develop and submit policy recommendations to the Joint Task Force regarding the recommended requirements, plans, and guidelines to be developed by the Joint Task Force under subsection (b).

(B) *PUBLICATION.*—Not later than 14 days after the date on which the Advisory Committee submits policy recommendations to the Joint Task Force in accordance with subparagraph (A), the Secretary of Transportation shall publish the policy recommendations on a publicly accessible website.

(5) *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) BRIEFINGS AND REPORTS.—

(1) *PRELIMINARY BRIEFINGS.*—As soon as practicable, but not later than 6 months after the establishment of the Joint Task Force, the Joint Task Force shall begin providing preliminary briefings for Congress on the status of the development of the recommended requirements, plans, and guidelines under subsection (b). The preliminary briefings shall include interim versions,