The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

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

Let us pray.

Almighty God, we praise You with our whole hearts. We refuse to forget how You have led our Nation in the past and trust You to guard our future. Lord, encourage our lawmakers to be a part of Your solutions and not a part of the problems that confront our land. Give them the courage to carry on knowing that nothing is too difficult for Your sovereign might.

May the light of Your truth illuminate their way as they find in You a sure guide. Help them to commit their lives to those that will cause justice to roll down like waters and righteousness like a mighty stream.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask to speak for 1 minute as in morning business.

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

PRESCRIPTION DRUG COSTS

Mr. GRASSLEY. Mr. President, last night, former Vice President Biden said that President Trump “hasn’t lowered drug prices for anybody.” This is false, and I hope that the news media will call out Mr. Biden for the lie.

Among several other actions, President Trump launched an initiative to lower the out-of-pocket costs of insulin for seniors through the Part D Medicaid-Medicare Program. Also, President Trump recently signed an Executive order that will launch several programs to lower drug costs and help seniors afford their medicines.

More disingenuous than this claim from Mr. Biden is that it was actually the Vice President’s former Democratic colleagues here in the Senate who walked away from the negotiating table and killed any hope of passing legislation to lower prescription drug costs before the election. This was an effort by Minority Leader SCHUMER and his Democratic colleagues to hurt President Trump and Senate Republicans. Mr. Biden seems content to capitalize on his own party’s obstructions.

Now, I have come to expect election-year partisan politics such as I have just described it, but during a pandemic that has left hundreds of thousands dead and millions unemployed, it is particularly egregious that Democrats have decided it is more important to hurt Republicans than help Americans. I am sorry to say this is the truth of the matter.

It will be up to Democrats to make it right. I am not holding my breath, but I do hope voters hold accountable a party that failed in its basic duty to put people ahead of politics.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The Majority Leader is recognized.

NOMINATION OF AMY CONEY BARRETT

Mr. McCONNELL. Mr. President, this week, the Senators who are sitting down with Judge Amy Coney Barrett are meeting an incredibly impressive jurist and highly qualified nominee. They are hearing from the professor whom former colleagues call “mind-blowingly intelligent,” “one of the most humble people you’re going to meet,” and “the complete package.” They are meeting a law school valedictorian and award-winning academic whom peers praise for her “lucid, elegant prose,” “piercing” legal analysis, and “absolute dedication to the rule of law.”

Senators are meeting the distinguished circuit judge whom the liberal law professor Noah Feldman says is “a brilliant and conscientious lawyer” who is “highly qualified to serve on the Supreme Court.”

Some of our Democratic colleagues have decided they will refuse to meet with Judge Barrett. Several have volunteered their votes will have nothing to do with her qualifications, as though that were something to be proud of. The Democratic leader says: “It’s not her qualifications.” The junior Senator from Delaware says: “This isn’t about her qualifications, as though they were something to be proud of. It’s not her qualifications.”

Certainly, every Senator may define “advice and consent” how they wish, but I think it is telling to see Senate Democrats openly affirming that Judge Barrett’s actual judicial qualifications do not matter to them. Our friends on the left really do mistake the Court as an unelected superlegislature. They are not interested in Judge Barrett’s legal qualifications because they think

- This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
judges are there to dictate policy outcomes rather than following the facts and text wherever they lead.

That is why we have had the same scare tactics for almost half a century. John Paul Stevens was going to end women’s right to an abortion. Sonia Sotomayor was going to send vulnerable people into the Dark Ages. John Roberts was going to declare war on health insurance.

And now our Democratic colleagues want Americans to believe Judge Barrett is on a one-woman crusade to hurt Americans with preexisting conditions. One Senator has literally claimed the nominee would—listen to this—“create a humanitarian catastrophe.”

They are the same old scare tactics, totally predictable and totally dishonest.

These baseless attacks over healthcare are supposedly founded on a technical argument in a 4-year-old scholarly article. Then-Professor Barrett analyzed the Supreme Court’s ruling on one piece of ObamaCare—the unfair, unpopular individual mandate penalty, which we have since zeroed out. The constitutional arguments over whether that terrible idea was a “penalty” or a “tax” are now more than what we call it, Republicans in Congress zeroed it out 3 years ago. Working Americans are no longer penalized by that Democrat policy. Americans with preexisting conditions are still protected and that specific legal question has not been decided.

Our Democratic colleagues are grasping at straws. Now they want Judge Barrett to promise to recuse herself from whole categories of cases. Of course, that is ridiculous. It is hard to think of anyone in the country over whom a President has less leverage than a judge with a lifetime appointment.

Nobody suggested Justice Sotomayor or Justice Kagan needed to categorically sit on the sidelines until President on a one-woman crusade to hurt Americans with preexisting conditions. One Senator has literally claimed the nominee would—listen to this—“create a humanitarian catastrophe.”

If Senators believe this nominee is committed to impartial justice in every case, if they believe she will mean her oath when she takes it, they should vote to confirm her. If they don’t, they should vote no.

But only one of these arguments has any basis in Judge Barrett’s resume, her reputation, and the praise that has been heaped upon her jurisprudence even by famous liberal lawyers. Judge Barrett has already stated in writing to the Senate that she has given nobody in the White House any hints or any assurances about any kind of cases, real or hypothetical. It is only Senate colleagues whom are trying to extract promises and precommitments. It is only Democrats who are trying to undermine judicial independence.

Last night on national television, former Vice President Biden refused to rule out the radical notion of packing the Supreme Court. He ducked the question. In Washington, when you duck the question, you know what the answer is. That is exactly what they are up to. That is exactly what they intend to do. Last year, our colleague Senator HARRIS said explicitly that she was open to it. That is another way of saying what they intend to do. Numerous of our colleagues have refused to rule out this radical institutional-shattering step.

Now Senate Democrats are trying to make Judge Barrett precommit to handling hypothetical issues the way they want—more disrespect for judicial independence.

Judge Barrett understands a judge’s only loyalty must be to our laws and our Constitution. She understands our system would collapse if judges do not leave politics aside. If the Democratic Party feels differently, if Democrats have decided that judicial independence is simply an inconvenience to their radical agenda, it shows how little weight we should afford their criticisms of this outstanding nominee.

CORONAVIRUS

Mr. MCCONNELL. If Senate Democrats want to proceed with Barrett as they say about America’s family healthcare, they would not have filibustered a multibillion-dollar proposal for more coronavirus relief just a few weeks ago.

A Senate minority that was focused on America’s health would have let us fund more tests, treatments, and vaccine development, like Republicans tried to do just a few weeks ago. A Senate minority that was prioritizing wellness should have let us spend more than $100 billion to make schools safe for students, like Republicans tried to do just a few weeks ago. A Senate minority that sought to protect citizens with preexisting conditions would have let us reaffirm legal protections for those Americans like Republicans had in our bill just a few weeks ago. A Senate minority that was serious about economic recovery would have let us fund a second round of the Paycheck Protection Program and continued the expanded unemployment checks, like Republicans tried to do just a few weeks ago.

The Senate voted on all of this 3 weeks ago. Three weeks ago, every single Senator cast a vote on preexisting conditions, the money for vaccines, money for safe schools, money for small businesses, and money for unemployed workers—just 3 weeks ago. Fifty-two Republicans voted to pass all of these policies and even single Democrat who showed up voted to filibuster it. Don’t do it.

The Democratic leader and the Speaker of the House were determined that American families should not see another dime before the election. This week, Speaker PELOSI is finally caving to months of pressure from fellow Democrats who argue that her stonewalling is hurting our country.

House Democrats are trying to save face by introducing yet another trillion-dollar proposal—last wish list with virtually all the same non-COVID-related poison pills as their last unseemly bill.

Speaker PELOSI’s latest offering still doesn’t include a single cent of new money toward the Paycheck Protection Program to help small businesses that are going under. It does nothing to help schools, universities, doctors, nurses, or employers avoid frivolous lawsuits. But the House did find room to provide special treatment to the marijuana industry. Their bill mentions the word “cannabis” more times than the words “job” or “jobs.”

They still want to send taxpayer-funded stimulus checks to people in our country illegally. They still want to hand a massively expensive tax cut to millionaires and billionaires in places like New York City and San Francisco, a pet priority of the Speaker, the Democratic leader that would do nothing to help working families through this pandemic.

All of these far-left poison pills are still in their recycled bill. They have no intention of making bipartisan law for American families, but there are a few changes from the last bill.

So get this. Now that supporting law enforcement has become less than fashionable on the far left, the Democrats have actually taken out hundreds of millions of dollars for hiring and assisting police officers. Let me say that again. In this latest version, there were at least some changes. Now that supporting law enforcement has become less than fashionable on the far left, the Democrats have actually taken out hundreds of millions of dollars for hiring and assisting police officers. Their so-called sequel to the Heroes Act has decided that cops are not heroes after all. Apparently, cops are not heroes after all. The House Democrats couldn’t miss a chance to defund the police.

This latest bill from the Speaker is no more serious than any of their other political stunts going back months. If they continue to refuse to get serious, then American families will continue to hurt. Less than a month ago, every single Senator voted on providing hundreds of billions of dollars for kids, jobs, healthcare, and reaffirming protections for preexisting conditions. There were 52 Republicans who voted to advance all of these things, but every single Democrat who showed up voted to block them.

The American people are still hurting. The layoffs are still mounting. Families still need more help, and the healthcare fight needs more resources. One side voted to supply all of that help. The other side voted to block it. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll of the bi-partisan.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

PRESIDENTIAL DEBATE

Mr. SCHUMER. Mr. President, last night, President Trump delivered one of the most disgraceful performances at a Presidential debate that anyone has ever seen, and I do not mean that from a political perspective; I mean it from a human perspective.

One can become inured to the President’s tendency to melt down when confronted with his facts, his brazen lack of self-awareness, his stunning lack of regard for others, but it was maddening to watch the President last night—angry and small—unable to show a scintilla of respect, unable to follow even the most basic rules of human civility or decorum, unwilling to constrain a stream of obvious falsehoods and rightwing bile.

Shakespeare summed up in “Macbeth” Trump’s performance last night—“a tale told by an idiot, full of sound and fury, signifying nothing.”

Yes, President Trump’s debate performance was, in the words of “Macbeth,” a tale told by an idiot, full of sound and fury, signifying nothing.

In an hour and a half that felt like a lifetime, the President managed to insult Vice President Biden’s deceased son and smear his living one, please a fringe White supremacist group, and cap the night off by, yet again, casting doubt on our own elections—tarnishing our own democracy. Those were just his worst moments. The rest of the debate saw the President heap lies upon lies—lies big and small and every size in between. This President and truth don’t intersect at all.

Still, one moment stands out. When asked to condemn White supremacist groups like the Proud Boys—classified as a hate group by the Southern Poverty Law Center and called “hard-core white supremacists” by the Anti-Defamation League—President Trump demurred and then said: “Proud Boys, stand back and stand by.”

“Stand back and stand by.”

President Obama once wondered rhetorically: “How hard is it to say Nazis are bad?”

Apparently, for President Trump, it is beyond his capacity. In a national debate, he not only refused to condemn a far-right group of violent White supremacists, but he told them to stand by.

As much of the country was in despair last night at the President’s juvenile behavior, one group was celebrating—the Proud Boys. They were celebrating President Trump’s debate performance—White supremacists.

Within minutes of the President’s comments, the Proud Boys were online, rejoicing at the tacit endorsement of their violent tactics by the President himself. They made logos out of the President’s remarks: “Stand back and stand by.”

I just want to ask my Republican colleagues: How are you not embarrassed that President Trump represents your party? How can you possibly—possibly—support anyone who behaves this way? Are you watching the same person we are? Are you listening? Are you not embarrassed that millions of Americans watched President Trump and thought: “That is what the Republican Party stands for now?”

He can’t express sympathy for the families of 200,000 Americans who have died from COVID; can’t go 30 seconds without interrupting someone when he is not speaking; can’t refrain from attacking someone’s family and pretending not to know a person’s deceased son; can’t honor the military, defend democracy, respect elections, or tell the truth; can’t even make it through a debate without emboldening White supremacists.

How are you, my Senate colleagues, not deeply, personally embarrassed that Donald Trump is a Republican? How are we not all embarrassed that someone who behaved the way President Trump did last night is our President? I know I am. How about you?

Again, this President is just amazing, and his speech last night—“a tale told by an idiot, full of sound and fury, signifying nothing.”

SUPREME COURT NOMINATIONS

Mr. SCHUMER. Mr. President, on SCOTUS, it is for this President that Senate Republicans are now rushing through a Supreme Court nominee nearly days before a national election.

A Republican majority that once argued the American people should be given a voice in the selection of their next Supreme Court Justice is planning to confirm a nominee in the middle of an election that is already underway. You could not design a scenario that would more fully expose the Republicans’ double standard than this one. Of greater concern to the American people is how the rush by Senate Republicans to confirm this nominee will put their healthcare at risk.

Now, yesterday, the Republican leader actually mocked the idea that a far-right Supreme Court majority might strike down the ACA and that Judge Barrett’s judicial philosophy might play a part in that. “What a joke,” Senator McConnell said, that Justice Barrett might pose any risk to Americans’ healthcare.

I guess Judge Barrett must have been joking when she publicly criticized Justice Roberts for upholding the Affordable Care Act. It must have been with a sarcastic flick of the pen when she wrote that the Supreme Court would “have had to invalidate” the law if it had read the statute the way she does.

I will tell you what: This is not a joke to the American people. This is not a joke to the 20 million Americans who could lose their health insurance if the ACA is struck down—not a joke to the parents of a child who has cancer and who would have to watch helplessly as their child’s protections for preexisting conditions are struck down; not a joke to the millions of Americans on Medicare, whose drug prices would soar; not a joke to women across the country who could, once again, be charged more for health insurance than men, denied maternity care, and free access to birth control.

The only joke here is the Republican leader’s desperate attempt to pretend that his President, his party, and their Supreme Court nominee pose no threat to our Nation’s healthcare law—the same Senate leader who did everything he could on the floor of this Senate to repeal the ACA.

President Trump said he will pick Supreme Court nominees who will “‘invalidate the Affordable Care Act.’” His administration is in court right now, suing to eliminate it. Senate Republicans tried to repeal the law and replace it with nothing. The Republicans’ lawsuit against the Affordable Care Act will be heard by the Supreme Court during the week after the election. There is a reason the Republicans are scrambling to fill this seat so quickly, and Judge Barrett, when the ACA was challenged in major litigation twice before—twice—sided against the law.

So, if the Republican leader believes that the Democrats are raising unfounded fears about healthcare, will he urge the plaintiffs to drop their lawsuit against the ACA? Will Leader McConnell urge the Justice Department not to spend taxpayer dollars in trying to eliminate the taxpayers’ healthcare?

Normally these questions would be rhetorical, but yesterday I filed a procedural motion that will set up a vote on a bill that would protect the healthcare of hundreds of millions of Americans and prevent efforts by the Department of Justice—Donald Trump’s Department of Justice—to advocate that courts strike down the Affordable Care Act. Leader McConnell and all of my Republican colleagues will have to vote on that shortly. Let me repeat. Leader McConnell and all of my Republican colleagues will have to vote very soon on whether the Senate would consider a bill to protect Americans with preexisting conditions. With that vote, we will see just how much of a joke it is that Senate Republicans and their Supreme Court nominees want to eliminate Americans’ healthcare.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.
continuing appropriations act, 2021 and other extensions act—continued

the presiding officer. under the previous order, the senate will resume consideration of h.r. 8337, which the clerk will report.

the senior assistant legislative clerk read as follows:

a bill (h.r. 8337) making continuing appropriations for fiscal year 2021, and for other purposes.

pending:

mcconnell amendment no. 2663, to change the enactment date.

mcconnell amendment no. 2664, of a perfecting nature.

the presiding officer. the senator from south dakota.

nomination of amy coney barrett

mr. thune. mr. president, on saturday the president announced his nominee to fill the supreme court seat left vacant by justice ginsburg. as the nation mourns the death of this trailblazing justice, it is fitting that the president be nominating an outstanding woman to replace her.

i had the pleasure of sitting down with judge amy coney barrett yesterday, and i can say with confidence that she is everything you would want in a supreme court justice.

she is supremely qualified. like justice ginsburg, judge barrett was first in her class in law school—in this case, at notre dame. she was a clerk for dc circuit judge laurence h. silberman and then for supreme court justice antonin scalia.

she worked at a prestigious law firm and served as a visiting professor at the george washington university law school before accepting a position at the university of notre dame law school, where she went on to teach for 15 years.

during her time at notre dame, judge barrett built a distinguished record. she was published repeatedly in prominent law journals and was chosen by chief justice john roberts to serve on the advisory committee for the federal rules of appellate procedure. she was elected distinguished professor of the year by the law school's graduating class three times.

she also served as a visiting associate professor at another prominent law school, the university of virginia school of law.

in 2017, she moved to the u.s. court of appeals for the seventh circuit, winning bipartisan confirmation in a bipartisan vote. during her confirmation to the seventh circuit, support for judge barrett poured forth from her students, colleagues, and peers from both side of the aisle.

every one of the supreme court clerks who had served with judge barrett during her clerkship with justice scalia wrote a letter to the then-chairman and ranking member of the judiciary committee expressing their support for her confirmation. this included justice ginsburg's clerks and other clerks from the liberal wing of the court.

here is what they had to say:

"we are democrats, republicans, and independents, and we have diverse points of view on politics, judicial philosophy, and much else. yet we all write to support the nomination of professor barrett to be a circuit judge on the united states court of appeals for the seventh circuit. professor barrett is a woman of remarkable intellect and character. she is perfectly qualified for the job."

judge barrett's colleagues from notre dame sent a similar letter. they said:

"amy coney barrett will be an exceptional federal judge. . . . as a scholarly community, we have a wide range of political views, as well as commitments to different approaches to judicial methodology and judicial craft. we are united, however, in our judgment about amy. she is a brilliant teacher and scholar, and a warm and generous colleague. she possesses in abundance all of the other qualities that shape extraordinary jurists: discipline, intellect, wisdom, impeccable temperament, and above all, fundamental decency and humanity."

that letter was signed by every full-time member of the notre dame law school faculty—every full-time member.

four hundred seventy notre dame law graduates, former students of judge barrett, sent a letter as well. here is what they said:

"our backgrounds and life experiences are varied and diverse. our legal practices are as varied as the profession itself. . . . our religious, cultural, and political views span a wide spectrum. despite the many and genuine differences among us, we are united in our conviction that professor barrett would make an exceptional federal judge."

they went on:

"we are convinced that professor barrett would bring to the same page—intelligence, fairness, decency, generosity, and hard work she has demonstrated at notre dame law school. she will treat each litigant with respect, conscious of the reality that judicial decisions greatly affect the lives of those before the court. and she will apply the law faithfully and impartially."

"i could go on for a while here. there are a lot of tributes to amy coney barrett out there, like the one in support of her circuit court nomination that was joined by former obama solicitor general neal katyal, which praised her "first-rate" qualifications and stated that she was "well qualified" or the recent tribute from harvard law professor noah fieldman, one of the house democrats' star impeachment witnesses, who stated: "barrett is highly qualified to serve on the supreme court." but i will stop here because it is abundantly obvious to everyone—my colleagues across the aisle included—that judge barrett is supremely qualified to be a supreme court justice, which is why democrats have resorted to scare tactics to try to sink her nomination."

democrats realize that it is pretty hard to oppose judge barrett on the merits, and they seem at least some-
few weeks ago, Republicans included language affirming protections for those with preexisting conditions in our COVID relief bill—a bill that Democrats filibustered.

It is both ridiculous and offensive to suggest that Judge Barrett, the mother of seven children, former member of the Jesuits, and someone who has faced medical challenges—is out to eliminate Americans’ healthcare.

The truth is, we have no idea how Judge Barrett would vote on any particular healthcare case, just as we have no idea how any Supreme Court Justice will vote on any particular healthcare case. How could we? How could we? Each case is unique, with unique legal and constitutional issues. We can say with certainty about Judge Barrett is that she will carefully consider each case. She will consider the facts of the case, the law, and the Constitution, and she will rule based on those things regardless of her personal feelings or beliefs.

As Judge Barrett noted in her speech accepting the President’s nomination, “A judge must apply the law as written. Judges are not policymakers, and they must be resolute in setting aside any policy views that they might hold.” That is the kind of Justice that Judge Barrett would be, and that is the kind of Justice that all of us, Democrat or Republican, should want—someone who will protect the principles of justice and equality under the law by judging according to the law and the Constitution and nothing else; someone who will leave her personal beliefs at the courtroom door; someone who will, as Judge Barrett said last week, quoting the judicial oath, “administer justice without respect to persons, do equal right to the poor and rich, and faithfully and impartially discharge my duties under the United States.”

One of the reasons I ran for the Senate was to get judges like Amy Coney Barrett on the bench. I commend the President for his outstanding choice, and I look forward to supporting her nomination as the Senate moves forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 1 minute as in morning business. Without objection, it is so ordered.

SUPREME COURT NOMINATIONS

Mr. GRASSLEY. Mr. President, last night former Vice President Biden refused to rule out packing the Court if the President and the Senate proceed to confirm the nomination of Barrett filling the High Court vacancy.

I understand there are differences of opinion on the direction of the Court, but threatening to expand the Court and pack it to favor the side currently in power is just as dangerous as any policy views that they might hold. The Constitution does not meet the commonsense test.

This is dangerous territory and leads to an erosion of public faith in the judiciary. Where would such a path lead us? Thirteen Justices? Maybe 21 Justices? At what point does it stop?

I thought we settled this under FDR, way back in 1937, when it is telling that Democrats are not trying to justify their discussion of Court packing by saying there is some practical reason why it is needed.

In fact, the Supreme Court is hearing fewer cases than any Democratic Court-packing plan would be nothing more than a naked power grab, an effort by Democrats to subvert the will of the people when they couldn’t get the results they wanted at the ballot box that would have let their party pick and confirm judges.

Let’s try to remain focused on the political independence of the judiciary and leave politicking to this branch of government—the legislative branch.

I yield the floor.

The PRESIDING OFFICER (Mr. ROMNEY). The assistant Democratic leader is recognized.

Mr. DURBIN. Mr. President, the Senator from Iowa who just spoke is my friend. We have worked on things together. We, occasionally, don’t see eye-to-eye on issues. I certainly don’t see eye-to-eye with him on what he just said on the floor of the Senate. It would be credible if, 4 years ago, exactly the opposite result had been produced by the Republican majority. Remember, 4 years ago, Antonin Scalia’s untimely death on a hunting trip, and there was a vacancy on the Supreme Court, in February, if I remember correctly? There was the question as to whether the incumbent President, duly elected, of the United States of America, Barack Obama, would be able to fill the Supreme Court vacancy?

But, no, the Republicans insisted that was unacceptable—unacceptable for this lame duck President with only a year left in his term to fill the vacancy on the Supreme Court. No, they had a more constitutional idea. Their constitutional idea was to delay filling the vacancy on the Supreme Court until the American people spoke in an election in November of the same year.

So when President Obama sent his nominee, Merrick Garland, eminently qualified, to be considered by the Senate, they excluded his membership. We are not only going to refuse him a hearing; I am going to refuse him even a meeting in my office. I will not dignify—or will not dignify—the nomination of Merrick Garland to fill the Supreme Court vacancy, because Senator McConnell, in his golden rule—the American people have to speak in the election about the next President, who will then fill the vacancy.

That was the hard and fast rule that every Republican Senator swore allegiance to on the floor of the Senate, before the microphones and cameras, and said: That is the way it is going to be. It may be rude. It may be crude. It may be to even ignore this man who is eminently qualified to be the nominee of President Barack Obama, but that is the way it is going to be, because we are so committed to the Constitution that we will not fill the vacancy on the Supreme Court until November.

And then came the epiphany—a vacancy on the Supreme Court with a Republican President, Donald Trump, occurring in the last year of his Presidency in his first term—maybe his only term—and the decision then by Senator McConnell, in the name of the Constitution to completely reverse himself and to say: We will not fill the vacancy in the way we did 4 years ago. We will fill it the way we want to fill it now, and the way we want to fill it now is immediately, on a quicker timetable than virtually any person who has been appointed to the Supreme Court for a lifetime appointment, the highest Court in the land.

There was a time when I was a member of the Senate Judiciary Committee that after hearing the nominee’s name you waited for the reports. Many of them would come to you, talking about the biography of the nominee, the background of the nominee, the writings, the speeches, the articles, and, if they were judges, their judicial opinions. We would carefully study those and be prepared when it came time for a hearing.

Not in this situation, no way—Senator McConnell wants this done and done now. He clearly has doubts in his own mind as to whether this President can be reelected, and he is not going to waste his time. He is going to make sure the Senate Judiciary Committee acts before the election on November 3. The hard and fast principle of 4 years ago has disappeared with President Trump.

I have watched Republican Senator after Republican Senator, with only a few exceptions, most of the camera and look at their shoes and say: I changed my mind. We are going to fill this vacancy now. Because of the Constitution? No, because politically it helps us.

Why the hurry? Why before November 3? Why wouldn’t they at least wait until the end of November?

No, the hurry is obvious, because on November 10, the U.S. Supreme Court will have oral arguments on whether or not the Affordable Care Act will be eliminated. You need Republican attorneys general, as well as this administration, have decided they want to do away with it. They want it to go away.

When they are asked very simple questions: How will people be affected? They shrug their shoulders.

Well, I will tell you how. Twenty million Americans will lose their health insurance if the Supreme Court abolishes the Affordable Care Act, and today only Americans will lose the protections it gives for people with preexisting conditions. The President said—and he said again last night, in what some characterized as a debate,
and what I characterize as a free-for-all—the President said: Well, we have a substitute plan.

Really, Mr. President? Where would that be? I haven’t seen it—not on the floor of the Senate, not in the newspapers, not in the press releases.

There is no substitute plan. That is why 3 years ago Senator McCain came to the floor and said he would not join the Republicans in killing the Affordable Care Act, because there was no substitute. It would leave too many Americans without the protection of health insurance.

Well, that is going to be argued in the Supreme Court on November 10, and by tradition, a Supreme Court Justice cannot vote come next spring on cases that are not decided in the Senate. All about what says insurance companies cannot discriminate against us based on pre-existing conditions. That is what it is about. California v. Texas.

That is what it is all about. It is all about what we pay in premiums in the state of Illinois—600,000—who rely on the Affordable Care Act to get their health insurance. It is all about a law that eliminated the number of uninsured in my state by 80 percent. It is all about a problem that all take for granted that says insurance companies cannot discriminate against us because of pre-existing conditions. That is what it is all about.

Over 50 votes on the floor of the House of Representatives by the Republican majority to end this Affordable Care Act couldn’t get the job done. A last minute scramble on the floor of the U.S. Senate in 2017 couldn’t get the job done. Senator McConnell is going to have it done before November 3 so she can sit in on the decision—or at least on the oral argument and then the decision—in this case, California v. Texas.

But this President is pretty obvious. Instead of focusing on the significant threat of domestic terrorism motivated by White supremacy and far-rightwing extremism, terrorists have killed more than 100 Americans since 9/11. President Trump claims, as he did last night, that violence is a “left-wing problem, not a right-wing problem.”

Let me tell you, we should condemn violence on both wings and everywhere in between. I join Vice President Biden in condemning all violence, including the alleged murder of a Federal Protective Service officer in Oakland, CA, by a rightwing “Boogaloo” extremist, and the alleged murder of two Black Lives Matter protesters in Kenosha, WI, by an Illinois teenager who reportedly considered himself to be a member of a militia—17 years old.

Unfortunately, as we have learned from former Trump administration officials, the Trump administration has downplayed the threat of violent White supremacy and other far rightwing domestic terrorists.

POLITICO recently reported that a draft homeland threat assessment report from DHS was edited and changed by the Trump administration to weaken language discussing the particular threat posed by violent White supremacists. The Trump boys don’t want to talk about it.

Shortly thereafter, a DHS whistleblower alleged that DHS officials, including Ken Cuccinelli, requested the modification of the homeland threat
The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTHCARE

Mr. GRASSLEY. Mr. President, it is typical during an election season to hear Democrats try to scare people into believing that Republicans want to destroy Medicare. Americans rely on it for their health and security. We have recently heard this on Medicare and Social Security. Now there is a new subject to add: health insurance. The programs are different, but the scenarios are the same.

The Democrats concoct a story, attribute it to the President and to Republican Members of Congress, and then turn to their allies to amplify this false narrative. What really stands out this election season is how all-too-familiar scare tactics directly contradict the message coming from the Presidential nominee of the Democratic Party.

Vice President Biden says he is for hope, not fear. His actions and those of his party show just the opposite. So let's start with the Democrats' efforts to pin Medicare's financial struggles on Republicans. The facts tell a much different story.

Republicans have fought for decades, often in the face of Democratic resistance, to keep Medicare strong not only for current enrollees but for their children and grandchildren. For instance, in 1995, President Clinton vetoed Republican efforts to protect Medicare on sound financial footing.

Faced with the prospect that the Medicare hospital insurance trust fund was going broke in just a few years, back then, Republicans still pressed on. It was the work of a Republican House of Representatives and a Republican Senate that ultimately convinced President Clinton to sign the Balanced Budget Act of 1997. That act of 1997 extended the life of the health insurance trust fund for nearly 10 years and created the blueprint to solve the Medicare Program's long-term financial challenges.

For many years, spanning both Democratic and Republican administrations, the Medicare trustees have cautioned that the program's financial shortfalls require further legislative action. The trustees reported repeatedly—advised Congress to enact such legislation sooner rather than later to minimize the impact on beneficiaries, healthcare providers, and taxpayers. Republican and Democratic leaders, however, have failed to act.

The need to shore up Medicare for the near and distant future is the problem. Every recent President, Republican and Democratic, has offered Medicare reform ideas in budget requests submitted to the Congress. Of those budgets, Medicare reform is an ever-present subject: health insurance and Medicare are to be pinned on the other political party. Republicans have long ago stopped taking this kind of politically-driven canard seriously.

Medicare is on a path to bankruptcy, the greatest threat, then, is what often happens around here—inaction. Over the past decade, Democrats not only stood firmly in the way of meaningful Medicare reform, but they actually made the problem worse.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
Rather than confront the looming crisis in 2009, President Obama, Vice President Biden, and Washington Democrats raided more than $700 billion from the Medicare Program. They didn’t do it to save Medicare; they cut money from a financially strapped Medicare Program and then spent that money on a brand new entitlement program called ObamaCare. It was the Democrats who pushed ObamaCare through Congress without a single Republican vote.

And what do Democrats want to do if they find their way back into power? They want to enact something called Medicare for All. Moving the 180 million Americans with private, employer-based insurance to the Medicare rolls would cause Federal spending to balloon to unthinkables levels.

An analysis conducted by the Mercatus Center in 2018 found that Medicare for All would increase Federal spending by $32 trillion over the next 75 years. This Democrat plan would also give the Federal Government more control over healthcare, impose massive tax increases on the middle class, and disrupt access to services. That is why Democrats would rather pursue the unavoidable impact of COVID and demonize Medicare budget proposals that are often bipartisan in nature.

Democrats used the very same dirty tricks related to Social Security, as I just talked about with Medicare. Some across the aisle recently concocted a hypothetical proposal that eliminates the funding source for Social Security and asked the program’s Chief Actuary to assess its impact.

This was an obvious attempt to alarm seniors and disabled Americans with the ultimate intent of smearing Republicans and feeding false talking points to a Democratic candidate for President. Even when their schemes and false talking points earned four Pinocchios from even the Washington Post, Democrats still proceed full speed ahead with their misinformation campaign. And even though Ways and Means Committee Ranking Member Brady and I got the Social Security Actuary to affirm the Democrat’s recent scheme was just a bunch of malarkey, the Democrats and Candidate Biden continue with this misinformation.

Again, Democrats use scare tactics in the runup to an election. While they accuse Republicans of wanting to destroy Social Security, Senate Democrats do little or nothing to work in a bipartisan way to help this program. Remember, in 2015, when the disability insurance trust fund was going to run dry, Senate Democrats demanded that the only thing that you could possibly do was to take from the retirement trust fund and then just simply kick the can down the road.

Senate Democrats had no interest in working with us to at least try to make the disability insurance program better for beneficiaries. Instead, Senate Republicans worked with the House and Obama administration to prevent disability security trust fund exhaustion and even to improve the program. There was no privatization of anything, and the only thing that could be constrained was spending, which just came directly from President Obama.

You will not hear anything about that from these Senate Democrats. Instead, they just bring out their stale talking points. This tactic about Republicans trying to destroy the program. Now they are applying the same wornout, baseless scare tactics to this Supreme Court confirmation process.

Democrats do little to make the President’s nomination to fill the vacancy all about ObamaCare and the case the Court will consider this fall.

Going to the minority leader’s own words when it comes to Judge Barrett’s nomination: “We must focus like a laser on health care.”

The left is misrepresenting an article by then-Professor Barrett in hopes of finding something—almost anything—to gum up this confirmation process. It seems to me just frustrated this nominee had the audacity to suggest judges interpret law as written.

There is an old saying in the legal profession: If the law isn’t on your side, pound the facts. If the facts aren’t on your side, pound the law. If neither fact or law is on your side, just pound the table.

That is what we see yet again from our Democratic colleagues. It is ludicrous to pick one pending case and predict how every member of the Court, including one just starting the confirmation process, would vote on that case, especially when entirely different legal issues are at stake. Frankly, it is a disservice to the American people.

The Democrats know this, but that will not stop them. It will not stop them from trying to mislead hardworking Americans into believing that their healthcare coverage could disappear tomorrow.

It is also just the latest example of how many Democrats in Congress view the Supreme Court—just somehow another policy end that they can’t accomplish through this branch of government, where we are now. That is not the role of the Court. I am sure Judge Barrett will reiterate that point before the Judiciary Committee.

The Supreme Court will hear oral arguments in mid-November, and there are countless scenarios on a potential outcome. So is it useless, then, to speculate. But that will not stop the Democrats from speculating during this process of Judge Barrett’s nomination.

The bottom line is, no matter the decision, no one will lose healthcare coverage on the day the Supreme Court issues its ruling.

In the meantime, Republicans will continue to protect individuals with preexisting conditions and fight to give Americans more affordable healthcare options.

The President reaffirmed that very thing in his commitment in an Executive order that he signed last week. That Executive order states that it has been, and will continue to be, the policy of the United States to assure that Americans with preexisting conditions can obtain insurance at an affordable price.

The Democrats don’t want to stop at ObamaCare. What they really want to do is impose their government-run Medicare for All Program and take away people’s private insurance plans that they like—because 160 million people have it.

As I mentioned earlier, this one-size-fits-all approach would take away people’s private insurance, result in worse care, and bankrupt the country.

Republicans want to strengthen Medicare, preserve Social Security, and ensure affordable private coverage options now as well as in the future. Democrats want to mislead now in hopes of future political gains.

Americans deserve better. We can do better.

Vice President Biden and his party should stop their shameless election year scare tactics. They should end the malarkey.

It is time to have the courage to engage in an honest, civil conversation about bipartisan ideas to improve these health and security programs for millions of people who depend on them.

RECESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

The PRESIDING OFFICER (Mr. TOOMET). Is there objection?

There being no objection, the Senate, at 1:36 p.m., recessed until 2:15 p.m. and reassumed when called to order by the Presiding Officer (Mr. PERDUE).

CONTINUING APPROPRIATIONS ACT, 20201 AND OTHER EXTENSIONS ACT—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

NOMINATION OF AMY CONEY BARRETT

Mr. LANKFORD. Mr. President, we are once again in a conversation about freedom of religion and the free exercise of religion and what that means. Very simply, I would argue that it means the ability to have any faith, to have no faith at all, to change your faith, and to be able to live it out.

The ability to have a faith is a part of who we are. It is our most precious possession within us. If it is not that, if it is something less than that, if the free exercise of religion has limitations on it, then it is simply the freedom to worship or to have a named faith around you but not to actually live your faith.

That is not what we have in this country, thankfully. We have a constitutionally protected right to the
free exercise of religion. We have more than the freedom of worship at the place of our choosing; we have the ability to live our faith freely, 7 days a week, in all aspects of our lives.

The question has become, though, are there limitations on public life where you cannot have the free exercise of religion; where, literally, if you are elected or appointed into certain offices, you lose your constitutional right.

The U.S. Constitution makes that very, very clear. Article VI of the Constitution says that “no religious Test shall ever be required as a Qualification for any Office or public Trust under the United States.” It should be pretty straightforward and clear.

In our last confirmation hearing, then-Professor Amy Coney Barrett was asked a very straightforward question: “Do you consider yourself an orthodox Catholic?”

A question like that about the defining of faith and how much of a Catholic are you or how much do you practice is really a question of, how much faith do you really practice, do you have a name on you, or do you practice a little too much faith for my comfort level.

See, the free exercise of religion pertains to an individual’s sincerely held religious beliefs. It is not about the acceptance of that belief by others. If it were, the free exercise of religion would be dictated by what others believe rather than what you believe. But in America, at least the America that I know—individuals are allowed to have a faith, live their faith, have no faith, or change their faith.

For whatever reason, Judge Amy Coney Barrett has been criticized because she is Catholic.

There is an AP article that came out just this week that did an in-depth view—it was sent all over the country—about, she is not just Catholic; she is one of those Catholics. It went into great detail about how she attends Bible studies and is on a board of a school and helps educate children and seems to believe that there is a personal relationship with Jesus, as they quoted in the article, as if that were some sort of criminal thing and needs to have some suspicion.

It is about her faith that she is being challenged, this undercurrent. How ever, Justice Barrett was not shy about the fact that she was Jewish—nor should she have been. We have heard a lot about the fact that she was the longest serving Jewish Justice and the first Jewish person to lie in state in the Capitol. Why is it OK for Justice Ginsburg to talk about her faith and not Judge Barrett? Why is Justice Ginsburg’s faith celebrated and Judge Barrett’s faith currently being demonized? Is it because those on the left believe their faith is OK, but for people on the right, it is suspicious?

Even last night, Vice President Biden introduced himself as an Irish Catholic. That is celebrated on the left. But for Judge Barrett to identify herself as a Catholic, she is asked questions: Yeah, but are you one of those orthodox Catholics?

One of the most remembered things about Justice Ginsburg—of many—was her storied friendship with Justice Scalia. On paper, they would be the unlikely of unlikely pairs. She was Jewish, he was Catholic. He was a Catholic conservative. Their differences didn’t divide them or offend each other.

Of their friendship, Judge Barrett said: Particularly poignant to me was her long—The “her” being Justice Ginsburg—and deep friendship with Justice Antonin Scalia. My mentor, Justice Scalia and Ginsburg disagreed fiercely in print without rancor in person. Their ability to maintain a warm and rich friendship despite their differences even inspired an opera. These two great Americans demonstrated that arguments, even about matters of great consequence, need not destroy affection.

There is no question that Justice Ginsburg did a lot for the advancement of women in this country. Doesn’t Judge Barrett also exemplify that? She is a circuit court judge. She graduated summa cum laude from Notre Dame Law School, first in her class. She has been a professor for 15 years at Notre Dame, has clerked for a Supreme Court Justice, is the mother of seven children, and was three times voted as the top law professor at Notre Dame.

Thirty-four Supreme Court clerks who worked alongside Barrett—of all parties—wrote this:

We are Democrats, Republicans, and independents, and we have diverse points of view on politics, policy, and much else. Yet we all write to support the nomination of Professor Barrett to be a Circuit Judge on the United States Court of Appeals for the Seventh Circuit. Professor Barrett is a woman of remarkable intellect and character. She is eminently qualified for the job.

All 49 full-time faculty members of Notre Dame Law School—all 49 of them—signed a letter stating: [Barrett] possesses in abundance all of the other qualities that shape extraordinary jurists: discipline, intellect, wisdom, impeccable character, and above all, fundamental decency and humanity.

Seventy-three law professors across the country, including former Obama administration Solicitor General Neal Katyal, stated this:

Although we have differing perspectives on the methods and conclusions in her work, we all agree that Professor Barrett’s contributions to legal scholarship are rigorous, fair-minded, respectful, and above all, fundamentally decent and humane.

So she is criticized tenaciously because of her faith. She is criticized because she is not woman enough, whatever that may mean. She has even been criticized this past week and called a “White colonizer.” Two of her seven children were adopted from Haiti. She has been accused of using her children as props. How low can this go?

This is what Judge Barrett had to say about her family:

The president has asked me to become the next Justice, and as I am used to being in a group of nine—my family. My family includes me; my husband, Jesse; Emma; Vivian; Tess; John Peter; Liam; Juliet; and Benjamin. Vivian and John Peter, as the president said, were born in Haiti, and they came to us five years apart when they were very young. And the most revealing fact about Benjamin is that his brothers and sisters unreservedly identify him as their favorite sibling.

Judge Barrett has even been criticized in her faith and been criticized in her relationship with Jesus.

Judge Barrett said this about her husband and her family:

I could not manage this very full life without the unwavering support of my husband, Jesse. At the start of our marriage, I imagined that we would run our household as partners. As it has turned out, Jesse does far more than his share of the work. To my chagrin, I learned at dinner recently that my husband and her family:

Our children obviously make our life very full. While I am a judge, I feel very well cared for. Jesse is our best home partner, carpool driver, and birthday party planner. When schools went remote last spring, I tried on another hat. Jesse—

That is, her husband—and I became co-principals of the Barrett e-learning academy. And yes, the list of enrolled students was a very long one. But our children are my greatest joy, even though they deprive me of any reasonable amount of sleep.

Judge Barrett has even been criticized in her faith and been criticized in her relationship with Jesus.

Judge Barrett said this about her relationship in her family:

Could I not manage this very full life without the unwavering support of my husband, Jesse? At the start of our marriage, I imagined that we would run our household as partners. As it has turned out, Jesse does far more than his share of the work. To my chagrin, I learned at dinner recently that my children consider him to be the better cook. For 21 years, Jesse has asked me every single morning what he can do for me that day. And although I almost always say ‘nothing,’ he still finds ways to take things off my plate. And that’s not because he has a lot of free time. He has a busy law practice. It is because he is a superb and generous husband, and I am very fortunate.

Faith, her family—why are we doing personal attacks on a qualified candidate for the Supreme Court of the United States? First, in her clarity, recognized by the judiciary across the country, recognized by judges and leaders across the country as qualified—why are we into this conversation?
On September 29, an article from NPR was entitled “Amy Coney Barrett’s Catholicism Is Controversial But May Not Be Confirmation Issue.” The article said:

“Never before has the Court been so dominated by one religious denomination... That is, Catholics.

“It’s fair for senators to be concerned about whether the court is reflecting the diversity of faith in the United States.”

Wow. Now it is maybe we have too many Catholics. Maybe this is one too many, and Senators should consider the greater diversity. As odd as it sounds, the article didn’t identify the fact that Amy Coney Barrett would be the only Justice not to have graduated from Harvard or Yale. There doesn’t seem to be a desire to have a diversity of opinion or background in that. It is just about this one area—her faith.

Imposing a religious test on a Supreme Court Justice is not only anti-theistical to the Constitution; it is a very slippery slope, and it is one we have been down before and I thought we had cleared.

In 1960—1960—then-Candidate John F. Kennedy stood in front of a group of ministers in Houston, TX, who were concerned about having a Catholic President because we, as a country, had never had a Catholic President, and there were all these rumors and innuendoes out there that the President would work for the Pope. So in 1960 JFK stood in Houston, TX, and spoke to a group of ministers and made this statement. He said:

“I believe in an America... where no religious body seeks to impose its will directly or indirectly upon the general populace or the public acts of its officials; and where religious liberty is so indivisible that an act against one church is treated as an act against all.

For while this year it may be a Catholic or Jewish vote, the next may be a black, and the one after that an Irish, or a Southern white; or an eastern, or a western; or a northern; and religious views are his own private affair, neither imposed by him upon the nation, or imposed by the nation upon him as a condition of holding that office. I would not look with favor upon a president—

Or in this case, I would say a judge— working to subvert the First Amendment’s guarantee of religious liberty. Nor would I look with favor upon one who permits him to do so. And neither do I look with favor upon those who would work to subvert Article VI of the Constitution by requiring a religiosity test—by indirect means for it, if they disagree with that safeguard, they should be out openly working to repeal it.

We are a nation that celebrates faith and recognizes faith as a unifying factor, even in diversity of faith. I have had the privilege—many of us have—to be able to pray with each other. We are Senators of different faiths, different backgrounds, different places. We work to treat each other with respect.

Faith is not something that Americans should demand—or the Senate should demand—that people have to take off to be able to serve the American people. We don’t take our faith off when we go to work, we aren’t divided by it. It is the core of who we are in the inside. That is not something that I just take off to put on public service. You put on public service, but your core faith should not be challenged to be removed from you soul to be a viable person to be able to serve the Court.

Let’s work on our concept of religious liberty. Whether you are a Christian, whether you are a Muslim, whether you are a Hindu, you and I can be a great American and you can serve this great country in any location that you choose because we are a nation that honors and protects the right of free exercise of religion.

The PRESIDENTING OFFICER. The Senator from North Dakota.

Mr. CRAMER. Mr. President, 6 months later. Now this small businesses faced an existential crisis and unprecedented threat. Like the rest of us, they didn’t truly know what was happening, how hard it would hit us, how long it would last, or what the future would hold. But they did know that their businesses were preparing to close, that employees were being told to stay home, and they needed help, which is why I and every other colleague in this Chamber passed the CARES Act and ramped up the Paycheck Protection Program.

We gave money to the administration, which, in turn, gave that money to lenders, and those lenders, in turn, loaned that money to small businesses to utilize it for employee retention. If they followed the rules, they were told they wouldn’t have to return the money. That was the commitment we made to them while we strongly encouraged them—I emphasize strongly encouraged them—to use the program, and it worked.

We had nearly 5 million PPP loans worth $571 billion out the door and into the hands of our businesses that put it into the hands of their employees, which kept tens of millions of people, by some counts, on the payrolls instead of on the unemployment rolls.

History will be the judge of the long-term success of the CARES Act, for sure, but it is unquestionable that in the short term, this program succeeded. It is time for us now to uphold our commitment. America’s lenders and borrowers are ready to take that next step, proving that they have complied with the rules so they can receive forgiveness for these loans.

Sadly for them, but not surprising to me, the forgiveness process designed by the agency is burdensome, complex, and already in need of reform. That is not just my opinion; that is the opinion of the Government Accountability Office. They said: “Applying for loan forgiveness is more complex than applying for the PPP loan itself and requires more lender review.”

You see the trap that we have laid for borrowers and lenders. We, the Federal Reserve, the Department of the Treasury, the Small Business Administration, and the agencies that we created were never expected to do this. We are a nation that celebrates faith and recognizes faith as a unifying factor, even in diversity of faith. It is not about this one area—her faith.

Well, here we are. Our businesses are still struggling, still facing uncertainty, and the agency-prescribed solution appears to be creating a system more intense than any they have experienced during this pandemic just so they can prove to the right people that they didn’t use their money incorrectly. That is a problem.

We have known it was going to be a problem for a long time. That is why we have been working for months on bipartisan solutions to the problems in the small business program. This summer, Senator MENENDEZ and I brought together a bipartisan coalition and introduced the Paycheck Protection Small Business Forgiveness Act. Here is what it does. On PPP recipients, 4.2 million had loans of $150,000 or less. Remember, they could borrow up to $10 million. They account for around $132 billion of the PPP funds that we have spent. Think about that: 4.2 million of the 5 million—so 86 percent of the borrowers—account for $132 billion of the $571 billion that we have spent. That is only 27 percent. So what we did was separate the 86 percent of the loans, which account for 27 percent of the PPP money, and small businesses—complete the simple, one-page forgiveness document to the lender—our banks, our credit unions—the loan will be forgiven. It is that simple.

This eliminates the anxiety being felt by our businesses. It puts accountability on the borrowers and frees up enforcement efforts to focus on the 14 percent of the PPP recipients who took 73 percent of the funds. If this seems to be an obvious common sense, it is because it is.

Congress isn’t known for working well together; I know that. But, here, a
Republican from North Dakota has teamed up with a Democrat from New Jersey to find a plan that works for Members from Arizona to Alabama, from North Carolina to Nebraska. Nearly one-third of the Senate—with Members from both parties—has signed onto our bill.

What has happened since? The Presiding Officer knows as well as anybody that our friends blocked us from considering a new relief package just a couple of weeks ago. Many of the provisions of our bipartisan bill were in that package. Many bipartisan plans from all Senators were in it, but politics prevailed, and we came up short. That happens around here—just because our total package was blocked doesn’t mean our small businesses and lenders who gave them PPP funds don’t still need relief. That is what we have heard from our communities and hundreds of association leaders from across the country. On their behalf—on behalf of the small businesses that need help and the lenders we encouraged to help them—I am going to ask for unanimous consent to pass S. 4117.

Mr. President, I ask unanimous consent that the Committee on Small Business be discharged from further consideration of S. 4117 and the Senate proceed to its immediate consideration of the Johnson amendment at the desk to be considered and agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Maryland.

Mr. CARDIN. Reserving the right to object, I want to thank my friend Senator Cramer for bringing attention to this issue. I think he knows that the PPP program was included in the CARES Act, with bipartisan support, working with Senator Risch—Republican and Democrat—and other members of our committee.

We were the architects of the PPP program. It was bipartisan. It was included in the CARES Act, and it was enacted in March. It is very interesting that if we would have gone with the original bill that came out of the Republicans, it would not have been a bipartisan bill, and much of the help for small businesses would not have been there in the CARES Act. It is only through bipartisan legislation that we were able to advance the types of tools that are necessary to help America’s small businesses.

I must tell you, the No. 1 priority today for small businesses is to safely be able to resume full operations. They need it to be safe for parents and their children to be able to get back to school. They need us to get this virus under control, so businesses that depend on large gatherings—such as food service, hospitality, events, travel, and tourism—can literally survive.

The House took its action to help accomplish these goals last May when they passed the Heroes Act. To this date, the Republican leader, Senator McConnell, has not allowed us to take up the comprehensive legislation that will help our country, help deal with the virus, help our economy, and help small businesses.

Just today, Speaker Pelosi has updated the Heroes Act because it has been over 4 months since it was passed so that we now have a Heroes Act that is bipartisan. It is with great interest that the Republican Senators originally suggested and the Democrats originally suggested. That is moving toward a bipartisan bill. That is what we need.

In the Heroes Act, there are so many provisions that are desperately needed for small business that are not in this unanimous consent request. Let me point out a few.

We need a second round of PPP. Businesses have suffered significant revenue losses. The smaller of the small businesses need more help. The PPP program is designed for an 8-week pandemic. This pandemic has gone long beyond 8 weeks.

The House legislation includes resources for mission lenders, such asCDFIs and depository institutions. I mention that because we have found that when you rely on the 7(a) commercial loans in order to get forgivable loans, those who are traditionally underserved are not able to get the same type of attention—minority businesses, women-owned businesses, businesses in rural areas. We need to pay special attention to providing additional resources and allocations to mission lenders. That is not included in the unanimous consent request.

We need to expand PPP eligibility. We have heard from our nonprofits that were left out of the first round. They need to be included. Local newspapers were previously incarcerated individuals were denied certain help. The House legislation—the Heroes Act—makes those changes so that all eligible small businesses would be able to qualify for these loans.

The Economic Injury Disaster Loan Program, EIDL, is desperately in need of congressional attention. We have bipartisan support for significantly increasing the resources going into the EIDL Program—Senator Corzine, Senator Stabenow—so that we could replenish the grants and provide the grants that are desperately needed for small businesses.

We can eliminate that $150,000 arbitrary cap that was put on by the Small Business Administration, which is contrary to law. We need to make it clear that the loans could be made up to $2 million under the EIDL Program.

We need to help State and local governments. That is in the Heroes Act. It is not in the unanimous consent that is being suggested. We have to help State and local governments because their services are critically important for small businesses to be able to operate effectively. The House bill provides a separate amount of funds so that the local governments can directly help small businesses. That is not included in the unanimous consent request.

We can approve the 7(a) Loan Program, 504 Loan, Microloan Program. They are in the House bill, not in the unanimous consent request.

We have all heard from our live venue operators. They need help. They are going to close if we don’t do something to help them. It is our responsibility to do that. It is in the Heroes Act. It is not in the unanimous consent request.

We need to expand the employee retention tax credit, which allows workers to be retained by small businesses. This was expanded in the Heroes Act, but it is not in the unanimous consent request.

We need to go on and on about all of the provisions that we need to take up now that are necessary to help small businesses. If we wait until after the elections, more small businesses will be shuttered forever. That is the No. 1 priority of small business.

We also find that we need to help in regard to streamlining the process of loan forgiveness. I agree with my colleague. I agree that we need to simplify that process. I have had my arguments with the Small Business Administration, so I have those who have oversight in the executive branch. We know what they did to the EIDL Program. They didn’t administer it the way we said—3 days to process grants. They didn’t do that. They didn’t give us the data we needed so we could understand the program. So why do we have confidence that, under the Senator’s unanimous consent request, he will do the right form? You give them the authority to issue the form, and I am not exactly sure that will work.

Here is the good news. We want to do something in this area because the Senator is right in that we need to streamline the process. The SBA is not doing it the way we intended it to be done. The House took action, but the House’s action is a little bit different. The House has said: Look, for those loans under $50,000, why don’t we do it without any paper. Let them retain the records, but let’s eliminate any possibility of the SBA’s delaying loan forgiveness. I think that is one we should look at, but we can’t do that if we are to let this unanimous consent go forward.

Lastly, this consent also deals with safe harbor for the PPP lenders. It would provide safe harbor from claims under the Small Business Act, the False Claims Act, the Financial Institutions Reform, Recovery, and Enforcement Act, the Federal Deposit Insurance Act, and the Bank Secrecy Act. It is not in the SBA’s rule and is not in the SBA’s regulatory or criminal or civil law regulations. I think we should look at that before we just, all of a sudden, agree that we
should give that type of blanket safe harbor.

Small businesses need help now. My colleague is correct. They need help now, but they need help far broader—far broader—than this unanimous consent takes us. There is also a need for negotiations in regard to the provisions that the Senator has brought to the floor. I can assure him that I will continue to work with Senator Rumba and his colleague once we get the numbers from the powers that be—they being the Speaker of the House, the Secretary of the Treasury, the administration, and our leaders.

As we did under the CARES Act, we will put together a comprehensive program to help all small businesses, not just those that are struggling right now with this form but those that can't even get the loan because they were not eligible but should have been eligible or those that need additional help or those that need the EIDL Program to work well or a microloan. We want to provide that comprehensive help now—this week—for small businesses, but this unanimous consent just does not get us there.

The commitment to my colleague is that we are going to work with him and our other colleagues, as we always do, and that we are going to include the provision to make it easier for small businesses to get loan forgiveness because we agree that the SBA has not interpreted our law the way we wanted it to.

For all of those reasons, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota.

Mr. CRAMER. Mr. President, I appreciate Senator Cardin's commitment to work together. We are all committed to that as well.

I do struggle a little bit when the reasons to oppose something are all of the things that aren't in it. Sure, there is not support for State or local governments. There is not a new EIDL Program or a reformed PPP program or a microloan program or tax credits. Of course, those are under a whole different jurisdiction. There is not nuclear modernization, and there is not unemployment insurance. There are lots of things that aren't in it. Yet politics is the art of the possible, and around here, big packages become very difficult, and politics gets in the way.

I was hoping we could find an increment to help small businesses in a significant way that, frankly, wouldn't cost our government anything but, in fact, might save it some money in its just not hiring another large bureaucracy.

I look forward to working with the Senator. I appreciate his work on the CARES Act and the PPP and his work with Chairman Rumba and Susan Collins in creating this program. I am just disappointed that we couldn't get it across the finish line today, but I hope we have more opportunities to work on this in the future.

I yield the floor as I know that a couple of my colleagues want to speak on the same topic.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Mr. President, I thank Senator Cramer and my colleague Senator Rounds from North Dakota.

North Carolina's businesses are struggling. I heard Senator Cardin and am sympathetic to most of what he said. Yet, as I have traveled across the State—and I have had 65 telephone townhalls since COVID started and have talked with citizens in North Carolina for over 365 minutes hearing from them and answering their questions—I know we have a very difficult problem in North Carolina and across the country. I just talked with a hotel and lodging association and a restaurant association a few weeks ago. They said we have 18,000 restaurants in North Carolina, and 9,000 of them are at risk of closing permanently.

When we passed the CARES Act, we knew we had to do something big, bold, and fast, and I think everyone at the Fed was happy they had that bipartisan and in the banking industry mobilized to do something that was unprecedented. They got that money out and into the hands of businesses.

The program is called the Paycheck Protection Program for a reason. We were doing everything we could to make sure that those businesses that were willing could make payroll—could keep people on their benefits, could keep people on their healthcare—and could weather the storm while closures were going on all across this country. They were closing down businesses or, certainly, dramatically reducing their business.

Thank goodness for the brave businesses that stepped up and applied for Paycheck Protection Program loans, and thank goodness for the banks that were willing to underwrite them while we were still, really, working the rules out—literally building the cars as they were rolling down the road. They should be commended for what they have done.

This measure is a simple measure. We know that more than 85 percent of all of the loans that were underwritten under the Paycheck Protection Program were under $150,000, and we know that they were small businesses. Yet we have a lot of paperwork that these businesses are going to have to do, and small businesses interacting with the Federal Government on four or five occasions before the loan is forgiven is a daunting task when you are still trying to figure out how you can make payroll and how you can keep your business going.

Then you have the banking industry that we rely on for moving all of this capital out there and making sure that payrolls can be met and want to be prepared for the next tranche of CARES Act Paycheck Protection Program loans. Yet we are going to tie them up in paperwork with these small business loans that we can forgive? It is not like we are turning a blind eye to compliance. We will look at that loan portfolio with the same sort of sampling that the IRS does to make sure there is not any fraud or abuse and to make sure people are held accountable. If Senator Cardin really wants to get to the work of the next Paycheck Protection Program, let's lay the groundwork and clear the plumbing so we may call on the Small Business Administration, which is in the process of hiring 1,200 people just to deal with loan forgiveness. The banks that want to provide more loans and clear their backlogs so they will have the capacity to do it as fast as possible.

Senator Cardin is right in that we have a lot more to do. This is a step in a long journey. It is not a forgiveness program—the measure that Senator Cardin objected to—we would have the opportunity to take a straw off the camel's back. We have to do something. We continue following up on the CARES Act, but I am very disappointed that we are where we are in this Chamber when everybody knows this is good legislation.

We should do it, but they are turning their backs on businesses. Unfortunately, I think it is built in more people being on unemployment and more businesses closing. I will work as hard as I can with Senator Cramer and Senator Rounds and other Members to get this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUND. Mr. President, first of all, let me thank my colleague from North Dakota for his support in this and my colleague from North Carolina for supporting him in this action. We appreciate the comments the Senator from Maryland has made, but we, most certainly, disagree with the approach he is suggesting.

Senator Cramer has suggested that we have a very serious problem here that has to be addressed. This is something that does limit the role of the Republican businesses. It affects all businesses. You are talking about 4.2 million small businesses across the United States that are being impacted by this that have borrowed money in good faith and that have kept their businesses open. Now, surprisingly, when it comes time for the forgiveness portion of this to occur, we have a very challenging process put in place—a burden-some process—that could only have been done with the power of the purse found in Washington, DC, not in the rest of the country. To make the application more difficult for one to get forgiveness than the actual application to participate in the program in the first place is simply absurd.

Let me share with you a message from one of our bank executives in South Dakota. He is a rather prominent CEO in South Dakota. I share with you that I have cleaned this up a little bit and will paraphrase his quote to us after we asked him for information concerning how the banks will try to handle this.
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Remember, the banks didn’t have to participate in this, but they did so, in a way, to literally get money out in a very short period of time to the businesses that desperately needed the money in order to survive.

First of all, they had open lines of communication with the SBA literally 24/7 for more than a week in their trying to get approval for individual applications. They helped small businesses actually fill out the applications in the first place. Second of all, these banks will be reimbursable for these loans, and unless they are forgiven, they will stay with the banks.

If we are successful in coming to an agreement on additional loans being made in the future, how in the world can we expect these banks to get back in if we can’t even follow up on our agreement that we would make this a simple process to get the loans forgiven in the first tranche that we have completed?

Let me share with you what this CEO writes. This has to do with his version of what is going on. We have literally received dozens of these types of comments from bank loan officers in the Upper Midwest, particularly in South Dakota. I paraphrase because, as I say, we had to clean this up a little bit.

The forgiveness piece of the PPP is a disaster. I have 750 loans out of 1,381 that are under $20,000 and 50 that are under $2,000. They have the same forgiveness process as the loans of my largest borrower, which is for over $4 million. So we are asking them to fill out the same paperwork as we do a large loan recipient.

He goes on to write:

The simplified version of the PPP loan forgiveness application program is not that simple. The Government Accountability Office has studied it and has said that it takes a borrower 15 hours to complete and the lender 75 hours to process.

Let me say that again. It takes 15 hours for the loan borrower to actually do the paperwork and 75 hours to process it.

Our borrowers are not happy nor are we as bankers. This is not what we signed up for in order to get disaster payments to our customers. We are trying to hold off the small businesses that borrowed under $150,000, but they are getting anxious. We as lenders bust our tails to get this money out, and we are getting absolutely hosed by this process.

I might add that this is not the word he used.

Lenders feel as though they have really been let down. There is more than a little fatigue with the entire PPP loan forgiveness process.

If we used any kind of common sense like they have in the Upper Midwest, we would have fixed this thing already. Unfortunately, it is in the middle of a political process in Washington, DC, and 4.2 million small businesses hang in the balance. Their ability to take care of a loan—that we had committed would be forgiven if they were to follow through and now in jeopardy. Time is running out.

I appreciate the opportunity, once again, to support the legislation that Senator CRAKER from North Dakota has proposed. I hope that our colleagues on both sides of the aisle will come back and start using some of that common sense that seems to prevail in the rest of the United States even though it is not always evident here in Washington, DC.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

NOMINATION OF AMY CONEY BARRETT

Mr. BARRASSO. Mr. President, I come to the floor today to discuss the President’s historic choice for the U.S. Supreme Court. The President has nominated Judge Amy Coney Barrett of the Seventh Circuit Court of Appeals. She would fill the vacancy left by the passing of Ruth Bader Ginsburg.

This is a powerful and positive appointment by President Trump. Judge Barrett is a brilliant jurist. She has a stellar record, and she has a solid character. She will serve as a role model for an entire generation in the legal profession.

She has already been vetted by the Senate. She was vetted and received bipartisan support when she was confirmed 3 years ago to her current court position. Well, that is the definition of “highly qualified.”

She embodies the qualities the American people want in a Justice. Now, the American people want fair Justices. They want Justices who know that their job is to apply the law, not legislate from the bench.

That is what people in my home State of Wyoming talked about this past weekend, when we were advocating at home with the people of Wyoming. They want Judge Barrett, and she is committed, through her time in the legal profession and on the bench, to these very values.

So here in the Senate, in this body, we have a job to do, and it is to offer advice and consent.

We will hold fair hearings, and we will hold a timely floor vote on Judge Barrett’s nomination.

My colleagues on the other side of the aisle don’t seem to feel the same way about this process. In fact, they have already announced their opposition to the nominee—regardless of how qualified this nominee is who is before us, regardless of the vacancy that exists on the Court regardless of the spectacle that the American people saw 2 years ago with the confirmation of Judge Kavanaugh.

The Senate minority leader has made his position clear. He appears to be so disturbed by the prospect of a constitutional jurist on the bench that he is willing to spend the core institutions of our Nation.

The Democratic Senators are calling on their colleagues to pack the Court—add two more liberal, activist Justices to the Supreme Court.

One Senator tweeted about this this weekend. That is, of course, what they plan to do if they win the White House, they have already announced their plan to do so for the November elections. Now, this would deliver partisan decisions that make law but don’t apply the law.

Now, for Vice President Biden in the presidential debate last night, he refused to answer a specific, direct question about this very topic. He refused to reject a position that Democrats are holding that is highly unpopular and highly divisive.

And now adding members to the Supreme Court—you know who said that was a bad idea? Well, it was Ruth Bader Ginsburg. She said nine members is the right number; that it works. People shouldn’t try to add to that. It would be seen as partisan, political. Of course, that number has been in place since 1869.

Last year, in an interview, she said that nine was the right number. So this isn’t something she said a long time ago. It was just last year in an interview with National Public Radio.

Democrats aren’t going to listen to her. Senior Democrats appear determined to remake the Senate and destroy the Supreme Court in the process.

The radical left sees Judge Barrett simply as collateral damage. She is an obstacle to be overcome, no matter the cost. That is why she is being attacked for her faith—for being an active member of her church, for participating fully.

She is being attacked as a mother, being attacked for her religious beliefs. The far left, in their haste to attack the judge, never mention that she has seven children. Now, two of those seven children are adopted. One of her children has special needs. Judge Barrett is a full-time caregiver, as well as a public servant. She understands the importance of healthcare. She understands how precious life is. She is an outstanding nominee.

Two years ago, we considered another nominee for the Supreme Court. Democrats dragged him through the mud. We witnessed a gangland character assassination. I wouldn’t be surprised if we see the same thing happen again, and the far left is already demanding it.

They are demanding that mud continue to be thrown at this nominee until it sticks—something, anything to undermine her character and to undermine her credibility.

Now, I might remind my friends what the outcome of that seek-and-destroy mission was the last time. Justice Kavanaugh’s family was put through the meat grinder, and Republicans stood by him. He was confirmed by the Senate and sits on the Supreme Court.

The Senate and the American people will not stand for more political gains.
Ms. KLOBUCHAR. Mr. President, I am here today to make clear what is at stake if the Supreme Court overturns the Affordable Care Act in the middle of this global pandemic.

This is something the Trump administration has been trying for, for years. It came out of a case in Texas, and they brought it all the way now to the U.S. Supreme Court.

It has been over 9 months since the United States' first confirmed case of the coronavirus. Now we have over 7 million cases and, tragically, over 200,000 people have died.

It has been 9 months but still we do not have a national testing strategy in place—something that would not only save lives but also would be a great help in having the ability to open our economy back up.

We don't have sufficient contact tracing or clear guidance to schools and businesses on how to keep their students, employees, and customers safe.

Nearly 30 million people are out of work, and today many are still struggling to pay their rent and put food on the table for their families.

Millions of kids are sometimes going to school in hybrid models—in for a few days, out of a few days. They are learning to use Zoom. First graders—one of my staff members in Minnesota, her first grade daughter is learning the multiplication tables.

But instead of being honest with the American people about how serious this was, we have had a President who hid the truth about how deadly the virus is and how it spreads.

This is personal to me. When the President was telling the American people that this was all going to go away; that it was going to go away by Easter, and we knew that that was a lie. We now know, that it was deadly; that he knew that it was airborne, when my family was just trying to wash off all of the counters and wash your hands, which is still a good idea, but we thought that would be the way to keep ourselves safe. President didn’t share that information.

And my husband, early on, got very, very sick from the virus. He ended up in the hospital with severe pneumonia and more oxygen. So, for me, it is personal. But guess what. It is personal to nearly everyone in America because they know someone—a friend, a family member who has died or who has gotten sick.

Now, in my husband’s case, thanks to the brave frontline workers and the nurses and the hospital and the doctors, and thanks to the flu—just serendipity if people are able to survive this or not, depending on how hard-hit they are. Our story isn’t unique, and many, many people who went to the hospital didn’t come home, and we now know this has inordinately hit frontline workers and inordinately hit people of color.

So here we are, so many months later and well over 100 days after the House first passed the Heroes Act—legislation to provide true funding for testing, help State and local governments go through this time, to make sure our elections are safe during this pandemic—and still we wait.

And while I am encouraged that Speaker PELOSI is, once again, negotiating after she and Senator SCHUMER had met with the White House, met with the majority leader of this Senate, offered a plan that was rejected, and still people kept dying. I think something like 800 businesses closed a day.Hundreds of people are dying a day.

So now they are at it again. Speaker PELOSI is coming up with a new plan that is significantly less funding but one that we hope has a glimmer of hope. But this has not been a priority in this place.

Instead, the plan is to spend the next few weeks jamming through a nominee to the Supreme Court. What is the rush? Why not focus on working together to help the American people get through this pandemic? Why not focus on getting a bunch of the bills done that have been sitting on the majority leader's desk, like the Violence Against Women Act? That is sitting there. Why not take some action on climate change? That is sitting there as the fires are blazing on the west coast. Why not do something about pharmaceutical prices—something the American people expect fairness. They demand it for the highest Court in the land, and Senate Republicans will ensure it. We will ensure Judge Barrett is fairly treated. She deserves dignity and respect, and we will ensure that she is here.

Amy Coney Barrett appears to have all the qualities I look for in a Supreme Court Justice. She is a model of integrity, intelligence, and of judicial independence. She is highly qualified for this role. She is not nominated, and she will receive a fair vote in the U.S. Senate.

I yield the floor.

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

Ms. KLOBUCHAR.
people more if they got sick, and it included an age tax, where an older person could have been charged five times more than a younger person.

That was the plan we saw before. That plan was opposed by every major group that tests when it comes to your health care. The largest groups of doctors, nurses, seniors, hospitals, people with cancer, Alzheimer’s, lung disease, heart disease, diabetes. They said it was the worst bill for the people of this country.

There was never even a vote on that bill because it was so unpopular. That was, of course, just months after that previous effort I just described where John McCain walked into the Chamber and gave the repeal of the Affordable Care Act, which would have taken healthcare away from so many Americans, a big no.

Senator McCain believed that courage is not just standing by yourself, giving a speech to an empty Chamber, like I happen to be doing right now, so thank you, the 10 people who are here. It is not just that. It is whether you are willing to stand next to someone whom you don’t always agree with for the betterment of this country.

But back to what we are seeing here. Indeed, my colleagues have not been able to succeed in repealing the healthcare law using the legislative process. The administration has turned to the courts.

Let’s look at the track record. I like looking at evidence, as a former prosecutor. Even before he was elected, the President promised that his judicial appointment “will do the right thing” and overturn the Affordable Care Act. He has criticized the sitting Chief Justice, Justice Roberts, for upholding the law when it was last before the Court. Just days ago he said on Twitter that it would be a “big win” if the Supreme Court strikes down the health law.

Now, in another recent being, the President is trying to jam through a nominee who has already voiced serious opposition to upholding the Affordable Care Act. The same year that this nominee became a judge—that would be in 2017; she was confirmed in October—she published an article with the University of Minnesota Law School Journal—a pretty good journal—writing that she believed Chief Justice Roberts—this was her criticism of the Chief Justice—“pushed the Affordable Care Act beyond its plausible meaning to save the statute.”

If President Trump’s nominee is confirmed before oral arguments on November 18, yes, she could easily cast the deciding vote to strike down the law in its entirety. The American people know what that will mean to them.

Before the ACA—and I remember this because we debated it in this very Chamber—43 States allowed insurers to charge higher premiums to people with preexisting conditions. We can’t go back to that.

Without the Affordable Care Act, health insurance exchanges, and the support for States to expand Medicaid, it is estimated that 20 million Americans would lose their insurance.

The ability to keep your kid on your insurance plan until they are 26 years old would be gone. How many parents are using this right now in the middle of this pandemic? I don’t know the number, but I know it is a lot.

The work we have done to close the Medicare doughnut hole coverage gap for prescription drugs would be gone.

The provisions that would help people buy insurance on the healthcare exchanges would be gone in the middle of a global pandemic.

Over 7 million Americans have been infected by the coronavirus, and the cases are rising. That is 7 million people who, without the Affordable Care Act, could be found to have another preexisting condition, and that is 7 million people who may have recovered from the virus, but not the virus they were warned, they continue to struggle with a range of long-term effects that require comprehensive healthcare coverage.

So why? Why ram this through in 2 weeks? Is it because that case is coming up—if you read the President’s tweets, it makes you think it has a lot to do with it—or is it because of the alternative theory he has put out there that he wants to make sure the Supreme Court is in place in order to decide the election result? Neither of those theories is a reason to jam through a nominee, and my colleagues know it.

I know that the people of this country want to see this raw use of political power. They know their healthcare is on the line. They know it is on the line. They know our environment is on the line. That is why they are voting. They are voting in droves. They are voting as we speak. They are casting ballots with each and every second we stand here in this Chamber.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, Wendy is a constituent of mine from Stamford, CT, and she tells a story that is going to sound incredibly familiar to folks who have been part of this healthcare debate over the last 10 years in this Chamber. She said:

When my daughter was 15, she was diagnosed with a type of bone cancer and underwent a year of treatment. We were hopeful that she was cured, but exactly 1 year ago—she was a graduate of Harvard College and was about to move across the country to begin her career when she underwent a routine checkup and found out that the cancer had returned. The past year has included more chemo, surgery, and immunotherapy.

My daughter is now 23 years old, and she is the definition of a preexisting condition. She is still on our health plan, but we are already looking at the time in about 2 years that she will no longer be covered. She is at least feeling well enough to begin the job search again, there is no security for any of us without the existence of the Affordable Care Act. She has an opinion that she does not have employer-based healthcare. She is a young woman who has already gone through so much in these short years. There are enough unknowns. Please continue—

This is her writing to me—to protect the Affordable Care Act so she knows she has healthcare.

President Trump last night contested the idea that 100 million Americans have preexisting conditions. Well, maybe he is right because most data suggests that the number is 130 million Americans who have some form of preexisting condition that, if insurance companies were allowed to, would either result in rate hikes for them because of their diagnosis, or insurance would be made unavailable to them entirely.

Now, it has almost been 10 years since we lived in a world where insurance companies could deny you coverage because of a preexisting condition or could raise your rate simply because you are a woman. So for many Americans, it is even hard to remember those days in which you could be discriminated against just because of a childhood cancer. But those days are about to become back. We are literally months away, if President Trump is successful in ramming through this Supreme Court nominee, from insurance companies once again being able to deny coverage to anybody they want based upon their gender, based upon their medical history, based upon their prior diagnosis.

This isn’t hyperbole because I have been in the Congress long enough to know two things. One, Republicans will still do nothing in the event that the Affordable Care Act, and we will talk this afternoon about what that means beyond the 130 million Americans who will have their rates increased. But I know something else as well, which is that there is no replacement. There is nothing coming from the Republican majority in the Senate or from this administration to replace the Affordable Care Act. Do you know why I know that? Because I have been waiting for the replacement for a decade, and it has never shown up because it never will.

Republicans tried to repeal the Affordable Care Act here the first year of the President’s term. A lot of people said it was a foregone conclusion—of course, after having pledged to repeal the Affordable Care Act for 5 years, Republicans now, with control of the Senate and the House and the White House, will of course make good on their promise. Of course, we know how this ended up because the American people rose up. Phone lines lit up, townhall meetings exploded, and Republicans in the end...
could not find the votes, even with majorities in both Houses and control of the White House, to repeal the Affordable Care Act.

Well, then, Republicans said, let’s find another way. If we can’t use the most direct—legislation—in order to repeal the Affordable Care Act, then let’s go to the courts.

So Republican attorneys general filed a lawsuit seeking to overturn the entirety of the Affordable Care Act on a legal basis that most mainstream scholars thought had no shot, but they weren’t counting on this President being able to pack the Court with enough extreme, rightwing jurists to accept the flawed argument. So the President started by putting Neil Gorsuch on the Court. He continued with Brett Kavanaugh. Now, one vote away from being able to overturn the Affordable Care Act, he now has a chance, with the nomination of Amy Coney Barrett, to finally get what he couldn’t get in the elected branch of American government—the full repeal and elimination of the Affordable Care Act with nothing to replace it.

It is not hyperbole because there is literally that case that I described getting ready for argument before the Supreme Court a week after election day. So guess why it is so important that we confirm a Justice before election day—because they need the votes to invalidate the Affordable Care Act shortly after the election occurs, and it becomes a little bit harder if that Justice is not there to hear the arguments in mid-November.

Take Republicans at their word: They want the Affordable Care Act gone. Take Republicans at their word: They don’t have a replacement.

It will be a humanitarian catastrophe in this country, in the middle of a pandemic—a pandemic that is killing 1,000 people a day; 44,000 new infections that we know of on a daily basis; 60 million Americans lose access to insurance.

Remember, this lawsuit doesn’t ask for the Affordable Care Act to be eliminated in pieces or over time; the remedy it seeks is the Affordable Care Act gone, all of it, overnight. There are 23 million Americans who rely on that and 260,000 in my State—the equivalent of 62 different towns in my State alone losing their health insurance.

Doesn’t anyone think States are going to be able to pick up the pieces here. A lot of these folks are on Medicaid. Theoretically, States could decide to pick up the bill themselves, but they can’t because the President has forced States to foot the lion’s share of the bill for fighting COVID because of the failure to stand up a national response. So States have no money lying around in order to make up for all the people who are going to lose Medicaid access. There are 23 million people who can lose their insurance, potentially by the end of the year or early next year, if this Justice gets confirmed to the Court.

But then, all those people with preexisting conditions—and, remember, we now have a new preexisting condition. That is COVID. What we are learning about COVID-19 is very, very worrying. Researchers have observed a number of concerning long-term symptoms—such as cardiac issues, lung fibrosis, loss of smell and taste, the brain, the kidneys in those who have gotten sick, and even in many people who are asymptomatic. In fact, there is a study out there right now that Dr. Fauci noted before this debate that shows that 70 to 80 percent of people who have had COVID have some lasting damage to their heart. COVID is a preexisting condition.

Now, you may think, I haven’t had COVID, so I am not at risk of that preexisting condition causing my rates to go up if Amy Coney Barrett gets confirmed to the Court. Well, you don’t know if you have had COVID or not, and let me tell you that insurance companies are not going to play dumb. They are going to discriminate against you because you have COVID, then they are going to require you to prove that you haven’t had it before you get a policy. Millions and millions of Americans are going to have their rates increase or be denied healthcare coverage at all because they had COVID, whether they were asymptomatic or symptomatic. That, in and of itself, is a healthcare crisis in this country.

So the stakes of this debate over the nomination of the new Supreme Court Justice couldn’t be higher. Senator KLOBUCHAR talked about the fact that this Supreme Court may decide the outcome of this election, and that is a subject that we should explore at a different time. But 1 week after the election, the Court will hear a case asking for the invalidation of the entire Affordable Care Act. Republicans in the Senate and the White House have no plan to replace it, and if that case is successful, 23 million people are at risk of losing their health insurance: 11 million who are on the exchanges; 12 million who are covered by Medicaid; 133 million Americans, roughly half of America’s population under the age of 65, could have their rates increase because of preexisting conditions; 2 million young people under the age of 26 could be kicked off their parents’ health insurance; and 9 million people who receive Federal subsidies, tax credits, to buy private insurance would lose that coverage.

In the midst of a global pandemic, a COVID diagnosis would possibly render you ineligible for insurance. That is a nightmare—a nightmare on top of the pandemic nightmare that we are living through currently.

So we are on the floor today to make sure that our Senate Republican colleagues don’t distract the American public, don’t try to create controversies around this nomination that don’t exist, and don’t try to put words in Democrats’ mouths. Listen to what we are saying. What we are saying is that this nomination is about the future of the American healthcare system, and every single Senator who votes to confirm Amy Coney Barrett to the Supreme Court, I believe, is voting to take insurance away from over 20 million Americans, voting to render COVID a preexisting condition that requires you to pay more for healthcare for the rest of your life, and going back to the days in which any preexisting condition could cause you to lose your health insurance and then lose everything that you have saved up over decades and decades.

Betty Burger is one of those people, and I will finish with her story. Betty Burger had good insurance through her husband her entire life. He changed jobs, and he had about a week’s period of time in which he didn’t have a job in between those two jobs and did not have healthcare. During that week, one of their kids was diagnosed with cancer, and it became a preexisting condition, such that the husband’s employment plan wouldn’t cover it, and the Burgers lost everything—everything. They went bankrupt. They went through their savings. They went through the college fund. They lost their house. They lost everything.

The September 24 decision of the Supreme Court justices—every decision in the course of the next month.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire?

MRS. SHAHEEN. Mr. President, I join my colleague in coming to the floor to talk about what is at stake as the Senate considers who will fill the Supreme Court vacancy left by the passing of Justice Ginsburg.

Justice Ginsburg was not only an extraordinary legal mind, but she was an unwavering advocate for equality under the law. I believe she epitomized what we should seek in any Supreme Court Justice: a respect for the rule of law coupled with an understanding that our Constitution was designed to protect the rights of the many, not just the few.

Unfortunately, President Trump and my colleagues across the aisle are using this as an opportunity to try to advance Justice Ginsburg’s legacy by attempting to rush through a nominee when the election is already underway. And that is not being dramatic. The fact is, we have 31 States, including my home State of New Hampshire, that have already begun distributing their absentee ballots. In fact, I was at a UPS distribution center in the city of Dover yesterday—actually it was on Monday—and I talked to several people there who showed me their absentee ballots because they had filled them out and they were getting ready to mail them.

So voting is already underway, and this is no ordinary election. It comes
during a global pandemic, when cities and towns are struggling to stay afloat and Americans are trying to figure out how they are going to continue to pay the rent and put food on the table. With more than 200,000 Americans, including 459 Granite Staters who have died from COVID–19, we are seeing funding as many as 40,000 new cases each day in this country.

Our economy is struggling to get back on its feet. There are still 11.5 million front-line workers employed who have been laid off from their facility. Despite the very much COVID–19 has had a huge impact on coronavirus in the communities in New Hampshire. Nashua is one of the most COVID cases of any of the hospitals in Nashua, and it is one of the two hospitals in Nashua, and it is one of the two hospitals in New Hampshire, where we saw in 2019 the pandemic continues—more than 40,000 have been shuttered in New Hampshire during a global pandemic, when cities and towns are struggling to stay afloat and Americans are trying to figure out how they are going to continue to pay the rent and put food on the table. With more than 200,000 Americans, including 459 Granite Staters who have died from COVID–19, we are seeing funding as many as 40,000 new cases each day in this country.

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job loss and threat of homelessness due to violence at home. Most shelters across the state have remained at capacity since the start of the pandemic, utilizing hotels to house additional victims, often for extended stays lasting several weeks at a time. Crisis centers remain deeply concerned about the consequences of not having enough housing support to ensure the safety of victims in our communities.

Despite added efforts to help domestic violence and stalking victims access the legal system, there has been a severe decrease in the number of protective orders filed compared to last year. In a state where over 50 percent of Lethality Assessment screenings represent high risk of fatality, and where domestic violence is a factor in one-third of all homicides, there is an essential need to ensure that survivors are able to access legal help to navigate the legal system during a public health crisis.

The continued challenges that survivors face in accessing vital services cannot be overstated; prolonged inaction in providing additional funding places survivors and their families in increased jeopardy. At the onset of the pandemic months quickly identified the immediate loss of funding due to COVID-19 as annual fundraisers had to be cancelled. It is projected that the total loss of revenue for all local center programs will be over one million dollars. This has required member programs to tap into unrestricted funding in order to meet the increased service demands of survivors, leaving crisis centers with limited funding to cover basic operating costs. Crisis center staff have been running an endless marathon over the last year, are in great need for Congress to rally behind them.

As we continue to acknowledge the full impact of COVID-19 on our field, we would be exceeding grateful for further federal funding to help us weather this storm. Centering our needs and experiences of survivors in the current conditions is the only way we can ensure our business community’s survival.

Thank you for your continued dedication.

Sincerely,

Pamela Keilig, Public Policy Specialist.


Dear Senator Shaheen: The Seacoast Chamber Alliance respectfully requests that you and your colleagues in the Senate work together in a bipartisan effort to approve a comprehensive funding relief package to support our businesses.

Although some of our members are grateful for the support already allocated through previous CARES Act funding relief packages, we know this economic crisis caused by COVID-19 is far from over. And for many, the worst is yet to come.

As we head into the winter months, many are seeing continued declines in business and several businesses in certain industries are predicting a significant increase in customers to the area and help to support numerous other businesses such as retailers and service-oriented businesses. The loss of restaurants will create a ripple effect that will be catastrophic to downtown business districts resulting in the closing of many other small businesses, loss of jobs and empty buildings.

Although hospitality businesses are facing an urgent need due to the change of season, many other businesses are still in need of assistance as well. Supply chain delays, slower consumer spending and lower customer spending are resulting in businesses seeing lower revenues and higher costs for materials across sectors. A great many of the businesses in our area are operating at full capacity and are furloughing employees as a result.

Feedback from some of our members is below. It is clear that without another round of assistance, many businesses will not survive into 2021. Please urge the Senate to vote on a bipartisan bill and send the relief needed to ensure our business community’s survival.

Thank you for your consideration.

From a Downtown Retail & Commercial Real Estate: I’m concerned that the level of additional funding that Senator Shaheen is supporting may be more than necessary for most circumstances. What is more importantly, I will certainly add even more to the huge debt that we are already leaving on the shoulders of the younger generations. I suggest that they stop pretending to get everything, but get SOMETHING—those things they agree upon now—so our businesses can survive in business; they can argue about the contents later, which may or may not happen.

From a Historic Museum: By our interactions here at the historic museum, we know how important surviving is for the cultural heritage, we have played a significant part in creating and maintaining a vibrant economy. With our physical distance, though, our places in the economy have evaporated. In the absence of the PPP loan program, it seems doubtful that our organization would have been able to cover payroll costs this summer, and our prospects are looking increasingly dim if the federal government does not provide additional funding. Centering the needs of our organization and the non-monetary needs of our community is key to the local tourism economy, and to the economic livelihoods of all our cultural organizations.

From a 501(c)(6) Membership Art Association: As a non-profit organization, we really need all the help we can get to stay in existence. As an art oriented organization, we are finding it extremely challenging to get attention and do other programs because much of the money available in grants (other than the governor’s main street, and from individuals, seems to be prioritized to more social oriented non-profits—such as food banks, homeless shelters, etc. We certainly realize these are very important at this time, but we also have to have the ability for other nonprofit programs to get funding assistance. We have had to reinvent the way we do business by moving more of it online, which has meant increased staff and software expenditures as things remain a challenge for us.

From an Amusement Attraction: Thank you for spearheading this. I have to tell you, we see the most need. People we have had to work collectively. This is the first time I’ve stopped and put what we are
DEAR SENATOR SHAHEEN: I write to you today in my position as County Administrator to first extend to you and your staff my heartfelt thanks for the incredible support you have extended to the residents of Cheshire County. This is just a short list of the work you have done on behalf of the citizens of Cheshire County and I thank you.

When Granite Staters, and I believe Cheshire residents, need help, they look to you. When faced with challenges that require leadership, you have risen to the occasion. I write to you today to extend my personal thanks for your leadership during a time of incredible challenges.

Your leadership in Washington has helped Cheshire County receive funding for PPE, stipends for NH resource hosts, sheriff's deputies and Department of Corrections. We have received funding to cover for lost revenues at our nursing home and unemployment benefits and food stamps for those living in Cheshire County. This is just a short list of the work you have done on behalf of the citizens of Cheshire County and I thank you.

When Cheshire County residents are facing challenges, they look to you. As the impact of the pandemic endures, the residents of Cheshire County continue to feel the devastating effects of the economic structures. The Delivering Immediate Relief to America’s Families, Schools and Small Business Act, which was voted down yesterday, fell short in many areas but especially for counties due to the lack of providing direct flexible relief to counties, cities and towns of all sizes.

At a time when so many Cheshire County citizens are serving on the front lines of the COVID-19 pandemic, and as we move closer to 2021 with so many unknown fiscal realities, I was extremely disappointed that the new supplemental aid package being considered in the U.S. Senate and House does not include new fiscal relief or flexibility for county governments.

As you look to the next stimulus or CARES Act funding, I urge you to work with your colleagues on both sides of the aisle to ensure that the critical health protections that keep people safe are fully funded. I want you to consider the billions in lost revenue at small businesses across the state that are counting on the PPP loan and NERF grant this year. If a vaccine isn’t forthcoming, we could be in the exact same position next year, and would be looking for a similar amount of funding. Star is open to the public and welcomes nearly 20,000 people a month. We consider ourselves stewards of this NH treasure, we are grateful with the funding we received in 2020, and we know that without continued support, our ability to continue to welcome guests and protect the community level.

We understand the need for appropriate public accountability standards, and the oversight guardrails that are in place for the emergency and proposed legislation, and we will meet those expectations.

Our goal is to always ensure that all federal resources are utilized wisely and responsibly at the local level to address the immediate and far-reaching impacts of the current pandemic, and to make our nation more resilient and safer at the individual community level.

I therefore request, with the utmost respect and gratitude for your tireless and steadfast work during this pandemic, that you continue to fight for your colleagues on both sides of the aisle.

The urgency to agree upon a stimulus bill prior to the new year that will address the needs of the counties, cities and towns in the State of New Hampshire cannot be stressed strongly enough. The ability to access flexible funds to help our communities avoid revenue shortfalls will strengthen all of our communities, but especially Cheshire County.

I urge you to continue to fight for our non-profits (and many others), and I am happy she is continuing this fight.

I yield the floor.

The PRESIDING OFFICER: The Senator from Nevada.

PRESIDENTIAL DEBATE

Mr. ROSEN. Mr. President, I rise today to condemn President Trump’s refusal to denounce White supremacy during last night’s Presidential debate. At a time when this Nation is having a profound discussion about race—with anti-Semitism rearing its ugly head from the White House and the United States not condemn the White racists, and neo-Nazis, all while the globe and the Nation being torn apart over political differences—our leaders, particularly our President, must call out hate in all its forms.

Last night, the President failed to rise to the occasion, and he failed the American people in doing so. On the global stage in the year 2020, the leader of the free world gave an unequivocal wink and nod to White supremacists, racists, and neo-Nazis, all while the Nation and the world looked on in absolute horror.

Not only did the President of our United States not condemn the White supremacist violence that he has incited during his tenure, he implicitly gave them marching orders.

When asked to condemn the hate group, the Proud Boys, the President of the United States said that they should stand back and stand by. “Let me repeat: I gave the Proud Boys the okay. I told them to stand back and stand by.”

There is no justification for his words or for his refusal to give a clear, direct, and swift condemnation of White supremacy.

Yesterday, the President’s emboldening of violent extremists comes just as the FBI and Department of Homeland Security named White supremacist extremists as the most significant terrorism-related threat right here in the United States.

As a member of the Homeland Security and Governmental Affairs Committee, I heard the FBI Director testify...
to this very point just last week. The message was clear: White supremacists pose a dangerous and violent threat to our homeland.

Against this backdrop, the President’s shocking remarks last night were, in fact, a continuation of deeply disturbing patterns of racist and anti-Semitic behavior that this President has allowed to take place on his watch.

Three years ago in Charlottesville, violence and hatred were on full display for the world to see. As neo-Nazis openly marched in the streets, they chanted: “Jews will not replace us” and “blood and soil.”

President Trump not only didn’t denounce this anti-Semitic and racist rhetoric, he did something much worse. He did something much worse. He praised the White nationalists. He praised them as “very fine people.” These were not very fine people.

Just a teen vigilante asked his mother to drive him across State lines to the protests in Kenosha with a rifle. He went there to use it, and, in fact, he did. He took the life of two people and shot a third. He has been charged with homicide and rightly so. Instead of condemning this act of hatred, President Trump has hailed this murderer as a “hero.”

But this is the norm for President Trump. The President’s use of dog whistles and charged language gives a voice to White supremacy and empowers vigilantes. It is inexcusable, and it is indefensible.

This rise in hatred that the President fails to condemn is one of the reasons why, last year, I co-founded the Senate Bipartisan Task Force for Combating Anti-Semitism. The goal of this bipartisan, nonpartisan endeavor is to help stop hate before it starts, to call out bigotry, and to ensure we are working toward the goal of enabling all children to have families which love them. I ask unanimous consent that the order for the quorum call be rescinded.

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

INTERCOUNTRY ADOPTION INFORMATION ACT OF 2019

Mr. BURR. Mr. President, I rise to, in a minute, ask unanimous consent to call up an Intercountry Adoption Information Act of 2019, but first let me say that this is a strong bipartisan bill that was first introduced in March of 2019, with Senators CARDIN, BLUMENTHAL, KLOBUCHAR, TILLIS, BROWN, and WICKER as original cosponsors. When the House considered its version of the bill last year, it passed 397 to 0. Let repeat that, 397 to 0. No House Member objected to it.

Our country is divided on many issues right now, but one thing that unites most of us is the belief that all children deserve to grow up in a permanent, loving home. This is a matter of justice and recognizing the intrinsic dignity in every human being. Many, many Americans have done more than just hold this belief; they have acted on it, adopting children both domestically and internationally.

According to the most recent available statistics, however, intercountry adoption has dramatically declined in recent years. Last year, fewer than 3,000 children were adopted in the United States—down from nearly 23,000 in 2004. There are numerous reasons for this decline, many of which warrant continued efforts to ensure that orphan children are given the chance to grow up in a loving, home, whether in their own country or here in the United States.

We must address any barriers by examining our own policies and how they are implemented and by working internationally to help more children grow up in families.

Each year, the State Department releases its annual report on intercountry adoptions—a key document that keeps families, adoption agencies, and the public informed about the state of adoption. The report is publicly available, and it includes, among other things, the number of intercountry adoptions involving immigration to the United States and the country from which each child emigrates, the time required for completion of the adoption, and the information on the adoption agencies, their fees, and their work.

But to better tackle this issue, we need to provide more transparency and accountability about some of the critical factors affecting intercountry adoption. The Intercountry Adoption Information Act adds additional key elements to this report by requiring the State Department to provide information on, one, countries that have enacted policies to prevent adoptions from the United States; two, actions the State Department has taken which have prevented adoptions to the United States; and, three, for each of these, how the State Department has worked to encourage the resumption of intercountry adoptions.

There are children around the world whose only chance to grow up in a family is through the Intercountry Adoption Program. There are families in the United States who are eager to open their arms, their homes, their hearts to these children.

Let me say today, as the President has done, that to better tackle this issue, we need to provide more transparency and accountability about some of the critical factors affecting intercountry adoption. The Intercountry Adoption Information Act adds additional key elements to this report by requiring the State Department to provide information on, one, countries that have enacted policies to prevent adoptions from the United States; two, actions the State Department has taken which have prevented adoptions to the United States; and, three, for each of these, how the State Department has worked to encourage the resumption of intercountry adoptions.

Mr. BURR. Mr. President, I now would like to talk about a special project in North Carolina which involves my former partner from North Carolina, Senator Kay Hagan.

We are currently in the process of building a brand-new FAA tower at the Greensboro Triad International Airport in Greensboro, NC. The bill before us
would name the currently under-construction air traffic tower after Senator Kay Hagan.

The late Senator Hagan worked tirelessly to secure the funding for the new tower, and it will serve as a fitting tribute to her legacy as a Senator and her work on behalf of the citizens of North Carolina.

Once completed in 2022, the 180-foot tower will not only provide a state-of-the-art facility for PTI Airport but also serve other general aviation airports in a rather large geographic region. In one of her last public appearances, in June of 2019, Senator Hagan was able to participate in the groundbreaking ceremony of that FAA tower.

This bill has bipartisan support in the Senate, including Senators KLOBUCHAR, WARNER, and TILLIS. A companion bill has also been introduced in the House by Representative BURD with a majority of the delegation supporting, including Representatives PRICE, BUTTERFIELD, and ADAMS.

This is a testament to Senator Hagan and shows that we can continue to work together to not only achieve great things for our constituents but also recognize the achievements of public servants like Kay Hagan.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4762, introduced earlier today.

The PRESIDING OFFICER (Mrs. BLACKBURN). The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 4762) to designate the airport traffic control tower located at Piedmont Triad International Airport in North Carolina, as the “Senator Kay Hagan Airport Traffic Control Tower”.

There being no objection, the Senate proceeded to consider the bill.

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

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

The bill (S. 4762) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 4762

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

SECTION 1. DESIGNATION.

The airport traffic control tower located at Piedmont Triad International Airport in Greensboro, North Carolina, and any successor airport traffic control tower at that location, shall be known and designated as the “Senator Kay Hagan Airport Traffic Control Tower”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, or other record of the United States to the airport traffic control tower referred to in section 1 shall be deemed to be a reference to the “Senator Kay Hagan Airport Traffic Control Tower”.

As the vice chair of the Senate Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee, I have worked with Members on both sides of the aisle to ensure that the Census Bureau has the resources it needs to ensure a complete and accurate 2020 census. This includes securing, for the past several fiscal years, the entire amount that was requested by the administration, including reserve funding, which has been critical to meet the challenges of the COVID-19 pandemic.

However, in addition to funding, the Census needs sufficient time to get the job done right. To protect public health, on April 13, 2020, Census Director Steven Dillingham and Commerce Secretary Wilbur Ross announced that the Census Bureau would delay field operations by 3 months and they asked Congress to delay reporting apportionment and redistricting counts by 4 months in order to “ensure the completeness and accuracy of the 2020 Census.” That was Census Director Dillingham and Commerce Secretary Ross.

Under this revised plan, the largest and most important field data collection operation to follow up with households that have been nonresponsive would run until October 31. On a bipartisan basis, this request from the administration was welcomed. We want to give the Census both the time and the resources that it needs to do the job right.

Over the course of the summer, the Trump administration installed new political appointees at the Census, and a number of reports indicated that the Trump administration was looking to rush the 2020 decennial census operations so that Secretary Ross—despite what he said to us last spring—could transmit the apportionment counts to the President by December 31, 2020.

Then, on August 3—just last month, August 3—Census Director Dillingham announced that the 2020 field data collection and self-response operations would be shortened by a month, ending today, September 30. This decision to curtail operations was not based on the advice of career Census Bureau experts. Census data collection operations are incredibly complicated even under the best of conditions, but their complexity is greatly exacerbated by the COVID-19 pandemic. In fact, this spring, experts made clear that a 4-month delay of statutory deadlines was necessary.

In May, Tim Olson, Director for Field Operations for the 2020 decennial census, stated:

We have passed the point where we could even meet the current legislative requirement of December 31. We can’t do that anymore.

That was back in May.

After the truncated data collection operations were announced, a career official stated:

It’s going to be impossible to complete the count in time. I’m very fearful we’re going to have a massive undercount.
I share this fear. I am deeply concerned that cutting short data collection and processing operations during a global pandemic will necessitate changes that will be detrimental to the accuracy and completeness of the 2020 decennial census. In particular, I am concerned that the Census Bureau's plan would reduce the number of attempts to count households and significantly increase the use of less accurate data collection methods. This could lead to a substantial undercount in historically hard-to-count areas. These areas include Native American, rural, and immigrant communities. An undercount would mean that these communities would be left disenfranchised, without proper political representation and without millions of dollars of Federal funding.

We should be clear about the gravity of this outcome. This would be a constitutional crisis that further undermines faith in our governing institutions.

I called for the Department of Commerce inspector general to investigate why the Trump administration suddenly curtailed data collection operations. I have also requested that the Government Accountability Office conduct an investigation into how this rushed timeline could affect data quality and the overall completeness of the census count.

Last week, the Commerce inspector general released a preliminary report, finding what we already knew: that the decision to accelerate the 2020 census schedule was not made by the experts at the Census Bureau and that rushed schedule increases the risk to the accuracy of the 2020 census.

In particular, the report raises that the curtailed timeline does not provide schedule flexibility in the case of natural disasters. Unfortunately, over the last month, we have seen record wildfires out West and several hurricanes. This has delayed operations in those regions.

The GAO came to a similar conclusion, publishing a report last month that found that cutting the timeframe for the 2020 census could increase the risk of an inaccurate count. One line from the inspector general’s report really stuck with me. It said:

A statutory extension would permit the Bureau to adhere, as closely as practicable, to the decennial plan it developed over a decade instead of the replan it developed over a weekend.

I hope my colleagues will review these reports. I know everybody is anxious to go home. But I hope people will review these reports and join me in providing the Census Bureau the time the agency needs.

This last-minute attempt to shorten data collection and data processing isn’t surprising, sadly. The Trump administration has used other areas in an attempt to manipulate the count for political gain. It has been well documented that political operatives have pushed the administration and Secretary of Commerce Wilbur Ross to include a citizenship question as part of the 2020 census and in an attempt to reduce participation in immigrant communities. Ultimately, Secretary Ross’s attempt to include a citizenship question was rejected by the Supreme Court. We can’t let these latest attempts to undermine the accuracy of the constitutionally mandated count succeed.

Last week, a Federal court issued an injunction preventing the Census Bureau from ramping down operations prematurely because there would be irreparable harm to communities from rushing the count. However, this could just be temporary. In defying the court, earlier this week, the Census Bureau announced a mere 5-day delay so that operations will now end on October 5. This is not long enough. The Census Bureau has also announced plans to appeal the court’s injunction.

This is not solely a rural or an urban issue, a Republican or a Democrat problem. I hope my colleagues will listen to this because the States with the lowest percentage of households counted are Alabama, Louisiana, Montana, South Carolina, Mississippi—Senator Wicker and Georgia. Some of these States are on the bubble of gaining or losing Representatives, so an undercount, which is a real risk if operations are rushed and shut down prematurely, would have serious repercussions.

That is why I call on my colleagues to pass a 4-month extension of the Census’s statutory deadlines so that the Trump administration is compelled to stick to the timeline it had originally announced. Congress already missed an opportunity to address this issue as part of the continuing resolution. Again, there is bipartisan support for this extension, with a bipartisan bill filed. In addition, a bipartisan group of 48 Senators sent a letter to Senate and House leadership that called for the inclusion of legislation to extend the statutory deadlines as part of the next coronavirus relief package, as the House has done in the updated Heroes Act that was released recently. We should also ensure that the data collection operations, including nonresponse followup and self-response, continue through October 31.

It is imperative for the Census to count every person in the United States and where one lives. This includes communities that have historically low participation in decennial censuses. The census is too important to allow meddling for political gain. We must take action immediately to ensure that the Census Bureau takes the time to get it right.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Madam President, I ask unanimous consent that I be permitted to use props during my speech.

The PRESIDING OFFICER. Is there objection?
Safe Drinking Water Act's standard, and nearly all residents must rely on bottled water. This water is so contaminated that it is corrosive to appliances, which requires residents to operate water softeners to avoid damage. My staff and I have worked to get rural, rural water systems to be rebuilt in order to provide Montanans access to reliable, safe water in central and eastern Montana. I don't think that is asking for too much. All we are asking for is reliable and safe water for thousands of Montanans. Both of these rural drinking water projects have been working with the Bureau of Reclamation for over 15 years to gain Federal authorization, and they can't wait any longer.

I rise on behalf of the 40,000 Montanans who lack access to clean water, and I urge the swift passage of the Clean Water for Rural Communities Act as well as the St. Mary's Reinvestment Act.

The PRESIDING OFFICER. The Senator from Mississippi.

GREG KELLY

Mr. WICKER. Madam President, I have a serious matter to discuss with the Members about the U.S. relationship with our ally Japan.

Japan has been a valued American partner in the Pacific. It is our fourth largest trading partner and a close military ally. Our nations are better off when the alliance between Japan and the United States, and I hope it grows stronger in the days ahead.

I regret that today I must be sharply critical of the Japanese Government. I rise to express concern over Japan's unjust treatment of an American citizen, Greg Kelly. It is a concern that raises questions about whether Americans can be comfortable about Japan's adherence to the basic rule of law. Mr. Kelly has become the latest victim of Japan's criminal justice system. Some have called it a hostage justice system. Even some leaders in Japan have called it a hostage justice system, because it is. It is unfair, harsh, and arbitrary. Japanese prosecutors have an alarming conviction rate of 99 percent, which is clearly designed to produce guilty verdicts.

Greg Kelly is a Tennessee resident who joined Nissan in 1988 and became a respected employee. He rose steadily through the ranks to become the first American to join Nissan's board. Yet, shortly before Thanksgiving of 2018, his 30-year career at Nissan came to a crashing halt—a lenient standard for native Japanese authorities from day one. He was kept in solitary confinement for 34 days. This American citizen, this resident of the State of Tennessee, was kept in solitary confinement, where he slept on the floor in the dead of winter and had no heat. He was interrogated daily, for several hours at a time, without having the presence of a defense counsel—a basic legal right.

This is the treatment given to our American citizen by Japanese authorities. His requests for medical attention were refused. When they did eventually allow him to get surgery, it was too late to do much good, and, predictably, Greg Kelly's physical condition got worse. Thankfully, Mr. Kelly was eventually allowed to live in a Tokyo apartment while he awaited trial. His trial began only this month—more than 650 days after his arrest.

With regard to former CEO Carlos Ghosn, on his escape and re-arrest, Mr. Ghosn was able to escape from Japan to his native Lebanon after being released on bail, but Greg Kelly remains in Japan to this day and vehemently denies the charges against him. It is noteworthy that the CEO of Nissan, Hiroto Saikawa, was involved in the same negotiations as Mr. Kelly. In other words, if Mr. Kelly is guilty of a financial crime, so is Mr. Saikawa. Yet, instead of being arrested, he was allowed to simply resign.

JapaneseKelly may deny it, but it looks an awful lot like there is a double standard in Japan's justice system—a lenient standard for native Japanese and a much harsher one for Americans. This double standard is not lost on American businesses, and it is not lost on this Senator. Japan should worry about the consequences of its behavior. A perceived legal bias could put a seriously chilling effect on our economic relationship as more Americans think twice about doing business in Japan or doing business with Japan.

Mr. Kelly's treatment in the Japanese courtroom has been no less appalling. The trial began a few days ago, and the court allowed prosecutors to give a 6-hour presentation at the opening of the trial, with there being no simultaneous English translation.

They denied the same right to Mr. Kelly that he yet to make his opening statement. Instead of letting Mr. Kelly speak in his own defense, the court then recessed for 2 weeks.

The proceedings have been incredibly slow and will continue to be incredibly slow. The trial is expected to last more than a year because Japanese rules allow the prosecutors to meet at the trial for only 6 days per month and also because the court refused to allow simultaneous English translation at the trial.

This is a stark reminder of how fortunate we are in this country, under our Constitution, which guarantees the right to a speedy trial.

I have zero confidence that the Japanese criminal justice system will give Mr. Kelly a fair trial. The fix was in from the beginning. His being lured to Japan, his wrongful arrest, his deplorable treatment in solitary confinement and in court are a scandal worthy of Vladimir Putin, not our allies in Japan.

This is a matter that should have been resolved in the board room and by shareholders. This needless ordeal sends an unmistakable message to the world that if you do business in Japan, you had better watch your back. When it suits Japanese interests, they could set a trap for you, throw you under the bus, put you in prison, deprive you of your rights to counsel and your rights to return home, and waste years of your life needlessly. That is the message it sends to the American business community.

This is a shameful story for an ally of the United States, and it looms as an ominous shadow over the coming Tokyo Olympic Games, the recently completed U.S.-Japan agreement, and future trade negotiations.

Our two nations have shared in prosperity for decades because of mutual respect and mutual cooperation. I hope our Japanese friends will show a renewed interest in preserving that relationship, which has been harmed by the Greg Kelly fiasco.

I strongly urge all Members to vote 'aye. The last thing our country needs
is a government shutdown in the middle of a global pandemic and an unprecedented economic crisis.

Now, the bill we are considering passed the House by a wide margin to show they were doing their job—sometimes a rarity in Washington. It provides funding through December 11 at fiscal year 2020 funding levels and under the same terms and conditions contained in the fiscal year 2020 appropriations bills.

It also includes several authorization matters to extend programs that otherwise would expire, including important health and transportation and veterans programs.

Now, I am pleased the bill includes the emergency USCIS Stopgap Stabilization Act. This will help prevent furloughs of Federal employees at the U.S. Citizenship and Immigration Services, many of whom work in my home State of Vermont.

Now, these dedicated Federal employees perform critical work, helping immigrants apply for citizenship and visas and asylum, and they have come to work every single day living under the threat of furloughs for months now, in the middle of a global pandemic. And all the while continuing their important work.

While I believe more fiscal year reforms and stronger oversight are needed at USCIS, this legislation will help stave off the immediate crisis while we work on a long-term solution.

I am also glad the bill includes nearly $5 million for child nutrition programs, especially the extension of the Pandemic Electronic Benefits Transfer. That is the P-EBT Program. That is important because it provides millions of children with additional monthly benefits for food purchases while schools are closed. And this assistance is desperately needed as families across the Nation struggle to make ends meet and put food on the table.

Now, I support the continuing resolution. It is what I do in my role as vice chairman of the Appropriations Committee, and I urge my colleagues to do the same.

But I cannot help but note the reason we need this is because of a dysfunctional Congress. It is a symptom of that. It is a senseless and entirely avoidable, made-in-Washington crisis.

The Senate Appropriations Committee would have been allowed to do its work. We could have completed all 12 appropriations bills months ago, and the majority of those bills would have had overwhelmingly bipartisan support of both Republicans and Democrats.

Apparently, the Republican leader did not want to do the hard work to happen, so we are left with a continuing resolution. It simply kicks the can down the road.

Not only did we not complete our work on the fiscal year 2021 appropriations bills, the Senate has not acted on a much needed COVID relief bill to address the impacts of the pandemic found in every town across America—every single town, represented by every single Senator in this body.

Look what is happening across our country. Schools are struggling to safely educate our Nation’s children, in both the classroom and, where necessary, remotely, without enough funding to do it.

More than 9 million children do not have access to the internet in their homes. In normal times, this would set these children far behind their more affluent peers in terms of some educational resources. By doing nothing—by doing nothing, at a time when much of our Nation’s children are remote learning, Senate Republicans and President Trump are choosing to leave these children behind, and these children are all over the Nation, in every single State, and they are being left behind. Inaction is a choice, and that choice is to actively prop up the cycle of poverty for yet another generation.

Look at the lines at our food banks. They have been getting longer during this enormous economic downturn. Today, in America, the wealthiest country in the world, one in four households are experiencing food insecurity during this pandemic.

Nobody in this room has looked their child in the eyes with the knowledge that you do not know where the next meal will come from. Think of those people who do, day by day, have to look at their children, knowing that their child’s next meal is coming from and how they are going to feed these children.

Inaction here and at the White House is a choice to let that child go hungry and force their parents to live with that terrible pain that comes when you cannot put enough food on the table for your family.

Families are struggling to pay rent and eviction moratoriums have expired across the country in every State. In July, it was reported that, in this economic downturn, more than 43 million Americans—one-quarter of the adult population of this country—either missed a rent or mortgage payment or had little to no confidence they could make the next payment. That was two rent or mortgage payments ago, with no relief.

More than 31 million Americans were unemployed in August; 163,735 businesses have closed, and 97,066 of those have closed permanently.

Now, I remain committed to completing the fiscal year 2021 appropriations bills. I want to produce bipartisan bills before the CR expires on December 11. I think Chairman Shelby shares this commitment. I look forward to working with him to complete our work.

When he was not blocked by his own party’s leadership, we passed, by overwhelming margins, all of the appropriations bills. Let’s get to work to complete our work. But for now, let’s remove the threat of any more chaos in this country—prevent a government shutdown by passing this bill. I urge all Members of both parties to vote aye on the continuing resolution.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
The PRESIDING OFFICER (Mr. CRAMER). Without objection, it is so ordered.

MOTION TO TABLE AMENDMENT NO. 2663
Mr. MCCONNELL. Mr. President, I move to table amendment No. 2663. The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The amendment (No. 2663) was tabled.

Mr. MCCONNELL. Mr. President, I know of no further debate on H.R. 8337.

The PRESIDING OFFICER. Is there further debate?

If not, the clerk will read the title of the bill for the third time.

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

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

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. MORAN), and the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted “yea” and the Senator from Florida (Mr. RUBIO) would have voted “yea.”

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS), the Senator from Vermont (Mr. SANDERS), and the Senator from Montana (Mr. TESTER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 10, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—84

Baldwin

Barasso

Bennet

Blumenthal

Blunt

Booher

Boozman

Brown

Burr

Cantwell

Capito

Cardin

Carper

Casey

Cassidy

Collins

Coons

Cornyn

Cortez Masto

Cotton

Cramer

Crapo

Daines

Duckworth

Durbin

Enzi

Ernst

Feinstein

NAYS—10

Blackburn

Braun

Cruz

Hawley

Harris

Hassan

Gillibrand

Johnson

Lee

Leifler

Paul

Moran

Rubio

Sanders

Scott (FL)

Toohey

Trudeau

Tester

TOOTHEY

NAYS—46

Baldwin

Bennet

Blumenthal

Booher

Brown

Cassidy

Casey

Carter

Carper

Cassidy

Collins

Collins

Cornyn

Cotton

Cramer

Crapo

Crapo

Daines

McSally

Murphy

Murray

Peters

Perdue

Reed

Hirono

Jones

Klobuchar

Leahy

Lee

Manchin

McKinley

Merkley

Murphy

Paul

Rubio

Sander

Tester

TOOTHEY

MOTION TO TABLE AMENDMENT NO. 2663
Mr. MCCONNELL. Mr. President, I move to table amendment No. 2673, and I ask for the yeas and nays.

The motion was agreed to.

The result was announced: yeas 48, nays 46, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—48

Barrasso

Blackburn

Braun

Braun

Burr

Capito

Cotton

Cramer

Crapo

Daines

Duckworth

Durbin

Enzi

Ernst

Feinstein

Perdue

Portman

Gardner

Graham

Grassley

Hoeven

Mark Warner

Mark Warner

McSally

Murphy

Murray

Nahas

Mansfield

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Perdu
Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. MORAN), and the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted “nay” and the Senator from Florida (Mr. MORAN) would have voted “nay.”

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS), the Senator from Vermont (Mr. SANDERS), and the Senator from Montana (Mr. Tester) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 47, as follows:

[YEAS—47]

Baldwin
Benning
Blumenthal
Boozman
Brown
Cantwell
Cardin
Carter
Casey
Coons
Cortez Masto
Cruc
Duckworth
Durbin
Feinstein
Gillibrand

NAYS—47

Barrasso
Blackburn
Blunt
Boozman
Braun
Burk
Cagit
Casady
Collins
Cory Gardner
Cotton
Cruz
Duckworth
Durbin
Feinstein
Gillibrand

NOT VOTING—6

Alexander
Harris

The motion was rejected.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 863.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 864.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of J. Philip Calabrese, of Ohio, to be United States District Judge for the Northern District of Ohio.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 865.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of James Ray Knepp II, of Ohio, to be United States District Judge for the Northern District of Ohio.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Toby Crouse, of Kansas, to be United States District Judge for the District of Kansas.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Aileen Mercedes Cannon, of Florida, to be United States District Judge for the Southern District of Florida.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of J. Philip Calabrese, of Ohio, to be United States District Judge for the Northern District of Ohio.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of James Ray Knepp II, of Ohio, to be United States District Judge for the Northern District of Ohio.
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under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of James Ray Knepp II, of Ohio, to be United States District Judge for the Northern District of Ohio.

Mitch McConnell, John Barrasso, David Perdue, Thom Tillis, Tom Cotton, Mike Rounds, Roger F. Wicker, Kevin Cramer, Martha McSally, Richard Burr, Mike Crapo, Steve Daines, Martha Blackburn, John Thune, James E. Risch, Mike Braun, Tim Scott.

LEGISLATIVE SESSION

Mr. McCONNELL, Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL, Mr. President, I move to proceed to executive session to consider Calendar No. 866.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. McCONNELL, Mr. President, I send a cloture motion to the desk.

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

The senior assistant legislative clerk read the nomination of Michael Jay Newman, of Ohio, to be United States District Judge for the Southern District of Ohio.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Michael Jay Newman, of Ohio, to be United States District Judge for the Northern District of Ohio.

Mitch McConnell, John Barrasso, David Perdue, Thom Tillis, Tom Cotton, Mike Rounds, Roger F. Wicker, Kevin Cramer, Martha McSally, Richard Burr, Mike Crapo, Steve Daines, Martha Blackburn, John Thune, James E. Risch, Mike Braun, Tim Scott.

The PRESIDING OFFICER. The Senator from Florida.

UNANIMOUS CONSENT REQUEST—S. RES. 526

Mr. SCOTT of Florida. Mr. President, the Communist Party of China is committing a genocide against the Uighur people. Let me say that again. The Communist Party of China is committing a genocide against the Uighur people.

Under General Secretary of the Communist Party Xi, 1 million Uighurs have been placed in concentration camps simply because of their religion. The Xi regime is reportedly performing forced abortions and forced sterilization of Uighur women.

The Communist Party of China is harvesting organs from Uighurs and members of the Falun Gong. The Communist Party assigns male Han Chinese to regularly sleep in the same beds as the wives of Uighur men detained in the camps.

In addition to these disgusting human rights abuses, the Communist Party of China is stripping away the freedom and autonomy that the people of Hong Kong were guaranteed. They are threatening Taiwan, building up their military to compete with us, arresting and detaining foreign journalists, and punishing anyone who disagrees with them.

General Secretary Xi has established a surveillance system in Beijing that tracks every movement you make online and in person. The actions of Xi and the Chinese Communist Party fly in the face of the fundamental values that unite freedom-loving countries throughout the world. The Olympic Games are meant to foster and promote. Yet, in just 2 years, Communist China is slated to host the 2022 Olympic Games. The International Olympic Committee’s Charter states: “The Olympic games shall be held at sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity.”

The host city contract the IOC adopted in 2017 requires that hosts protect and respect human rights. Unfortunately, but not by accident, the contract does not take effect until after the 2022 Beijing games. Think about that. It will be too late, and so the International Olympic Committee took a historic step and stood up to the Government of South Africa and its racist apartheid system and banned the country from participation in the 1964 Tokyo Olympic Games. South Africa also had to consider the safety of athletes and spectators from all over the world. For the hundreds of millions who will watch the games, we must again lead by example and refuse to give Communist China a platform to whitewash its crimes.

We have to open our eyes to this threat, and we have to stand against the genocide of the Uighurs and the political oppression of Hong Kongers. We also have to consider the safety of athletes and spectators from all over the world. For the hundreds of millions who will watch the games, we must again lead by example and refuse to give Communist China a platform to whitewash its crimes.

I stand with the freedom-loving people of Hong Kong, the historically persecuted people of Tibet, the peaceful community of Chinese Muslims, including Uighurs, Falun Gong, and the historic and present illegalities in Communist China. I hope that all of my colleagues will join me in demanding that the IOC reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. President, as if in legislative session, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration and the Senate now proceed to S. Res. 526. I further ask unanimous consent that the resolution be agreed to, that the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, resisting the right to object, let me first say that I want to be clear that my opposition that I will announce briefly to moving this resolution by UC today is not by any means because I disagree with the assessment of China’s abhorrent human rights record or the importance of the Olympics living up to the highest standards of upholding human
dignity. The Olympic Charter states that the goal of Olympism is to promote “a peaceful society concerned with the preservation of human dignity.” Beijing has not, by a long shot, earned the honor of hosting the 2022 games.

Now, my record is crystal clear when it comes to calling out and condemning China’s horrific record on human rights and the threat it poses to the United States and the rest of the international community. As my colleagues know, during my years in Congress, I have introduced, advocated for, and helped pass legislation on behalf of the people of Xinjiang, Tibet, Chinese civil society, and a democratic and autonomous Hong Kong, and supporting democracy across the Indo-Pacific region. Just recently, I introduced a comprehensive bill to strengthen the United States across various sectors to best confront and counter China’s efforts. I also recently released a report about the necessity of standing up against China’s dangerous new digital authoritarianism.

There is no question that under Xi Jinping, China has taken a great leap backward on human rights, establishing concentration camps in Xinjiang, and instituting a surveillance state that not even George Orwell could have imagined. But Xi Jinping’s dystopian totalitarian vision, currently crushing the Chinese people, is one of the century’s great tragedies.

So I am very sympathetic to the goals of the resolution and the sponsor of the resolution. However, I believe these issues merit serious discussion in the drafting of the appropriate language before the Senate Foreign Relations Committee. I have been urging Chairman Menendez and our colleagues to hold a legislative markup for months to discuss the many pressing pieces of legislation that Members on both sides of the aisle have had pending for many months.

Mr. MENENDEZ. Mr. President, I would, in response to the Senator’s request, say that there is a human rights crisis much closer to home that we have discussed before the committee. We have an opportunity to address people suffering from a dictatorship who are right here in the United States, many of whom live in Senator Scott’s State of Florida.

For the second time in 2 weeks, I would like to call upon this body to take action on the House-passed bill that would designate Venezuelans for temporary protected status. I am asking Republicans to remember that there was a time before President Trump when our Nation stood in solidarity with victims of dictatorship.

Nicolas Maduro is a dictator, plain and simple. His regime is a cruel, criminal cabal that has destroyed Venezuela. Some 200,000 Venezuelans currently live in the United States without legal status. They are unable to safely return to their homeland, and they would benefit from temporary protected status. However, we have to do the right thing. We have to uphold American values and offer them protection.

Mr. President, as if in legislative session, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 549 and the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

Mr. PAUL. Mr. President, reserving the right to object, I have no problem with asking unanimous consent at this point to pass the legislation with a few amendments. I respect my colleague who sits on the Foreign Relations Committee. We don’t always agree, but I always respectfully listen to him.

This effort that I am trying to bring to the floor, in line with Senator Menendez’s resolution to support human rights in China, is human rights right here in our hemisphere. The amendments that the Senator proposes seeks to basically gut the existing statute for temporary protected status, and it distracts from other issues in our immigration system as a price for providing Venezuelans with temporary protection in our country. One of these amendments is aimed at making it nearly impossible to renew TPS for foreign nationals, no matter the country or the conditions in the country.

I would also note that this is at a time in which we have 131,000 with temporary protected status from other countries helping to support the Nation as essential workers. So I object to the modification, and I object to Senator Scott’s motion.

The PRESIDING OFFICER. Is there objection?

Mr. PAUL. Mr. President, I voice my objection to the original motion of Senator Menendez.

The PRESIDING OFFICER. Objection is heard to both requests. The motion of Senator Menendez fails.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that my amendment be passed that would designate Venezuelans for temporary protected status. I am asking Republicans to remember that there was a time before President Trump when our Nation stood in solidarity with victims of dictatorship.

I would ask unanimous consent that your bill be passed, and, also, including my three amendments to the bill, and at this point, I ask unanimous consent for that.

The PRESIDING OFFICER. Does the Senator so modify his request?

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, reserving the right to object to this modification, on these three amendments, I respect my colleague who sits on the Foreign Relations Committee. We don’t always agree, but I always respectfully listen to him.

This effort that I am trying to bring to the floor, in line with Senator Menendez’s resolution to support human rights in China, is human rights right here in our hemisphere. The amendments that the Senator proposes seeks to basically gut the existing statute for temporary protected status, and it distracts from other issues in our immigration system as a price for providing Venezuelans with temporary protection in our country. One of these amendments is aimed at making it nearly impossible to renew TPS for foreign nationals, no matter the country or the conditions in the country.

I would also note that this is at a time in which we have 131,000 with temporary protected status from other countries helping to support the Nation as essential workers. So I object to the modification, and I object to Senator Scott’s motion.

The PRESIDING OFFICER. Objection is heard to both requests. The motion of Senator Menendez fails.

Mr. PAUL. Mr. President, first, as you would expect, I am disappointed in two ways. Number 1, I am disappointed that we couldn’t get a resolution done that dealt with what is going on in China.

I would love the process to work perfectly so that everybody would do things in proper order, but the resolution is pretty simple. We know all the bad things that are happening in China, and we need to stand up. We have a chance now, not in 6 months, not in—I don’t know what time it would take to go through the Foreign Relations Committee’s thought to be standing up now to say that the IOC needs to move the Olympics. So I am very disappointed that my colleague is not willing to just go along with a simple resolution to do that.

Number 2, what my colleague knows is that the bill he is proposing would never get done. I have colleagues who want to reform and fix the TPS program. I worked with my colleagues—all 53 Republican colleagues—and they said that as long as we do a common version of the TPS program, we would go ahead and do TPS for Venezuelans. So that is a bill we could do today.
We could have done it a couple of times, but my colleague on the other side of the aisle—another—blocked it. It doesn’t make any sense to me why we are not getting this done. We can both talk about all of the problems and issues that Venezuelans are dealing with. I’ve been talking about it for a long time. I don’t know what the reason is. I have been trying to work with my colleagues on the other side of the aisle to ask: What is the problem? And nobody will say: This is exactly what it is, and this is what we need to change to get it done. I don’t know how we get things done here if people are not willing to sit down and talk to each other to figure out how to get it done.

I have also proposed other things that my colleague has blocked, like trying to make sure that Maduro couldn’t—there were no revenues that could get to the Maduro regime, and that was blocked.

That just doesn’t make any sense to me. I don’t know what the issue is. I don’t know if it is because it was proposed by Republicans rather than Democrats, but we have to figure out how to stand up together against human rights violations around the world.

It should be simple to say that the International Olympic Committee should not be hosting the Olympic Games in 2022. It is pretty simple. It is disgusting what Xi is doing.

It should be pretty simple to say: If we want to get TPS taken care of, whether it is for Venezuelans or whether it is for El Salvadorans or anybody else, we need to have a commonsense reform of the TPS system. That is why I proposed this resolution, and all 53 Republican Senators agreed with me.

I hope my colleague will commit to work with me to try to help the Venezuelans and also help others by fixing this TPS program. I hope he will work hard for a resolution that he agrees with me on or work through the Foreign Relations Committee to do something. But we have to do everything we can to stop the genocide of the Uighurs in Communist China and also do everything we can to help the Venezuelans who are here and need TPS.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I appreciate the comments of my colleague from Florida.

Let me just say, first, that we don’t even need legislation for Venezuelans to get TPS. Let’s not lose sight of that.

President Trump, with a stroke of his pen, could give temporary—temporary—protection status to the 200,000 Venezuelans who have fled the Maduro regime—a regime that President Trump himself has signaled out in every possible way as a regime that undermines the human rights of its people and all of them. So we don’t even need legislation.

The only reason the House of Representatives, with Democratic majorities, passed legislation is to try to instigate the President to go ahead and give TPS to Venezuelans.

Unfortunately, every time Senator SCOTT has come to offer what he calls a reform of TPS, it is really basically the same thing. I don’t know why we have to deny those who presently have TPS and whose country’s status may not have changed—slaying their status in order to give it to Venezuelans. I am not that Solomonic. So that is why there has been an objection.

Again, I remind us that we don’t even need legislation. President Trump, with a stroke of his pen, could declare TPS for Venezuelans. That is the first thing.

The second thing is, I would urge my colleagues and all my Republican colleagues—by the way, I know that you all know this, but just to remind us, you are in the majority. Chairman RISCH is the chairman because there is a Republican majority. Chairman RISCH gets to call when the Senate Foreign Relations Committee goes into a business meeting. So as I have said to many of my colleagues, if you want to see your legislation considered—and I certainly would agree to an agenda that includes legislation urge Senator RISCH to hold a business meeting and a markup on legislation. That is the way this body is supposed to work. Otherwise, then, let’s just meet here as 100 and make it to the President where we can all opine and cast amendments on Appropriations, Judiciary, Foreign Relations, Energy and Commerce—the whole spectrum. But if the committee system is supposed to mean anything, which is the concentration of those who have dedicated their time to be on that committee and who have insights for which legislation passes through, then it has to hold meetings and markups to consider legislation. So it is not there has to have urgency. You have to urge your colleague, the chairman, to hold markups to consider your legislation.

I am sure that with some modifications, I would be one of those who would support your legislation in committee. But we cannot have everybody bypass the committee, come to the floor, and think that is the way things are going to operate.

Yes, there are some things we would love to hold Maduro accountable by prohibiting Federal agencies from doing business with anyone who supports the oppressive Maduro regime. I don’t understand why he would do that. He has blocked a bill that is going to prevent money from going there.

We have to stand up, whether it is against the Castro regime or Maduro. We have to support democracy and freedom in Latin America.

I hope my colleague will stop blocking that bill also.

Mr. MENENDEZ. Has the Senator yielded the floor?

Mr. SCOTT of Florida. Mr. President, I would like the President to say that the Venezuelans would get TPS right now, but I think the White House’s position is that we have to fix the program because the program doesn’t work. It is not a temporary program.

That is why my fix—because what a lot of Senators keep saying—they want to say that we have to take back power we have given to the President. My resolution does that.

The President can still do TPS, but after he does, if he wants to extend it, it has to come back to Congress, and we need to make a decision. It is probably common sense. If we did that right now, we could get TPS for Venezuelans.

The Senator from New Jersey has blocked my bill. It is a bill with Senator RUBIO and others—in essence tried to do exactly that. But I am certainly happy to join with the Senator in any efforts to continue to work on stopping any flow of money to the Maduro regime and, more importantly, to reclaim the money that has already—the national patrimony of Venezuela that has been spirited away.

But let’s be honest. TPS for Venezuelans could have happened already. It could have happened yesterday. It could happen today, could happen tomorrow if President Trump only wants to declare it so.

There is a reason. I don’t think we should have to pass legislation, but that is where we are.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I appreciate the comments of my colleague from New Jersey.

Mr. MENENDEZ. Mr. President, I agree with my colleague from New Jersey. I would like the President to say that the Venezuelans would get TPS right now, but I think the White House’s position is that we have to fix the program because the program doesn’t work. It is not a temporary program.

That is why my fix—because what a lot of Senators keep saying—they want to say that we have to take back power we have given to the President. My resolution does that.

The President can still do TPS, but after he does, if he wants to extend it, it has to come back to Congress, and we need to make a decision. It is pretty common sense. If we did that right now, we could get TPS for Venezuelans.

The Senator from New Jersey has blocked my bill. It is a bill with Senator RUBIO and others—in essence tried to do exactly that. But I am certainly happy to
Mr. WHITEHOUSE. Mr. President, I am back again, thee and me once again together, to discuss climate change as unprecedented wildfires scorch the west coast and a deadly hurricane season turns in the Atlantic and Americans can witness.

Powerful players outside this Chamber hear that cry, including, recently, over 200 CEOs of major American corporations who form the Business Roundtable.

Here are some of the 200 companies represented by those CEOs. As I discussed last week, the Business Roundtable just earlier this month called for the president to lead science-based and reduce carbon pollution, consistent with the Paris Agreement, and specifically endorsed carbon pricing—from Verizon, to Chevron, to Apple, to Wells Fargo, to McKinsey, to American Airlines, to Amazon, to Pfizer, to Ford. It is quite the who's-who of America.

So why, you might ask, did the Business Roundtable do this when normally business lobbyists are up here telling us to get out of their way? The answer is economics 101. Pollution is the textbook example of market failure. A factory dumps toxic pollution into a river, and anyone living downstream bears the costs of that pollution. They can’t use their well, perhaps. Their property values decrease. They may even get sick. The polluter that polluters ought to bear those costs, called externalities—the downstream costs, if you will. Even Milton Friedman, the patron saint of free market economics, agreed that polluters should pay the costs associated with their pollution.

For climate change, for the big carbon polluters, this is big bucks. The International Monetary Fund calculates that fossil fuel enjoys a $600 billion subsidy every year, with a “b”—subsidy in the United States every year—every year, $600 billion. It is mostly because the industry has managed to offload the costs of carbon pollution onto the general public. Why do you think they are so busy here in Congress all the time? They are trying to protect that subsidy.

So if it is economics 101 that a product’s price should reflect its true cost, and if, in the case of fossil fuels, they are in fact subsidized with a “b”—subsidy in the United States every year—every year, $600 billion. It is mostly because the industry has managed to offload the costs of carbon pollution onto the general public. Why do you think they are so busy here in Congress all the time? They are trying to protect that subsidy.

So this is a good-news story if you look at the business voice coming through the Business Roundtable. It is big news. Yes, but it is not enough. The business voice doesn’t just come through the Business Roundtable; it also comes through other groups—groups that are historic enemies of climate action, constantly up to climate mischief. This past summer corporations whose CEOs sent that friendly message through the Business Roundtable send the opposite and even louder message through these enemy groups, which brings me to the U.S. Chamber of Commerce, by far the largest lobbyist in town, a prolific litigator, a dark-money elections spender, and an inveterate opponent of serious climate action.

In a recent study by InfluenceMap, the chamber was denounced one of the worst climate obstructors in America. In my view, it is not one of the worst; it is the worst because of the power that it brings behind its message. If you imagine the Business Roundtable as emitting a positive political squeak, the chamber can emit a negative political roar—and they have for a long time.

This chart is a partial list of the companies that are members of both the Business Roundtable and the Chamber of Commerce. I say it is partial because U.S. Chamber of Commerce, unlike local chambers of commerce, is very secretive. It doesn’t disclose its funds. It doesn’t disclose its membership. So the companies here either voluntarily disclosed their membership, or the press ferreted it out. So let’s look at what some of these companies say about climate change and what they do through their membership. Let’s start here with Johnson & Johnson.

Johnson & Johnson is a giant healthcare and consumer goods company. You probably have plenty of Johnson & Johnson products around your house. Through the Business Roundtable, Johnson & Johnson says that climate change is serious and that Congress should enact a carbon price. In its corporate materials, Johnson & Johnson says that climate change is impacting health and that “risks resulting from a changing climate have the potential to negatively impact economies around the world.”

Johnson & Johnson recognizes the importance of government action, stating:

While companies have a responsibility and ability to mitigate climate change, the unilateral capabilities of businesses are limited. Addressing these issues requires the collaboration of companies with governments . . . to achieve systemic change at scale.

So it sounds like the company gets it. But Johnson & Johnson also put at least $750,000 behind the chamber last year.

What did the chamber just do on climate? It filed a lawsuit to block the Trump administration’s effort to undo emissions standards for cars and trucks set by California but honored across the country. Well, the nonpartisan Rhodium Group estimates that revoking those fuel emissions standards could result in an additional 100 million metric tons of additional CO2 emissions through 2035. That is equal to the emissions in a year from 130 million cars or from the electricity needed to power 100 million homes.

So which voice of Johnson & Johnson are we supposed to listen to—the Business Roundtable voice or the chamber voice?
How about United Airlines. Here is United. United Airlines doesn’t disclose its funding of the chamber, but it is on the chamber’s board, so it is likely a major financial backer involved in chamber policy decisions. Same thing for AT&T. The Business Roundtable, United says that climate change is serious and Congress should enact a carbon price, and on United’s website, you will find good language about climate change and the importance of reducing emissions. Indeed, United has pledged to cut emissions in half by 2050.

Meanwhile, what is the chamber, on whose board United sits, doing? The watchdog group InfluenceMap has caught the chamber repeatedly lobbying the Trump administration to unravel carbon pollution limits. So you have to wonder: From its seat on the chamber board, did United know about this? Did they do anything to stop those activities? They sit on the board, after all.

Look also at Coca-Cola, one of our most iconic American brands. Through the Business Roundtable, Coca-Cola says that climate change is serious and that Congress should enact a carbon price. In its own internal materials that “[c]limate change is already having an impact on our business at multiple points in our value chain.” It says that it is committed to reducing its emissions. But in 2019, Coca-Cola gave the chamber at least $44,000. It didn’t disclose the total amount.

What was the chamber up to on climate? It was in court litigating in favor of the Trump administration against efforts to reduce carbon pollution from powerplants.

Now, Coca-Cola and the beverage industry also have a trade association of their own, which appears from public reporting to have made zero effort on climate change. That different from the CLC proposal. The chamber has spent millions supporting candidates who oppose comprehensive climate policies. So the Chamber message is pretty clear: Don’t support a serious carbon price.

So which voice of AT&T’s are we to listen to—the CLC and Roundtable positive squeaks about carbon pricing, or the chamber’s negative roar against carbon pricing, the roar that says to members here: Don’t you dare?

These companies—all of them—just said they support carbon pricing, are funding a group that is opposing climate action. What matters is the chamber’s dotted capitalization of the entire oil and gas sector dropped below the market capitalization of the entire oil and gas sector.

They have to straighten that out. Whether you are UPS, Home Depot, Amazon Express, Marathon, MetLife, Northrop Grumman, Sales Force, Marriott, Abbott, Morgan Stanley, Micro- soft, Coca-Cola, Southern Company, GE, Intel, Citi, PepsiCo—you name it—Anthem, Pfizer, Johnson Controls, Lilly, Dow, ExxonMobil. You have to straighten this out because these are big and influential companies. In fact, this year, the market capitalization of the entire oil and gas sector dropped below the market capitalization of just Apple. Quartz reported in June that Apple could nearly buy ExxonMobil just with cash on hand.

Yet these companies have been mostly silent while polluters called the shots around here in Congress and for a long time. They haven’t asked hard questions about the chamber’s fossil fuel funding, and they mostly stood by while the chamber—its own organization—became a worst climate obstructor. I think this is beginning to change.

Last week, I spoke at a CERES, C-E-R-E-S, event on corporate climate lobbying during New York Climate Week. Over 100 people from scores of different companies participated. The interest among corporations and investors in getting a handle on anti-climate lobbying is surging. To all of them I said: Change the chamber. Get it to follow the Business Roundtable and support carbon pricing. Get it to come to Congress in favor of science-based climate policies. And put the truth out of the chamber about how much money it has been taking from the fossil fuel industry, particularly for these companies who are board members of the chamber. You guys have a due diligence duty to that stuff. Climate change is not the anti-climate chamber—would be a sea change indeed. That would help finally break the logjam that the fossil fuel industry has created here in Congress.

Let me wrap up by pointing out the obvious, which is that time is running out. If we don’t act soon, we will lock in the worst consequences of climate change for decades. So to these companies, why do you fund that stuff? Why do you support America’s most powerful political mouthpiece oppose you? Look at these companies. Why do you tolerate that? Why do you fund them? Why do you allow it? You all need to wake up.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Mr. President, I rise today in support of President Trump’s nomination of Indiana’s Amy Coney Barrett to the U.S. Supreme Court.

In the coming days, Americans will hear a great deal about Judge Barrett. Much of it from folks who have never met her, who have never worked with her. As a fellow Hoosier, I have had the privilege of actually getting to know Judge Barrett and her family and to understand the breadth of her intellect and the thoughtful reasoning of her work. My own opinions have been informed by my personal interactions with her and supported by the countless students, clerks, and former colleagues who, despite their very political differences, are united in their admiration for Judge Barrett. They will second what I tell you here.

Amy Coney Barrett’s qualifications to fill this seat are beyond question. Her character, her intellect, her strength, her commitment to demonstrating, once in it, will be exceptional.

Her career is beyond distinguished. She graduated magna cum laude from Rhodes College and summa cum laude from Notre Dame Law School in South Bend, IN. She was highly decorated while doing both, including Dean’s Recognition Award and best exam in numerous courses.

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Her career is beyond distinguished. She graduated magna cum laude from Rhodes College and summa cum laude from Notre Dame Law School in South Bend, IN. She was highly decorated while doing both, including Dean’s Recognition Award and best exam in numerous courses.
She held prestigious clerkships for Judge Laurence Silberman on the U.S. Court of Appeals for the DC Circuit and for the late Justice Antonin Scalia on the U.S. Supreme Court.

She is a respected educator, teaching for nearly two decades at Notre Dame Law School, where she was the Distinguished Professor of the Year three times.

In 2017, she was nominated to fill a vacancy in the U.S. Circuit Court of Appeals, 7th Circuit. I have to say, I was incredibly pleased by her nomination to the Federal bench, and I was proud to vote for her confirmation.

I wasn’t alone in my esteem for Judge Barrett. During her confirmation process, those students and colleagues—former and current—came forward with words of support and praise by the score. They described her as fair and decent, brilliant and generous. They were struck by her integrity, her impartiality, and her temperament. They were impressed by her dedication to teaching students not how to think but how to think for themselves. They recalled the long lines extending outside of her office of those students who sought and were always given advice and mentoring.

Though they came from different backgrounds and held differing views, they came together as a chorus to say this: Amy Coney Barrett possesses exactly the type of mind and the strength of character America’s constitutional system relies on. I agreed then, and I still do.

Just 3 years ago, I didn’t hear a single credible criticism of Judge Barrett based on her legal qualifications. I don’t anticipate hearing one now. She will be guided by the law and precedent. She will be faithful to the Constitution.

As compelling as the testimonies of those who admire her are, it is through her own words that we can see the type of Supreme Court Justice Amy Barrett will be: “A judge is obligated to apply the law as it is and not as she wishes it would be.”

Judge Barrett has said: “She is obliged to follow the law even when her personal preferences cut the other way or when she will experience great public criticism for doing so.”

It is important for Americans to understand her qualifications for the Supreme Court and her fidelity to the Constitution. But they should also know a bit about her life away from the bench.

When I met her, it was quite obvious that Amy Coney Barrett was less interested in cataloging her professional accomplishments and more inclined to discuss her family and the accomplishments of her children, whom she clearly loves so very much.

Judge Barrett and her husband Jesse have been married for over 20 years now. Their family is a large one and a loving one. They are parents to seven children. Their youngest son has special needs. They have twice adopted—both times from Haiti. Judge Barrett has asked: What greater thing can you do than raise children? That’s where you have your greatest impact on the world.

It is not just from those words but from simply spending a few moments with this wonderful family that this is her life’s joy and her greatest point of pride.

How absurd then to see her described, as some here and in the media have, as a political appointee or anti-life activist. Actually, as the head of a large household, Amy Coney Barrett knows full well and better than most of her detractors how important medical coverage is to every American’s health and to their peace of mind too. This includes insurance for those with pre-existing conditions—which Republicans have, time and time again, committed to protect, while working to make healthcare more affordable and more accessible.

This is actually not why Judge Barrett was nominated or why she belongs on the Supreme Court. Let us be truthful. It is also not the real reason why those who oppose her do so and do so with such rage. In the absence of actual objections to one of Barrett’s résumé, they rumbled through and purposely warped Judge Barrett’s record. They warped her legal writings to position her as the mortal enemy of ObamaCare. This is a lie. Her scholarship helped make it possible, not the thinly-veiled propaganda—reveals no such thing.

For 30 years, Democrats have continually cried wolf, painting every Republican Supreme Court nominee as the end of the Republic, hoping always to scare the American people to their side. Just as we witnessed 2 years ago, when their lies run out of believability, the lies grow more reckless. This is a dangerous game to play right now—doubly so for the party that obstructs healthcare legislation during a pandemic.

Judge Barrett hasn’t been nominated to the Supreme Court to make policy. Some seem to have forgotten, but that is our job. President Trump selected her not only because of her sharp mind and impressive qualifications but because she will not legislate from the bench. That is the whole point.

Of course, there are others who may take the other tack, even darker tack. To them, none of this matters—not the impeccable credentials, not the ringing endorsements, not that she is a role model of an accomplished professional and a loving mother, not that she has been described as “mind-blowingly intelligent” and “one of the most humble people you will ever meet”—none of it. We will hear from them in coming days—likely in this Chamber. We will hear a lot from them.

If past is prologue, they may choose to focus instead on Judge Barrett’s religious beliefs—not out of any deep conviction but out of desperation. They may argue that it is impossible to live a life of faith and uphold the law. They may create a caricature of Judge Barrett that has no relation to reality and one that reflects their own intolerance, not hers. It is regrettable that, in 2020, we must still reject this refrain: We do not have a religious test for public service in the United States of America, and we never have.

It is true. Judge Barrett is a faithful Catholic. It is true. So, too, are five current Supreme Court Justices. So, too, are millions of Americans. To argue that this prohibits her from sitting on the Supreme Court is nothing short of religious bigotry.

In 1793, George Washington penned a letter to the members of the New Jersey Constitutional Convention. In it, Washington outlined one of the principles that makes America so unique. “A man’s religious tenets,” he wrote, “will not deprive him of the right of attaining and holding the highest offices that are known in the United States.”

Happily, 200 years later, we now apply Washington’s equation regarding the holding of high office to both men and women. It is unfortunate, though, that in two centuries later, we must still be reminded that all Americans can worship and pray as they please, and no doors of opportunity shall be closed because of it.

And there is this: Since our founding, 134 Americans have sat on the Supreme Court. Only four of them have been women.

Are those who oppose this President and this pick really willing to use religious prejudice as an excuse to oppose confirming the fifth Court of five women? If so, the faith my colleagues should be worried about isn’t Judge Barrett’s but the American people’s in this institution.

In the coming weeks, I hope we don’t regress into religious bigotry. I hope the Senate can move past the personal attacks of some past nominees and, instead, focus on the professional qualifications and judicial comportment of Judge Barrett.

We are constitutionally obligated to provide our advice and consent to the President on his judicial nominees. My hope—and, perhaps, it is a naive one—is that we will fulfill that responsibility by holding hearings that are informative rather than destructive, not unlike those that led to Justice Ruth Bader Ginsburg’s bipartisan confirmation in 1993.

If the Senate does this and we consider Judge Barrett’s qualifications, she will be confirmed and subsequently serve with great honor and distinction, and she will do the American people proud. Both the High Court and our country will be better for it.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. PORTMAN. Mr. President, I ask unanimous consent that the senior Senator from North Dakota and the majority leader be authorized to sign duly enrolled bills or joint resolutions on Wednesday, September 30.

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

NOMINATION OF AMY CONEY BARRETT

Mr. PORTMAN. Mr. President, I would like to talk tonight about the nomination of Amy Coney Barrett for the vacancy on the Supreme Court Associate Justice seat.

I think the President made a great pick. From all indications, she is an impressive lawyer, judge, and person. We have already begun the process of looking at Judge Barrett. She has been meeting with Members of the Senate, and I look forward to my meeting with her.

The precedent for moving forward with this nomination at this time is crystal clear. During an election year, when one party holds the Presidency and the Senate, in the entire history of our country, the Senate has confirmed the nominee in every single case except one. That one exception, by the way, was somebody who withdrew because of ethics concerns that both Republicans and Democrats had. So the precedent is very clear. When you have the President and the Senate of the same party, we confirm.

In contrast, when power is divided and a Supreme Court vacancy arises during an election year, Senate precedent is not to confirm the nominee. In fact, the last time a confirmation occurred with the President and the Senate of different parties was in the 1880s. That distinction is what separates now from 2016.

Back then, I wrote an op-ed:

Some argue that the American people have already spoken. And I agree they have. Both the president and the Senate majority were fairly and legitimately elected. The last time we spoke as a nation, two years ago, the American people elected a Republican president and a Senate in an election that was widely viewed as an expression that people wanted a check on the power of the president. The president has every right to nominate a Supreme Court Justice. . . . But the founder also gave the Senate the exclusive right to decide whether to move forward on that nominee.

In other words, in keeping with the precedent that I laid out earlier, the Republican Senate did what Democratic Senators had traditionally done with a Republican President’s nominee. The comments I made in 2016 were all in that context of divided government.

In fact, in that same op-ed, I warned that divided government is not “the time to go through what would be a highly contentious process with a very high likelihood the nominee would not be confirmed.” I did not believe that Judge Garland would have been confirmed. It was not a good result to have that kind of highly contentious process for the institution of the Supreme Court or for the Senate.

Now, of course, we have a very different situation. We have a President and a Senate of the same party. In fact, we have a Republican Senate that was elected in 2016 and reelected in 2018, in part, to support well-qualified judges nominated by the president.

No one can disagree that Judge Barrett has an impressive legal background. As I have looked into her background both as a law professor at Notre Dame, where she won the Distinguished Teaching Award, and, of course, in her record as a judge on the U.S. Court of Appeals for the Seventh Circuit, Judge Barrett has been highly regarded for her work in the legal world.

By the way, she has been highly regarded from folks across a wide variety of legal philosophies. They say she is smart. They say she understands the law. They say she is well qualified. In fact, the American Bar Association looked at her and said she is well qualified, which is their highest rating. So my hope is that there will not be any argument about whether she is well qualified or not, because she clearly is. She has an impressive legal background.

To me, though, her personal story is as impressive as her legal career. After earning a full ride to Notre Dame Law and graduating first in her class, she earned a prestigious clerkship on the Supreme Court for Justice Antonin Scalia. She then married Jesse Barrett, a classmate of hers at Notre Dame, and is raising seven wonderful children—two adopted from Haiti—all while advancing her own extraordinary career in the law. Frankly, I think she is a great model for working parents everywhere.

As we heard during her last confirmation to the circuit court, when we talked about her right here on the floor of the U.S. Senate, she was admired as a good person. Colleagues at Notre Dame, her students at Notre Dame, and others from across the political spectrum have called her fair. They have called her compassionate. They have said she is a good person.

Apart from those legal qualifications and the character that I admire, it is fair for the Senate to insist on knowing a judge’s judicial philosophy. My view is that it is the role of Supreme Court Justices to fairly and impartially apply the law and protect our rights guaranteed by the Constitution without being guided by personal preferences or even their policy goals. That is not the job of judges. They are not supposed to be like us, legislators. They are not supposed to legislate from the bench. They are supposed to follow the Constitution, follow precedent.

It is no understatement to say that Judge Barrett is being interviewed for one of the most important jobs in the country. That is why it is important we do get a fair and accurate picture of her judicial philosophy. Do you know what? Her judicial philosophy lines up with what I think is right for the Court but, more importantly, what most Americans think is right for the Court.

As an opinion piece in the Wall Street Journal put it recently, Judge Barrett’s body of work puts her “at the center of the mainstream consensus on the judge’s role as an arbiter, not a lawmaker, who abides by the law to enforce the law as written.” That is her record. That is the philosophy she talked about as she was confirmed by this body just a couple of years ago.

While I know that judicial nominations have become incredibly partisan around here, my hope is that Judge Barrett will be given a thorough and a fair evaluation from both sides of the aisle. To that end, I hope my Democratic colleagues will at least meet with Judge Barrett and engage with her on any concerns they might have rather than dismiss her nomination out of hand, and I hope that those who end up opposing her will be able to do so without resorting to the kind of character assassination we saw with Judge Kavanaugh.

I look forward to the 4 days of Judiciary Committee hearings that have already been announced by Chairman Graham. This will give all members of the committee plenty of time to ask questions, to examine her record, and to have the dialogue that they are looking for. I will be joining millions of Americans in watching those proceedings. I will also look forward to my one-on-one meeting with her. This will give me a chance to further assess Judge Barrett’s character, temperament, and legal philosophy.

My hope is that my colleagues on both sides of the aisle will also take the opportunity to really get to know her character, her judicial temperament, and her legal qualifications, which are so impressive, and do so in a respectful manner.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

EXECUTIVE CALENDAR

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 845 through 853, 869, 870, and all nominations on the Secretary’s desk in the Air Force, Army, Marine Corps, Navy, and Space Force;

that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; and that the President be immediately notified of the Senate’s action.

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

The nominations considered and confirmed are as follows:
The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general
Lt. Gen. Christopher G. Cavoli
IN THE SPACE FORCE
The following named officer for appointment in the United States Space Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general
Lt. Gen. David D. Thompson
IN THE AIR FORCE
The following named officer for appointment in the permanent grade indicated in the United States Space Force under title 10, U.S.C., section 716:

To be major general
Lt. Gen. David D. Thompson
IN THE AIR FORCE
The following named officer for appointment as Vice Chief of Staff of the Air Force and appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 9034:

To be general
Lt. Gen. David W. Allvin
IN THE ARMY
The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. James J. Mingus
IN THE ARMY
The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 9034:

To be major general
Maj. Gen. Michael S. Groen
IN THE ARMY
The following named officer for appointment in the United States States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
IN THE ARMY
The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be major general
Brig. Gen. Sean C. Bernabe
Brig. Gen. Patrick D. Frank
IN THE DEPARTMENT OF STATE
Alex Nelson Wong, of New Jersey, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

IN THE DEPARTMENT OF STATE
Alex Nelson Wong, of New Jersey, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

NOMINATIONS PLACED ON THE SECRETARY’S DESK
IN THE AIR FORCE
PN 788 AIR FORCE nominations (31) beginning BRIAN H. ADAMS, and ending MARY JEAN WOOD, which nominations were received by the Senate and appeared in the Congressional Record of May 4, 2020.
PN 2195 AIR FORCE nomination of James E. Key, III, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.
PN 2215 AIR FORCE nominations (129) beginning PAUL JEFFREY AFFLECK, and ending JOSEPH P. ZINGARO, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2020.
PN 2229 AIR FORCE nomination of Matthew E. Bullard, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.
PN 2229 AIR FORCE nomination of Ryan M. Zumbuck, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

IN THE ARMY
PN 1851 ARMY nomination of Mark J. Blanton, which was received by the Senate and appeared in the Congressional Record of May 11, 2020.
PN 2196 ARMY nomination of Jeffrey F. Park, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.
PN 2197 ARMY nomination of Kyle C. Furfari, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.
PN 2198 ARMY nominations (2) beginning EDWARD J. COLEMAN, and ending MICHAELE KELLY, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2020.
PN 2181 ARMY nomination of René D. Polk, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.

IN THE NAVY
PN 2168 NAVY nomination of Brian F. O’Bannon, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.
PN 2169 NAVY nomination of Inaraquel Mirandavargas, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.
PN 2187 NAVY nomination of Kristen L. Kinney, which was received by the Senate and appeared in the Congressional Record of August 13, 2020.
PN 2188 NAVY nomination of Jeffrey B. Parks, which was received by the Senate and appeared in the Congressional Record of August 13, 2020.
PN 2189 NAVY nomination of William F. Blanton, which was received by the Senate and appeared in the Congressional Record of August 13, 2020.
PN 2190 NAVY nomination of Michael J. Armstrong, which was received by the Senate and appeared in the Congressional Record of August 13, 2020.
PN 2191 NAVY nomination of Chadwick G. Shroy, which was received by the Senate and
appealed in the Congressional Record of August 13, 2020.
PN2223 NAVY nomination of Terrance L. Leighton, Ill, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.
PN2224 NAVY nomination of Todd D. Strong, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.
PN2225 NAVY nomination of Nathan D. Huffaker, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.
PN2226 NAVY nomination of Emily M. Benzer, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.
PN2227 NAVY nomination of David M. Lalanne, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.
PN2228 NAVY nomination of Jean E. Knowles, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.
PN2229 NAVY nomination of Kevin M. Ray, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

IN THE SPACE FORCE
PN2171 SPACE FORCE nominations (5) beginning DAVID L. RANSOM, and ending JAMES D. KELLOGG, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2020.
PN2172 SPACE FORCE nominations (634) beginning DAVID R. ANDERSON, and ending DEVIN L. ZUPELT, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2020.

LEGISLATIVE SESSION

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

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

REMEMBERING REV. LEON FINNEY, JR.
Mr. DURBIN. Mr. President, on July 17, America lost two giants of justice: Congressman John Lewis and the Reverend C.T. Vivian. Sixty years ago, John Lewis was the youngest member of Dr. Martin Luther King’s inner circle, and C.T. Vivian was Dr. King’s field marshal, organizing support for the civil rights movement throughout America. In 1966, when Martin Luther King moved to Chicago to help break the grip of slumlords on mostly poor communities of color, C.T. Vivian came with him.

Earlier this month, we lost another civil rights legend, a man who remained in Chicago after Dr. King and Rev. Vivian left and who continued the fight for the next 60 years for racial, social, and economic justice for people and communities of color in Chicago.

The Rev. Leon Finney, Jr., was laid to rest this past weekend following his home going service at the church he pastored for the last 20 years, the Metropolitan Apostolic Church in Bronzeville. Among those paying tribute to Rev. Finney at his home going were Chicago Mayor Lori Lightfoot and Cook County Board President Toni Preckwinkle. More than two generations of Chicago leaders whose careers in public service Rev. Finney helped to nurture. Another public servant whose work as a community organizer on the South Side of Chicago was widely known was Rev. Vivian. Finney couldn’t attend the service but paid his respects in a letter read by Rev. Finney’s granddaughter.

“Doc was always there for us,” the letter read. It was signed: “Barack Obama.” In the 1960s, after Dr. King and Rev. Vivian had left Chicago, Leon Finney stayed. He understood that progress is a long march. Systemic racism and deep, generational poverty can’t be eliminated in a year or two. Real change, real progress requires sustained commitment and effort. It requires strategy, not just slogans. Above all, Rev. Finney understood that real progress can’t be delivered from outside or imposed from above. It has to come from the people who live in a community. He believed in power of grassroots democracy to transform individual lives and whole communities.

Leon Finney was a Chicagoan by choice, not birth. He was born 82 years ago in Illinois, the eldest of six children. His father, Leon Sr., moved the family north to Chicago when his children were young, part of the Great Migration. In 1940, his dad opened his first restaurant, Leon’s Bar-B-Q, in Chicago’s Woodlawn neighborhood. In its heyday, Leon’s had four locations throughout the South Side. Leon Sr. was Chicago’s “Bar-B-Q King.”

In the early 1960s, Leon Jr. enlisted in the U.S. Marine Corps. He served as a military officer and criminal investigator. After the Marines, he returned to Chicago and founded Christ Apostolic Church in Woodlawn. He served as its pastor for two decades, until that church merged with Metropolitan Apostolic Community Church—“The Met”—where he served as senior pastor.

As his longtime friend and fellow activist, Father Michael Pfleger said: Rev. Finney was “one of the few pastors who still have that DNA of the gospel.” It wasn’t enough to preach about justice on Sunday mornings. Rev. Finney believed that you needed to work for justice every day.

In 1964 Rev. Finney joined the Woodlawn Organization, or TOO, a grassroots group founded by the legendary organizer Saul Alinsky. He joined forces with another South Side civil rights legend, Bishop Arthur Brazier, who had marched with Dr. King in Montgomery and TOO’s executive director. In 1969, TOO created a nonprofit development organization, WCDC—the Woodlawn Community Development Corporation—and named Rev. Finney as its president.

TWO organized Woodlawn residents to stand up to absentee slumlords, who owned much of the housing in Woodlawn and other low-income neighborhoods on the South and West sides. It pushed back against “substandard” segregation in urban housing, lack of employment, poor schools, inadequate public services, community health concerns and other persistent social problems.

Over the years, WCDC helped attract more than $300 million in commercial and residential development in “uninvestable” communities. The organization developed nearly 1,700 apartments and homes for low- and moderate-income families, mostly in Woodlawn but throughout the South Side. It managed 9,000 rental apartments in Chicago and Gary, IN. It employed 400 Black men and women, as many or more than almost any other employer in Chicago except for government. Many of its early victories were achieved before the creation of real estate investment trusts, affordable housing tax credits, enterprise zones, and other government incentive programs to attract capital to low-income and minority neighborhoods. TWO and WCDC became national leaders for community investment a revitalization.

Rev. Finney forged alliances with elected leaders because he wanted to have a seat at the table when the interests of his community were being decided. He was appointed to powerful government boards, including the Chicago Housing Authority, the Chicago Plan Commission, the Monitoring Commission for School Desegregation for Chicago Public Schools, and Chicago State University.

In 1993, he joined the faculty of McCormick Theological Seminary on the University of Chicago campus. As a professor of African American Leadership Studies and executive director of the seminary’s African American Leadership Partnership, he helped train scores of new ministers in the work of the social gospel.

He was not without fault. As he aged and the real estate industry became increasingly complex, WCDC sometimes struggled to pace with the changes and missteps occurred. But despite the controversy, the imprint that Rev. Finney left on the South Side of Chicago and the good he achieved is profound.

In recent years, he suffered a series of health setbacks, but he never stopped working for justice. At his funeral, a community developer who Rev. Finney helped train recalled a recent conversation they had about today’s new movement for racial reckoning.

“What’s the strategy going forward? Is a voter registrar marching with you
next time?" he asked. Like the marine he was, he remained focused and disciplined to the end.

He was proud and optimistic that a part of Jackson Park would be home to the new Obama Presidential Library. Not only would the library bring new investment opportunities to the South Side, it would remind the young people, especially the Black and Brown children, who live there about what is possible for them.

In a column, Rev. Finney wrote: "The young among us today, many of them, will grow up believing anyone can become president, regardless of race. But some of us can remember when the U.S. Supreme Court ruled in Brown vs. Board of Education that separate was not equal; some are old enough to have marched on Washington. Those events signaled the end of legal segregation in this country. But we never dreamed we would see a man of African heritage elected president of our lifetime." The South Side, the community that was home to Harold Washington, Richard Wright, Mahalia Jackson, and many other pioneers for racial justice, was the right home, he said, for the President Obama's library.

Loretta and I offer our condolences to Rev. Finney's many friends, colleagues, students, and especially to his family: his son Leon III, his daughter Kristian Finney-Cooke, his son-in-law Dr. Gerald Cooke, and his three grandchildren.

Several years ago, McCormick Theological Seminary held a gathering to honor Rev. Finney. The occasion was the 20th anniversary of the program he had founded to train African-American ministers. Graduates of the program, including many community leaders, spoke of the profound influence Rev. Finney had had on their lives. When it came time for him to speak, Rev. Finney implored them to always remember the mission of the Gospel before their own egos. He recited one of his favorite Bible passages; the Gospel of Luke, chapter 4, verse 18: "The Spirit of the Lord is on me, because he has anointed me to proclaim good news to the poor. He has sent me to proclaim freedom for the prisoners and recovery of sight for the blind, to set the oppressed free."

Leon Finney remained true to his mission. Martin Luther King and C.T. Vivian—helped draw a vision for South Chicago, but Leon Finney worked for more than 50 years to make that better, fairer Chicago a reality. The good he achieved will benefit our city, our State, and our Nation for years to come.

REMEMBERING GALE SAYERS

Mr. DURBIN. Mr. President, when Chicago Bears football great Gale Sayers was in the field you knew something extraordinary would happen.

The press labeled him the "Kansas Comet." His teammates called him "Magic." He did things in the NFL that had not been seen before, and few have come close to matching decades later.

Gale famously said that all he needed was 18 inches of daylight before he would change a game's dynamic. He was an unselfish running back, a star receiver, and his kick returning records remain to this day. But with everything with Gale, there was never enough time. His legendary career was cut short by injury. He passed away recently, and today, we pay our respect to an extraordinary life.

Gale Eugene Sayers was born in Wichita, KS, in 1943. His father was a mechanic and a car polisher, and his mother was a homemaker. His family moved to Omaha, NE, in the early fifties, and Gale had his chance to play sports for the first time there. At the age of 13, he was playing kids who were 19 and 20 years old. Gale learned early on he had to outplay, outwork, and outlast larger people, so he made sure he wasn't. In high school, he was not only a star running back, but he was also a track star. His record in long jump stood for 44 years.

Dozens of colleges offered Gale scholarships, but he chose Kansas University because he liked the coach and that it was relatively close to home. There, he was dubbed the Kansas Comet. He was the first player in NCAA Division 1A history to record a 99-yard run when he broke loose against the University of Nebraska in 1963. His two-time All-American honors led to the Bears picking him as the No. 4 overall pick in the 1965 NFL Draft.

Gale Sayers' NFL career began like lightning. He returned a punt 77 yards in his first preseason game, returned a kickoff 93 yards, and threw a touchdown pass with his nondominate hand. For the season, he led the league in all-purpose yards and set the league record at the time of 22 touchdowns, earning the rookie of the year award.

Wrigley Field is famously the home of the Chicago Cubs, but the greatest performance on that field was by Gale Sayers. The Chicago Bears played there from 1921 to 1970. In December 1965, Wrigley Field's playing surface was terrible. Players of both the Chicago Bears and San Francisco 49ers were struggling to keep their footing in the rain, but Gale wasn't one of them. He scored five touchdowns that day. He might have scored seven or eight, but with a lopsided score, Bears Coach George Halas sat him down. The 49ers went on to form a special defense just for Gale Sayers.

Sayers had many brilliant games, but one of the revolutionary moments his life was off the field when he was roommates with fullback Brian Piccolo. Sayers and Piccolo were the NFL's first interracial roommate duo. When on the field, they were the toughest Black and White players, Sayers and Piccolo set a new path for the league. They became best friends.

On November 10, 1968, the Bears faced the 49ers again, and Sayers took a toss run play like he had done so many times. The 49ers defensive player put his shoulder into Sayers' knee, and it bent sideways. Sayers needed to be carted off the field. His knee would never be the same. The NFL Player Protection program was difficult, but with Piccolo's encouragement, Sayers was able to return the following year.

Gale returned to playing in 1969, earning the NFL Comeback Player of the Year, but Piccolo was coughing for weeks, and he was diagnosed with embryonic cell carcinoma.

He underwent surgery, but the disease had spread to other organs. In May, Gale earned the George S. Halas Award, an award recognizing the league's most courageous player. In his speech for the award, Gale dedicated it to Brian Piccolo. Piccolo died on June 16, 1970, at the age of 26. Gale was a first-time All-Pro in 1971, by 1977, he was Ge youngest player ever to be voted into the NFL Hall of Fame at the age of 34. His statistics still remain competitive and as records decades later.

After his NFL career, Gale returned to the University of Kansas as an assistant athletic director and student. He completed his bachelor's degree in physical education in 1975 and received a master's degree in educational administration in 1977. He was the athletic director at Southern Illinois University until 1981. Gale also supported the Cradle, a Chicago-area adoption agency that launched the Ardythe and Gale Sayers Center for African American Adoption in 1999. In 2007, Gale testified in Congress along with several other players that the NFL needed to improve its disability benefits system for retired players.

Sayers is survived by his wife Ardythe Elaine Bullard, his brothers Roger and Ron, his sons Timothy and Scott, his daughter Gale Lynne, and his stepsons Guy, Gaylon, and Gary.

TRIBUTE TO MARK GUETHLE

Mr. DURBIN. Mr. President, Mark Guethle probably isn't the sort of person you picture when you hear the word "feminist." Mark is a big guy: 6-foot-1, strong and muscular. It is easy to imagine him as the star linebacker he was in high school. He spent decades as a labor leader in the building trades, a gun- and blood-driven segments of the American labor movement. But Mark Guethle has worked harder to help good women get
elected to public office in my State of Illinois than almost any man I know. At a time when many Americans feel understandably dismayed about the state of our politics, Mark Guethle has helped to introduce new candidates, new ideas, and a new sense of hope in government and hope in the future in Kane County, Ill., one of the “collar counties” surrounding Chicago. That is what Mark has achieved in nearly 20 years as chairman of the Kane County Democratic Party. But that is just one part of Mark’s story and his busy life.

In addition, since 2003, Mark has served as a member of his town’s council, the North Aurora Village Board of Trustees. On top of all of that, for nearly a quarter century, Mark Guethle has been a union leader with Painters District Council 30, Local Union 97, which covers most of north-central Illinois outside of Chicago. This past month, Mark retired from his union, in the spirit of government affairs for of Painters District Council 30. He leaves with a proud record of achievement.

Interestingly, he didn’t start out to be a labor leader. At Eureka High School in Illinois, Ill., he was a star athlete in three sports: baseball, basketball, and football. It was his performance as a linebacker that drew the most attention. He was recruited by coaching legend Bo Schembechler to play for one of the best college football teams in the Nation, the University of Michigan Wolverines, but a bad accident during the summer after his high school graduation set his life on a different course. During a robbery at a gas station where he was working, Mark’s arm was badly injured by a piece of shattered glass. The University of Michigan said it would wait for Mark’s arm to heal but Mark’s dad, a union carpenter, suggested that Mark try a different path. And so it was that, at age 22 years old, but she inspired in Mark a sense of women’s rights, and marriage equality. She died when Mark was 22 years old, but she inspired in Mark an understanding of how politics works and economic justice and his nuts-and-bolts of how politics works are qualities he acquired growing up in a politically active union family. He learned how to knock on doors and distribute leaflets when he was just a kid, and at age 60, he still spends an incredible amount of time and energy on such tasks. When there is work to be done, whether its phone banking or neighborhood canvassing, you can be sure that Mark will be the first to arrive and the last to quit.

When Mark was elected Kane County Democratic chair in 2002, there were no Democrats in the county serving at the State or Federal level—none. Today, Democrats hold every congressional seat, every state Senate seat, every state House seat, and every seat on the Kane County Board. Mark’s independence and ability to work with both sides of the aisle were key assets during a time when there was much ill will between the political parties. Today, Democrats are the majority party in Kane County. In 2002, when Mark entered the political arena, he was just a kid, and at age 60, he still spends an incredible amount of time and energy on such tasks. When there is work to be done, whether its phone banking or neighborhood canvassing, you can be sure that Mark will be the first to arrive and the last to quit.

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VOTE EXPLANATION

Mr. TESTER. Mr. President, I was absent due to an urgent family matter requiring my attention when the Senate voted on vote No. 196 on the motion to invoke cloture on H.R. 8337, the continuing resolution. On vote No. 196, had I been present, I would have voted yea.

Mr. President, I was absent due to an urgent family matter requiring my attention when the Senate voted on vote No. 196 on the motion to proceed to the Message to accompany S. 178, UIGHER Act of 2019. On vote No. 198, had I been present, I would have voted nay.

Mr. President, I was absent due to an urgent family matter requiring my attention when the Senate voted on vote No. 199 on the motion to table Tillis amendment No. 2673. On vote No. 199, had I been present, I would have voted yea.

ARMs SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee’s intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY

Hon. JAMES E. RISCH,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 00-70, concerning the 40 U.S.C. 26(b)(1) proposed Letter(s) of Offer and Acceptance to the Government of India for defense articles and
This proposed sale will support the foreign policy and national security of the United States by helping to strengthen the U.S.-Indian strategic relationship and improve the security of a major partner, which continues to be an important force for political stability, peace, and economic progress in the Indo-Pacific and South Asia region.

The proposed sale of a previously procured aircraft operates effectively to serve the needs of Indian Air Force, Army and Navy transport requirements, local and international humanitarian assistance, and regional disaster relief. This sale of spares and services will enable the Indian Air Force to sustain a mission-ready status with respect to the C-130J Super Hercules aircraft. India will have no difficulty absorbing this additional sustainment support.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Lockheed-Martin Company, Marietta, Georgia. There are no known offsets proposed in connection with this potential sale.

Implementation of this proposed sale will not require additional U.S. Government or contractor representatives in India.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.
Missiles (RAM) Block 2 Tactical Missiles, RIM-116C. Also included are RAM Guided Missile Round Pack Tri-Pack shipping and storage containers, operator manuals and technical documentation, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support. The estimated cost is $261 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a major ally that is a force for political stability and economic progress in the Asia-Pacific region. It is vital to U.S. national interest to assist Japan in developing and maintaining a strong and effective self-defense capability.

These RAM Block 2 Tactical missiles will provide significantly enhanced area defense capabilities over critical East Asian and Western Pacific air and sea-lines of communication. Japan will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Raytheon Missiles and Defense Company, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will not require the assessment of U.S. Government or contractor representatives in Japan.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 20–63
Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii
(vii) Sensitivity of Technology:
1. The RIM–116C Rolling Airframe Missile (RAM) is an autonomous (i.e., “fire and forget”) lightweight, supersonic, surface-to-air tactical missile for ship self-defense against current and evolving anti-ship cruise missile threats. Advanced technology in the RIM–116C includes dual-mode RF/IR (radio frequency/infrared) guidance with IR all-the-way capability for non-emitting threats.
2. The Rolling Airframe Missile (RAM) is a product of a cooperative program with Germany that was executed, since 1976, under a series of governing Memoranda of Understanding/Memoranda of Agreements (MOU/MOAs) for the development, production, and in-service support between the United States and Germany.
3. The highest level of classification of information included in this potential sale is CONFIDENTIAL.
4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.
5. A determination has been made that Japan can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furthering U.S. foreign policy and national security objectives outlined in the Policy Justification.
6. Annex Item No. vii—Sensitivity of Technology contains narrative descriptions of sensitive elements and classified annexes. All classified annexes, if any, are located in the classified annexes section of the transmittal.

ARMS SALES NOTIFICATION
Mr. RISCH, Mr. President, session 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of sales will be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I hereby request unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY
COOPERATION AGENCY
Arlington, VA.

Hon. JAMES E. RISCH,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR Mr. Chairman:

I am issuing to the reportings of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20–59 concerning the Army’s proposed Letter(s) of Offer and Acceptance to the Government of the Netherlands for defense articles and services estimated to cost $241 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

HEIDI H. GRANT,
Director.

Enclosures.

TRANSMITTAL NO. 20–59
Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of the Netherlands.
(iii) Description of Articles or Services under Consideration for Purchase:
Major Defense Equipment (MDE):
Non-MDE: Also included are eight (8) kits of 2-pack PAC–3 Missile Round Trainers (MRT), six (6) kits of 2-pack PAC–3 MSE Empty Round Trainers (ERT), four (4) PAC–3 MSE Starter Kits, one (1) Lot of Classified PAC–3 MSE Concurrent Spare Parts (CSPs), one (1) Lot of Unclassified PAC–3 MSE CSPs, and PAC–3 MSE repair and return processing support services, and other related elements of logistics and program support.

(v) Prior Related Cases, if any: NE–B–WBV.
(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.
(vii) Sensitivity of Technology: In the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

* As defined in Section 47(6) of the Arms Export Control Act.

The Netherlands—Patriot Advanced Capability–3 (PAC–3) Missile Segment Enhancement (MSE) Missiles

The Government of the Netherlands has requested to purchase thirty-four (34) Patriot Advanced Capability–3 (PAC–3) Missile Segment Enhancement (MSE) missiles. The Netherlands will have no difficulty absorbing this equipment and support.

This proposed sale will support the foreign policy and national security objectives of the United States in helping to improve security in a NATO ally which is an important force for political stability and economic progress in Northern Europe.

This proposed sale will improve the Netherlands’ missile defense capability to meet current and future enemy threats. The Netherlands will use the enhanced capability to strengthen its homeland defense and deter regional threats, and provide direct support to coalition and security cooperation efforts.

The Netherlands will have no difficulty absorbing this equipment and support.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Lockheed Martin, Dallas, TX. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor(s).

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Netherlands.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 20–59
Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii
(vii) Sensitivity of Technology:
The Patriot Advanced Capability–3 (PAC–3) Missile Segment Enhancements (MSE) is a small, highly agile, kinetic kill interceptor for defense against tactical ballistic missiles, cruise missiles and air-breathing threats. The MSE variant of the PAC–3 missile represents the next generation in hit-to-kill interceptors and provides expanded battlespace against evolving threats. The PAC–3 MSE improves upon the original PAC–3 capability with a higher performance solid rocket motor, modified lethality enhancer, more responsible control surfaces, upgraded guidance software and insensitive munitions improvements.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the hardware and associated elements, the information could be used to develop countermeasures or equivalent systems which might reduce system effectiveness or be used in the development and production of systems with similar or advanced capabilities.

4. A determination has been made that the Netherlands can provide substantially the same degree of protection for the sensitive technologies being released as the U.S. Government. This potential sale is necessary in furtherance of...
the U.S. foreign policy and national security objectives as outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Netherlands.

ARMS SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee’s intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY

COOPERATION AGENCY

Arlington, VA.

Hon. James E. Risch,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20–43 concerning the Army’s proposed let-
ter(s) of Offer and Acceptance to the Government of Switzerland for defense articles and services estimated to cost $2.2 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this potential sale.

Sincerely,

Heidi H. Grant,
Director.

Enclosures.

TRANSMITTAL NO. 20–43

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

POLICY JUSTIFICATION

Switzerland—Patriot Configuration-3+ Modernized Fire Units

The Government of Switzerland has requested the possible sale of five (5) Patriot Configuration-3+ Modernized Fire Units, consisting of: five (5) AN/MPQ-65 Radar Sets; five (5) AN/MSQ-132 Engagement Control Stations; seventeen (17) M903 Launching Stands; up to two (2) Patriot HIM-106 Guidance Enhanced Missile Tactical (GEM-T) Missiles; seven (7) Antenna Mast Groups; five (5) Electrical Power Plants (EPP) III; and six (6) Multifunctional Information Dis-

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Patriot air defense system is a surface-to-air missile defense system, which continues to hold a significant technology advantage over other systems. The Patriot Air Defense System contains communications, identification, navigation, and tactical software. The items requested represent significant technological advances for Switzerland.

2. The Patriot sensitive/critical technology is primarily in the area of design and production processes and know-how and in the design, development, and/or manufacturing data related to certain components.

3. The highest level of classification of defense articles, components, services, and information on system performance capabilities, effectiveness, survivability, missile seeker capabilities, software/hardware documentation and test data included in this potential sale are classified up to and including SECRET.

4. Loss of this hardware, software, documentation and/or data could permit development of information which may lead to a significant threat to future U.S. military operations. The adversary may attempt to obtain this sensitive technology, the missile system effectiveness could be compromised through reverse engineering techniques.

5. A determination has been made that Switzerland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in further-

ARMs SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee’s intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY

COOPERATION AGENCY

Arlington, VA.

Hon. James E. Risch,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b)(1) of the
the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20–35 concerning the Air Force's proposed Letter(s) of Offer pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended (i) Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act.

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER Pursuant to Section 36(b)(1) of the Arms Export Control Act.

The Department of Defense proposes to offer for sale, in the Defense Article or Defense Services Category, the following equipment:

(i) Major Defense Equipment

- Forty-six (46) Pratt & Whitney F-135 Engines (40 installed and 6 spares).
- Forty-six (46) AIM-9X Block II+ (Plus) Tactical Missiles.
- Fifty (50) Sidewinder AIM-9X Block II Captive Air Training Missiles (CATMs).
- Six (6) Sidewinder AIM-9X Block II Special Air Training Missiles (TAMS).
- Four (4) Sidewinder AIM-9X Block II Tactical Target Practice (TTP) Missiles.
- Ten (10) Sidewinder AIM-9X Block II CATM Guidance Units.
- Eighteen (18) KMU-372 JDAM Guidance Kits for GBU-31; twelve (12) Bomb MK-82, Inert; twelve (12) GBU-53/B Small Diameter Bomb II (SDB II) All-Up Round (AUR); and eight (8) GBU-53/B SDB II Guided Test Vehicle (GTV).

Non-MDE: Also included are Electronic Warfare Systems; Command, Control, Communications, Computer and Intelligence/Comprehensive National, and Interagency Information (C3I/C4NI); Autonomic Logistics Global Support System (ALGS); Autonomic Logistics Information System (ALIS); Full Mission Training; Weapon System; and other Subsystems, Features, and Capabilities; F-35 unique infrared flares; reprogramming center access; F-35 Performance Based Logistics; software development/integration; flight test instrumentation; aircraft ferry and tanker support; Detector Laser DSU-38A/B; Detector Laser DSU-38A/D-2/B; FMU-139D/B Fuze; KMU-572D-2/B Trainer (JDAM); 40 inch Wing Release Lanyard; GBU-53/B SDB II Weapon Load Crew Trainees (WLCT); 25 mm PGS-23/P; weapons containers; aircraft and munitions support and test equipment; communications equipment; spares and repair parts; repair and return support; personnel training and training equipment; publications and technical documents; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support. The total estimated cost is $6.58 billion.

This proposed sale will support the foreign policy and national security of the United States of America by providing the government of Switzerland with a credible defensive capability to deter aggression in the region and by replacing Switzerland's retiring F/A-18s and enhance its air-to-air and air-to-ground self-defense capability. Switzerland will have no difficulty absorbing these aircraft into its armed forces.

The proposed sale of this equipment and support will further the basic military balance in the region.

The principal contractors will be Lockheed Martin Aeronautics Company, Fort Worth, TX; Pratt & Whitney, East Hartford, CT; The Boeing Company, St. Charles, MO and Raytheon Missiles and Defense, Tucson, AZ. This proposal is being offered in the context of a competition. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Proposed to be Sold: See Attached Annex.

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

ANNEX ITEM NO. vii

(vii) Sensitivity of Technology:

1. The F-35A Conventional Take-Off and Landing (CTOL) aircraft is capable of delivering a single Organic, multirole aircraft. It contains sensitive technology including the low observable airframe/mold line, the Pratt and Whitney F135 engine, AN/APG-81 radar, an integrated core processor central computer, a mission/systems electronic warfare suite, a single satellite suite, technical data/ documentation and associated software. Sensitive elements of the F-35A are also intended to be utilized in all F-35 variants, providing unmatched commonality and supportability throughout the worldwide base of F-35 users.

2. The AN/APG-81 Active Electronically Scanned Array (AESA) is a high processing power/high transmission power electronic warfare suite designed to be utilized in all F-35 variants, providing unmatched commonality and supportability throughout the worldwide base of F-35 users.

3. The Pratt and Whitney F135 engine is a single 40,000-lb thrust class engine designed for the F-35 and assumed highly reliable, affordable performance. This engine is designed to be used in all F-35 variants, providing unmatched commonality and supportability throughout the worldwide base of F-35 users.

4. The AN/APG-81 Active Electronically Scanned Array (AESA) is a high processing power/high transmission power electronic warfare suite designed to be utilized in all F-35 variants, providing unmatched commonality and supportability throughout the worldwide base of F-35 users.

5. The Electronic Warfare (EW) system is a reprogrammable, integrated system that provides radar warning and electronic countermeasures (ECM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support and countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support and countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support and countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support and countermeasures (CM) system.

6. The Command, Control, Communications, Computers and Intelligence/Comprehensive National, and Interagency Information (C3I/C4NI) system provides the pilot with unprec edented situational awareness, targeting support and countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support and countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support and countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support and countermeasures (CM) system.

7. The Command, Control, Communications, Computers and Intelligence/Comprehensive National, and Interagency Information (C3I/C4NI) system provides the pilot with unprec edented situational awareness, targeting support and countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support and countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support and countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support and countermeasures (CM) system.
broad spectrum of secure, anti-jam voice and data communications, precision radio navigation and landing capability, self-identification, beyond visual range target identification, Low Observable technology, and sources of information. It also includes an inertial navigation and global positioning system (GPS) for precise location information, which is tightly integrated within the mission system to enhance efficiency.

g. The aircraft CH/CNI system includes two data links: the Multi-Function Advanced Data Link (MADL) and Link 16. The MADL is designed specifically for the F-35 and allows high-speed communications between F-35s. Link 16 data link equipment allows the F-35 to communicate with legacy aircraft using widely-distributed J-series message protocols.

h. The F-35 Autonomic Logistics Information System (ALIS) provides an intelligent information infrastructure that binds all the core concepts of ALIS into an effective support system. ALIS establishes the appropriate interfaces among the F-35 Air Vehicle, the warfighter, the training system, government information technology (IT) systems, and support commercial enterprises. Additionally, ALIS provides a comprehensive tool for data collection and analysis, decision support and action tracking.

i. The F-35 Training System includes several training devices to provide integrated training for pilots and maintainers. The pilot training devices include a Full Mission Simulator (FMS) and Deployable Mission Rehearsal Trainer (DMRT). The maintenance training devices include an Aircraft Systems Maintenance Trainer (ASMT), Ejection System Trainer (ESTM), Launch System Trainer (LST), and Mold Line (OML) Lab. Flexible Linear Shaped Charge (FLSC) Trainer, F135 Engine Module Trainer, and Weapons Loading Trainer (WLT). The F-35 Training System is integrated, where both pilots and maintainers learn in the same Integrated Training Center (ITC). Alternatively, the pilots and maintainers can train in separate facilities (Pilot Training Center and Maintenance Training Center).

k. Other subsystems, features, and capabilities include the F-35’s low observable airframe, Integrated Core Processor (ICP) Computer, Helmet Mounted Display System (HMDS), Life Support System (PLSS), Off-Board Mission Support (OMS) System, and publications/maintenance manuals. The HMDS provides a fully sun-light visible display presentation of aircraft information projected onto the pilot’s helmet visor. The use of a night vision camera integrated into the helmet eliminates the need for separate Night Vision Goggles. The PLSS provides a measure of Pilot Chemical, Biological, and Radiological Protection through use of an On-Board Oxygen Generating System (OBGOS), and an encapsulated system that provides additional protection to the pilot. OBGOS takes the Power and Thermal Management System (PTMS) air and removes gaseous (primarily nitrogen) by adsorption, thereby increasing the concentration of oxygen in the product gas and supplying breathable air to the pilot. The OMS provides a mission planning, mission briefing, and a maintenance/intelligence/tactical debriefing platform for the F-35.

2. The Reprogramming Center is located in the United States and provides F-35 customers with a means to update F-35 EW databases.

3. The AIM-9X Block II and Block II+ (Plus) SIDEWINDER Missile represents a substantial improvement in missile acquisition, and kinetics performance over the AIM-9M and replaces the AIM-9X Block I Missile configuration. The missile includes a high off-boresight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe and the ability to integrate with improved on-board flying systems.

4. The GBU-53/B Small Diameter Bomb Increment II (SDB II) is a 250-lb class precision-guided, conventional, air-to-ground munition used to defeat moving targets through adverse weather from standoff range. The SDB II has deployable wings and fin tips, GPS/INS guidance, network-enabled data link (Link-16 and UHF), and a multi-mode seeker (milliwave radar, imaging infrared) to autonomously search, acquire, track, and defeat targets. The SDB II employs a multi-effect warhead (Blast, Fragmentation, and Incendiary) for enhanced lethality against armored and soft targets. The SDB II weapon system consists of the AUR weapon; a 4-place common carriage system; and mission planning terminal equipment.

a. SDB II Guided Test Vehicles (GTV) is an SDB II configuration used for land or sea launches on the SDB II weapon system. The GTV has common flight characteristics of an SDB II AUR, but in place of the multi-effects warhead is a Flight Termination, Tracking, and Telemetry (FTTT) subassembly that mirrors the AUR multi-effects warhead’s size and mass properties, but provides safe flight termination, free flight tracking and telemetry of encrypted data from the GTV to the data receivers. The SDB GTV can have either inert or live fuses. All other flight control, guidance, and data-link functions are representative of the SDB II AUR.

b. SDB II Captive Carry Reliability Test (CCRT) vehicles are an SDB II configuration primarily used for reliability data collection during carriage. The CCRT has common characteristics of an SDB II AUR but with an inert warhead. The CCRT has an inert mass in place of the warhead that mimics the warhead’s mass properties. The CCRT is a flight capable representative of the SDB II AUR and is accurate to release from any aircraft. Since all other flight control, guidance, data-link, and seeker functions are representative of the SDB II AUR, this configuration is used for any purpose where an inert round without telemetry or termination capability would be useful.

6. This sale will involve the release of sensitive and/or classified technology. The highest level of classification of information included in this potential sale is SECRET.

ARM S A L E S N O T I F I C AT I O N

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires notification to Congress of a proposed sale.

Mr. President, in accordance with a recent advisory opinion, we are providing notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee’s intention to see that relevant information is available to the full Senate, I am pleased to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–223.

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

DEFENSE SECURITY

Cooperation Agency, Arlington, V.A.

Hon. JAMES E. RISCH,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20–34 concerning the Navy’s proposed Letter(s) of Offer and Acceptance to the Government of Switzerland for the proposed sale of a system with similar advanced capabilities.

Justification.

Mr. President, section 36(b) of the Arms Export Control Act, as amended, requires that the Secretary of State notify Congress of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee’s intention to see that relevant information is available to the full Senate, I am pleased to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–223.

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

DEFENSE SECURITY

Cooperation Agency, Arlington, V.A.

Enclosures.

TRANSMITTAL NO. 20–34

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Switzerland.

(ii) Total Estimated Value of Total Proposed Sale: $4,656,156.

Other $3,297,000.

Total $7,953,156.
The Government of Switzerland has requested the U.S. government to propose the sale of $7.452 billion in defense articles and services. The proposed sale covers

- Twelve (12) Bomb MK–82 500LB, General Purpose.
- Twelve (12) Bomb MK–82, Inert.
- Twelve (12) GBU–33/B Small Diameter Bomb II (SDB II) All-Up Round (AUR).
- Twelve (12) GBU–53/B SDB II Guided Test Vehicle (GTV)

Non-MdE: Also included are AN/PGQ–79 Active Electronically Scanned Array (AESA) radars; High Speed Video Network (HSVN) Digital Video Recorder (HDVR); AN/AVS–9 Night Vision Goggles (NVG); AN/AVS–11 Night Vision Device (NVD); thirty-six (36) F/A–18E/F Super Hornet aircraft; thirty-two (32) F414–GE–400 engines (installed); sixteen (16) F414–GE–400 engines (spares); five (5) AN/LQG–139D/B Fuze; twenty-six (26) LAU–127E/A Guided Missile Launchers.

The proposed sale of this equipment and services will not alter the basic military balance in the region. The proposed sale will support one of Switzerland’s competitors in the region's fighter/attack aircraft market, which is being considered. The primary missions of the aircraft and associated weapons will be an important force for political stability and economic progress in Europe.

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The proposed sale of this equipment and services will not alter the basic military balance in the region. The proposed sale will support one of Switzerland’s competitors in the region's fighter/attack aircraft market, which is being considered. The primary missions of the aircraft and associated weapons will be an important force for political stability and economic progress in Europe.
from either aircraft carriers or land bases. The F/A-18E/F Super Hornet fields a variety of roles and provides air superiority, fighter escort, suppression of enemy air defenses, reconnaissance, air and ground control, close air support, and night strike missions.

a. The AN/PAQ-79 Active Electronically Scanned Array (AESA) Radar System provides the F/A-18E/F Super Hornet with all-weather, multi-mission capability for both air-to-air and air-to-surface targeting and attack. Air-to-Air modes provide the capability for all-aspect target detection, long-range search and track, automatic target attack, and simultaneous engagement of multiple targets. Air-to-Surface attack modes provide high-resolution ground mapping navigation, weapon delivery, and sensor cueing.

b. The AN/ALR-67(V)3 Electronic Warfare Countermeasures Receiving Set provides the F/A-18E/F Super Hornet with radar, missile, and heat signature warning by detecting and evaluating friendly and hostile radar frequency threat emitters and providing identification and status information about the emitters to on-board Electronic Warfare (EW) equipment and the aircrew. The Operational Flight Program (OFP) and User Date Files (UDF) used in the AN/ ALR-67(V)3 threat parameter database used to identify and establish priority of detected radar emitters.

c. The AN/ALR-47 Countermeasures Dispensing System (CMDS) threat-adaptive dispensing system that disperses chaff, flares, and expendable jammers for self-protection against airborne and ground-based Radio Frequency (RF) and Infrared threats. The Operational Flight Program (OFP) and Mission Data Files (MDF) used in the AN/ALR-47 contain algorithms used to calculate the best dispersion parameters for a specific threat.

d. The AN/LQG-24 is an advanced airborne Integrated Defensive Electronic Countermeasures (IDECM) programmable modular automated system capable of intercepting, identifying, processing received radar signals (pulsed and continuous) and applying an optimum countermeasures technique in the direction of the radar signal, thereby improving individual aircraft probability of survival from a variety of Surface-to-Air and Air-to-Air Radio Frequency (RF) threats. The system uses a standard Electronic Warfare (EW) suite mode. In the EW suite mode, the AN/LQG-24 operates in a fully coordinated mode with the towed dispense pod incorporating a Radar Warning Receiver (RWR), and the onboard radar in the F/A-18E/F Super Hornet in a coordinated, non-interference manner sharing information for enhanced automation. The AN/LQG-24 was designed to operate in a high-density Electromagnetic Hostile Environment with the ability to identify and counter a wide variety of multiple threats, including those with Doppler characteristics.

e. The AN/PAQ-111 Combined Interrogator/Transponder with the Conference System (CAS) is a complete MARK-XII identification system compatible with Identification Friend or Foe (IFF) Modes 1, 2, 3, 4, A, B, C, and D, as well as Electronic Token (ET) that can be customized to the unique cryptographic functions for a specific country provides the systems secure mode capabilities. As a result, the CAS can provide secure communication for replying to interrogation modes 1, 2, 3, A C (altitude) and secure mode 4. The requirement is to upgrade Switzerland’s Combined Interrogator/Transponder (CIT). Advanced Token (VT) IFF system software to implement Mode Select (Mode S) capabilities. Beginning in early 2005 EUROCONTROL mandated the civil aircraft industry to transition over to Mode S only system and for all aircraft to be compliant by 2009. The Mode S Beacon System is a combined data link and Secondary Surveillance Radar (SSR) system that was standardized in 1986 by the International Civil Aviation Organization (ICAO). Mode S combines the SSR’s primary radar data link with a unique aircraft address. Selective Interrogation provides higher data integrity, reduced Radio Frequency (RF) interference and hence increased bandwidth capacity, and adds air-to-ground data link.

f. The Joint Helmet Mounted Cueing System (JHMCS) is a multi-sensor, electro-optical targeting system that incorporates a visor-projected Heads-Up Display (HUD) to cue weapons and aircraft sensors to air and ground targets. In close air combat, JHMCS allows the aircraft to shoot at a target. JHMCS allows the pilot to simply look at a target to shoot. This system projects visual targeting and aircraft information on the back of the helmet’s visor, enabling the pilot to monitor this information without interrupting his field of view through the cockpit canopy, the system uses a magnetic transmitten unit fixed to the pilot’s seat and a magnetic field probe mounted on the helmet to define helmet pointing positioning. A Helmet Mounted Cueing System (HMCS) provides a high-performance, image-in-pod incorporating infrared, low-light television, and moving map displays. The JMPS will be tailored to the specific releasable configuration for the F/A-18E/F Super Hornet.

h. The AN/AVS-9 Night Vision Goggles (NVG) provide imagery sufficient for an aviator to identify ground scenarios down to starlight and extreme low light conditions. The AN/AVS-9 is designed to satisfy the F/A-18E/F mission requirements for covert night and close air combat. The third generation light amplification tubes provide a high-performance, image-intensification system for optimized F/A-18E/F night flying at terrain-masking altitudes. The AN/AVS-11 Night Vision Goggles (NVG) is capable of high resolution imaging. This capability allows reduced visibility and reduced looking height. Both versions of the system provide enhanced situational awareness, positive identification of participants within the network, secure fighter-to-fighter connectivity, secure communication, and reduced TACAN functionality. It provides three major functions: Air Control, Wide Area Surveillance, and Fighter-to-Fighter. The AN/AVS-11 has an upgraded infrared receiver and processor to support full system capability.

i. The High Speed Video Network (HSVN) Digital Video Recorder (HDVR) with CRYPTO Type 1 and Ground Encryption Device (GED). The HDVR has an embedded DAR-400EX and the GED has an embedded DAR-400ES. Both versions of the DAR-400 are Type 1 devices.
improving overall functionality. DTP-N enabled geo-registration and targeting enhancements, when used in conjunction with the advanced networking capabilities, will provide enhanced situational awareness and actionable warning of a target data thereby reducing the kill chain times.

v. The M60 20MM Gun is a hydraulically, electrically or pneumatically driven, six barrel, air-cooled, electrically fired Gatling-style rotary cannon which fires 20MM rounds at an extreme rate. The M60’s derivatives have been the principal cannon armament of United States military fixed-wing aircraft.

w. The F414-GE-100 Engine is a 22,000-pound class afterburning turbofan engine. The engine features an axial compressor with 3 fan stages and 7 high-pressure compressor stages, and 1 high-pressure and 1 low-pressure turbine stage. It incorporates advanced technology with the proven design base of the F404 engine. The Engine Control (FADEC) system—to provide the FA-18E/F Super Hornet with a durable, reliable, and easy-to-maintain engine.

x. The AIM-9X Block II Active Air-to-Air (A/A) guided missile which employs a passive Infrared (IR) target acquisition system, proportional navigational guidance, and a closed-loop position servo designed to provide a substantial increase in missile acquisition and kinematics performance over the AIM-9M and replaces the AIM-9X Block I Missile configuration. The AIM-9X Block II is a high off-boresight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe and the ability to integrate the Helmet Mounted Display System. The software algorithms are the most sensitive portion of the AIM-9X missile. The software continues to be modified via a pre-planned product improvement process in order to improve its counter-countermeasure capabilities. No software source code or algorithms will be released.

y. AIM-9X BLK II Captive Air Training Missile (CATM) is a flight certified inert mass simulator with a functioning Guidance Unit (GU). The CATM is the primary aircrew training device providing all pre-launch functions as well as realistic aeronautical performance that equates to carrying a tactical missile to a target. The CATM is designed to train in aero flight test and acquisition and use of aircraft controls/displays.

z. AIM-9X BLK II Special Air Training Missiles (SADM) are flight capable and training missile, with functioning GU and RM, designed for ignition and separation. The NATM is similar to the AIM-9X BLK II Tactical GU, WGU-57/B, is a flight capable representative of the SDB II weapon. The GU-57/B contains no programmable electrical hardware designed to enable the GU-57/B to operate as a flight capable representative of the SDB II weapon. The GU-57/B Warhead (Blast, Fragmentation, and Shaped-Charge) for maximum lethality against armored and soft targets. The SDB II weapon consists of the AUR weapon; a 4-inch long weapon; a 4-place common carriage system; and mission planning system application.

AA. AIM-9X BLK II Tactical GU, WGU-57/B, is identical to the tactical GU except the Guage Unit (GU) and Common Re-Entry Subsystem (CRES) batteries are inert and the software Captive. During carriage, the GU software tells the missile processor that it is attached to a CATM and to ignore missile launch commands. The switch also signals software to not enter abort mode because there is no PAU connected to the GU.

BB. AIM-9X BLK II Multi-Purpose Training Missile (MPTM) is a ground training device used to train ground personnel in aircraft loading, sectionalization, maintenance, and system management. The MPTM is designed to train in missle maintenance, equipment, launchers, and test equipment. The missile is explosively and electrically inert. If a technology is ever demonstrated that a technology is required: ii. AIM-9X BLK II Dummy Air Training Missile (DATM) is used to train ground personnel in missile maintenance, loading, and system management. The DATM components are completely inert. The missile contains no programmable electrical components and is not approved for flight.

CC. Active Optical Target Detector (AOTD) is newly designed for Block II. The AOTD/Data Link (AOTD/DL) uses the latest laser technology allowing significant increases in sensitivity, aerosol performance, low altitude performance, and Pk (Probability of Kill). The AOTD/DL design uses the same communications technology as the JDL for communications. The AOTD/DL communicates with the GU over a serial interface which allows the GU to receive and transmit data so that a multi-effects warhead could be pointed with a launching platform possible during the flight.

DD. The GBU-54 Laser Joint Direct Attack Munition (LJAM) is a 500 pound JDAM which incorporates all the capabilities of the JDAM guidance tail kit and adds a precision airframe. The GBU-54 has the laser guidance set and the weapon system an optional semi-active laser guide in addition to the Inertial Navigation System/Global Positioning System (INS/GPS) guidance. This provides the optional capability to strike moving targets.

EE. AIM-9K BLK II CATM GU, WGU-57/B, is identical to the tactical GU except the GU is a flight capable representative of the SDB II weapon. The GU-57/B contains no programmable electrical hardware designed to enable the GU-57/B to operate as a flight capable representative of the SDB II weapon. The GU-57/B Warhead (Blast, Fragmentation, and Shaped-Charge) for maximum lethality against armored and soft targets. The SDB II weapon consists of the AUR weapon; a 4-inch long weapon; a 4-place common carriage system; and mission planning system application.

FF. The AIM-9X Block II SDB II Guided Test Vehicles (GTV) is an SDB II configuration used for land or sea range-based testing of the SDB II weapon system. The GTV has common flight characteristics of an SDB II AUR, but in place of the multi-effects warhead is a Flight Termination, Tracking, and Telemetry (FTTT) subassembly that mirrors the AUR multi-effects warheads size and mass properties, but provides safe flight termination, free flight tracking and telemetry of encrypted data from the GTV to the data receivers. The SDB II CCRT and FTU can carry live fuses. All other flight control, guidance, data-link, and seeker functions are representative of the SDB II AUR.

GG. The GBU–53/B Small Diameter Bomb Increment II AUR but is not approved for release from any aircraft. Since all other flight control, guidance, data-link, and seeker functions are representative of the SDB II AUR the STSU was used to approve for release from any aircraft. The STSU was used to approve for release from any aircraft. Since all other flight control, guidance, data-link, and seeker functions are representative of the SDB II AUR the STSU was used to approve for release from any aircraft. Since all other flight control, guidance, data-link, and seeker functions are representative of the SDB II AUR the STSU was used to approve for release from any aircraft.
technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmital have been authorized for release and export to Switzerland.

ARMS SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee’s intention to see that relevant information is available to the full Senate, I ask that today’s transmission be printed in the Record the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. JAMES E. RISCH,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20–76 concerning the Air Force’s proposed sale of C–17 aircraft to the United Kingdom.

The Government of the United Kingdom has requested to buy follow-on C–17 aircraft Contractor Logistical Support (CLS) to include aircraft component spare and repair parts; accessories; publications and technical documentation; software and software support; U.S. Government and contractor engineering, technical and logistical support services; and other related elements of logistical and program support. The total estimated program cost is $401.3 million.

This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of a key NATO Ally, which is an important force for political stability and economic progress in Europe.

This proposed sale will improve the United Kingdom’s capability to meet current and future threats to the operational readiness of the Royal Air Force. Its C–17 aircraft fleet provides strategic airlift capabilities that directly support U.S. and coalition operations around the world. The United Kingdom will have no difficulty absorbing these services into its armed forces. The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be The Boeing Company of Chicago, IL. There are no known offset agreements proposed in connection with this potential sale.

Implementation of the proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the United Kingdom.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

ADDITIONAL STATEMENTS

TRIBUTE TO LAURA NOWLIN

Mr. DAINES. Mr. President, this week I have the honor of recognizing Laura Nowlin of Teton County for her compassion and dedication to her community.

Since 1986, Laura has devoted her time to working at the Teton County Food Pantry as both a volunteer and a member of the executive board. Over the course of her 33 years at the food pantry, she ensured families in the community had healthy and hearty groceries with no exceptions. Rain or shine, Laura was always there to help the people of Teton County get the nutrition they needed.

Recently named the board member emeritus of the pantry, Laura will be dearly missed by her colleagues. Her unwavering selflessness was an incredibly valuable asset to both the pantry and her community and will continue to be in her new capacity.

It is my distinct honor to recognize Laura for her tireless service to the people of Teton County. Her kindness and charitable approach to work serves as an inspiration to all Montanans who serve our communities.

TRIBUTE TO MISTY BRITT

Mrs. HYDE-SMITH. Mr. President, I would like to recognize Misty Britt, an ICU nurse at Kings Daughters Medical Center in my hometown of Brookhaven, MS. Since the pandemic Misty has truly stepped up to be a leader in the hospital. She manages the nurses on her rotation, picks up extra shifts; reads, studies, and learns about the virus; and has helped streamline the workflow to make the environment in the hospital more manageable for health care workers and patients.

Misty cares for her patients with compassion and empathy. She holds their hand when they are afraid, assists with family FaceTime calls when family isn’t allowed to visit, and forms close relationships with each patient by offering love and encouragement.

No matter the circumstance, Misty is by her patient’s side helping them fight for their lives. It is nurses, like Misty who do the mundane and the heroic work with tender loving care and are able to provide patients more comfort during difficult times.

For nurses all over our nation, it is overwhelming to witness what COVID is doing to their patients. The physical, emotional, and mental stress of their work continues to mount. Every day, they go to work knowing they may lose another patient and endure more emotional strain. I am grateful for the hard work and personal sacrifice Misty and other ICU nurses undertake. They have my admiration.

TRIBUTE TO LARUE LAMBERT

Mrs. HYDE-SMITH. Mr. President, I would like to recognize, Larue Lambert, who has worked for Kings Daughters Medical Center in Brookhaven, MS, for over 20 years. Mr. Lambert worked as an ICU nurse before moving into the house coordinator position, where he monitors admissions and discharges, staffing needs, patient census, responds to emergencies, and compiles detailed reports for the chief nurse.

During the COVID-19 pandemic, Mr. Lambert has picked up additional responsibilities to ensure the hospital is functioning smoothly on a daily basis. PPE equipment was a huge concern for all hospitals at the beginning of the pandemic. Mr. Lambert closely monitors the hospital’s PPE inventory and would distribute it to units that were in need. Additionally, he picked up extra shifts when staffing levels were low. As a frontline healthcare worker, Mr. Lambert selflessly puts his life in danger each day to care for his fellow Mississippians.

Larue risks not only his personal health, but the health of his close friends and family each day while he assists in the fight against this pandemic. I commend Larue Lambert for...
bravely stepping up to the fight against COVID-19 for the past several months, and I pray that he may be granted safety and good health as he continues to serve others. He is a hero in our Brookhaven community, and I am grateful for what he has meant to so many during the pandemic.

TRIBUTE TO TAMMY LIVINGSTON

• Mrs. HYDE-SMITH. Mr. President, I would like to commend a friend and frontline healthcare worker, Tammy Livingston, who is a nurse at Kings Daughters Medical Center in my hometown of Brookhaven, MS. Rural hospitals like this one, along with their brave staff, are the backbone of healthcare in Mississippi.

Tammy has worked at Kings Daughters Medical Center for over 20 years. While she has served in many positions within the hospital, she is currently the patient care coordinator. In her role, she cares for some of the sickest patients in the hospital by assisting her colleagues with patients in the ICU. Within the dedicated medical unit for COVID patients at Kings Daughters, Tammy monitors patients daily, making sure they are comfortable and cared for at such a difficult time. Tammy is invaluable to the Kings Daughters Medical Center. Tammy is put in situations every day where she endures heavy stress, heart-wrenching situations, and puts herself in harm’s way to care for patients and their families during the COVID-19 pandemic. She is a lifesaver and best friend to all of her patients. Tammy is a healthcare hero. I am thankful for our fighters like Tammy and pray that she may be kept safe while she serves her friends, family, and community through this pandemic.

TRIBUTE TO CHRISTINA MILLER

• Mrs. HYDE-SMITH. Mr. President, I commend Christina Miller, a healthcare hero and someone who puts her life in danger every day to help save lives. Christina is an emergency room nurse at Kings Daughters Medical Center in Brookhaven, MS.

Christina demonstrates a remarkable selflessness and level of compassion for her patients and coworkers. As more Americans became infected with COVID-19 beginning in March, the emergency room became a challenge. Christina immediately stepped up and volunteered to orient on the ICU floor to help with staffing needs to help care and treat the sickest patients. Not only does Christina give the utmost care to her patients, she also realizes the physical and emotional strain all healthcare workers are feeling during these unprecedented times. Christina wanted to help encourage her colleagues, so she began an employee appreciation committee among the emergency room nurses. This gave the nurses something to look forward to when they arrived at work.

Throughout our Nation’s history, everyday Americans bravely emerge in times of turmoil to aid their neighbors. In the case of Christina, she has fought on the frontlines as a nurse by stepping into harm’s way to provide care for patients affected by the virus. Mississippi first responders and healthcare providers have experienced a drastic change not only in their professional life but also in their home life. The COVID-19 pandemic has been demanding of their time, taken them away from their loved ones, and caused their worlds to totally change. These heroes, such as Christina, are walking examples of what selfless service looks like.

TRIBUTE TO DR. JEFFREY ROSS

• Mrs. HYDE-SMITH. Mr. President, I rise today to honor Dr. Jeffrey Ross of Kings Daughters Medical Center in Brookhaven. Dr. Ross has both served and cared for his community since he first started practicing medicine in Brookhaven in 1990 and has risen to the challenge of COVID-19 with great distinction. Doctors like Dr. Jeff Ross are working through both physical and mental exhaustion during this pandemic. They have the burden of having the “final say” and a team of healthcare providers relying on their instruction daily. The stress presented in these situations is not something healthcare providers can simply turn off when they go off the clock. Despite all of this pressure, these doctors continue to do their job, selflessly managing the care of their fellow Mississippians.

Originally from Whitfield, MS, Dr. Ross earned his medical degree in Jackson before pursuing his residency in Kentucky. He returned to Mississippi, where he has dedicated nearly all of his adult life to serving his neighbors. Dr. Ross and his wife, Susan, have raised three children in the Brookhaven community.

I commend Dr. Jeffrey Ross for his personal sacrifice, dedication to his community, and his leadership. My State is fortunate to have doctors such as him who are focused on the health and wellness of all Mississippians.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the President Of- ficer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees. (The messages received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER DECLARING A NATIONAL EMERGENCY TO DEAL WITH THE THREAT POSED BY OUR NATION’S UNDUE RELIANCE ON CRITICAL MINERALS, IN PROCESSED OR UNPROCESSED FORM, FROM FOREIGN ADVERSARIES—PM 59

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), and section 301 of title 3, United States Code, I hereby report that I have issued an Executive Order declaring a national emergency to deal with the threat posed by our Nation’s undue reliance on critical minerals, in processed or unprocessed form, from foreign adversaries.

A strong America cannot be dependent on imports from foreign adversaries for the critical minerals that are increasingly necessary to maintain our economic and military strength in the 21st century. Because of the national importance of reliable access to critical minerals, I signed Executive Order 13817 of December 20, 2017 (A Federal Strategy To Ensure Secure and Reliable Supplies of Critical Minerals), which required the Secretary of the Interior to identify critical minerals and made it the policy of the Federal Government “to reduce the Nation’s vulnerability to disruptions in the supply of critical minerals.” The critical minerals identified by the Secretary of the Interior are necessary inputs for the products our military, national infrastructure, and economy depend on the most. Our country needs critical minerals to make airplanes, computers, cell phones, electricity generation and transmission systems, and advanced electronics. Though these minerals are indispensable to our country, we presently lack the capacity to produce them in processed form in the quantities we need. American producers depend on foreign countries to supply and process them. Whereas the United States recognizes the continued importance of cooperation to supply critical minerals to international partners and allies, in many cases, the aggressive economic practices of certain non-market foreign producers of critical minerals have destroyed vital mining and manufacturing jobs in the United States. We need to ensure a reliable and secure supply of these minerals, and to counteract or reverse foreign government action, natural disaster, or other supply disruptions. Our national security, foreign
policy, and economy require a consistent supply of each of these minerals.

Using the authority vested in me by IEEPA, the Executive Order requires the Secretary of the Interior, in consultation with the Secretary of the Treasury, the Secretary of Defense, the Secretary of Commerce, and the heads of other executive departments and agencies, as appropriate, to investigate our Nation’s undue reliance on critical minerals, in processed or unprocessed form, as identified by importers, adversaries, or following this investigation, the Executive Order requires the Secretary of the Interior to submit a report to the President recommending additional executive action.

The Executive Order also declares that it is the policy of the United States to protect and expand the domestic supply chain for minerals. Specific executive department and agency heads, including the Secretary of the Interior and the Secretary of Defense, are directed to take various actions to protect and expand the domestic supply chain for minerals, consistent with applicable law, such as the publication of guidance, the revision of regulations, and the acceleration of the issuance of permits.

I am enclosing a copy of the Executive Order I have issued.

DONALD J. TRUMP


MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 359. An act to provide for research and improvement of cardiovascular health among the South Asian population of the United States, and for other purposes.
H.R. 3589. An act to amend the Public Health Service Act to direct the Secretary of Health and Human Services to provide for research and improvement of cardiovascular health among the South Asian population of the United States, and for other purposes.
H.R. 3598. An act to provide for a State option under the Medicaid program to provide for and extend continuous coverage for certain individuals, and for other purposes.
H.R. 3499. An act to amend title XIX of the Social Security Act to provide for a State option under the Medicaid program to provide for and extend continuous coverage for certain individuals, and for other purposes.
H.R. 5373. An act to reauthorize the United States Anti-Doping Agency, and for other purposes.
H.R. 5469. An act to direct the Secretary of Health and Human Services to develop best practices for the establishment and use of behavioral intervention teams at schools, and for other purposes.
H.R. 4439. An act to amend the Federal Food, Drug, and Cosmetic Act to extend the authority of the Secretary of Health and Human Services to issue priority review vouchers to encourage treatments for rare pediatric diseases.
H.R. 4861. An act to amend the Public Health Service Act to establish a program to improve the identification, assessment, and treatment of patients in the emergency department who are at risk of suicide, and for other purposes.
H.R. 4992. An act to amend the Federal Food, Drug, and Cosmetic Act to extend the authority of the Secretary of Health and Human Services, acting through the Director of the Center for Mental Health Services and the Substance Abuse and Mental Health Services Administration, to award grants to implement innovative approaches to securing prompt access to appropriate follow-on care for individuals who experience an acute mental health episode and present for care in an emergency department, and for other purposes.
H.R. 5146. An act to amend the Public Health Service Act to the direct the Secretary of Health and Human Services to develop best practices for the establishment and use of behavioral intervention teams at schools, and for other purposes.
H.R. 5251. An act to authorize the Secretary of Health and Human Services, acting through the Director of the Center for Mental Health Services and the Substance Abuse and Mental Health Services Administration, to award grants to implement innovative approaches to securing prompt access to appropriate follow-on care for individuals who experience an acute mental health episode and present for care in an emergency department, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 360. An act to require the Secretary of Energy to establish a voluntary Cyber Sense program to test the cybersecurity of products and technologies intended for use in the bulk-power system, and for other purposes; to the Committee on Energy and Natural Resources.
H.R. 362. An act to amend the Department of Energy Organization Act with respect to functions assigned to Assistant Secretaries, and for other purposes; to the Committee on Energy and Natural Resources.
H.R. 1109. An act to amend the Public Health Service Act to revise and extend projects relating to cyber security for power systems, and for other purposes; to the Committee on Energy and Natural Resources.
H.R. 1289. An act to amend the Department of Energy Organization Act with respect to functions assigned to Assistant Secretaries, and for other purposes; to the Committee on Energy and Natural Resources.
H.R. 3649. An act to require the Secretary of Energy to establish a voluntary Cyber Sense program to test the cybersecurity of products and technologies intended for use in the bulk-power system, and for other purposes; to the Committee on Energy and Natural Resources.
H.R. 3669. An act to reauthorize the United States Anti-Doping Agency, and for other purposes.
H.R. 4965. An act to amend the Federal Food, Drug, and Cosmetic Act to extend the authority of the Secretary of Health and Human Services, acting through the Director of the Center for Mental Health Services and the Substance Abuse and Mental Health Services Administration, to award grants to implement innovative approaches to securing prompt access to appropriate follow-on care for individuals who experience an acute mental health episode and present for care in an emergency department, and for other purposes.
H.R. 5251. An act to authorize the Secretary of Health and Human Services, acting through the Director of the Center for Mental Health Services and the Substance Abuse and Mental Health Services Administration, to award grants to implement innovative approaches to securing prompt access to appropriate follow-on care for individuals who experience an acute mental health episode and present for care in an emergency department, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. GRASSLEY).

ENROLLED BILL SIGNED

At 8:02 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 337. An act to make continuing appropriations for fiscal year 2021, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. HOEVEN).
present for care in an emergency department, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4331. An act to amend the Public Health Service Act to provide for research and improvement of cardiovascular health among the American Indian population of the United States, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 8601. An act to amend the Public Health Service Act to direct the Secretary of Health and Human Services to develop best practices for the establishment and use of behavioral teams and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4578. An act to reauthorize the Young Women’s Breast Health Education and Awareness Requires Learning Young Act of 2009; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4861. An act to amend the Public Health Service Act to establish a program to improve the identification, assessment, and treatment of patients in the emergency department who are at risk of suicide, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4958. An act to reauthorize the United States Anti-Doping Agency, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5373. An act to reauthorize the United States-Pakistan Trade and Investment Framework Agreement Act of 2017; to the Committee on Energy and Natural Resources.

H.R. 7228. An act to amend the Public Health Service Act to provide for best practices on student suicide awareness and prevention training; to the Committee on Commerce, Science, and Transportation.

H.R. 7469. An act to address mental health issues for youth, particularly youth of color, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 7948. An act to amend the Public Health Service Act with respect to the collection and availability of health data with respect to Indian Tribes, and for other purposes; to the Committee on Indian Affairs.

H.R. 8128. An act to direct the Consumer Product Safety Commission to establish a pilot program to explore the use of artificial intelligence in support of the commission’s consumer safety mission of the Commission; to the Committee on Commerce, Science, and Transportation.

H.R. 8132. An act to require the Federal Trade Commission and the Secretary of Commerce to conduct studies and submit reports upon the wisdom and appropriateness of certain actions and other technologies on United States businesses conducting interstate commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 8134. An act to support the Consumer Product Safety Commission’s capability to protect consumers from unsafe consumer products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 359. An act to provide for certain programs and developments in the Department of Energy concerning the cybersecurity and vulnerability of physical systems, the electric grid, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 4773. A bill to establish the Paycheck Protection Program Second Draw Loan, and for other purposes.

S. 4774. A bill to provide support for air carrier workers, and for other purposes.

S. 4775. A bill to provide continued emergency assistance, educational support, and health care response for individuals, families, and businesses affected by the 2020 coronavirus pandemic.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 30, 2020, she had presented to the President of the United States the following enrolled bills:

S. 227. An act to direct the Attorney General to review, revise, and develop law enforcement and justice protocols appropriate to address missing and murdered Indians, and for other purposes.

S. 982. An act to increase intergovernmental coordination to identify and combat violent crime within Indian lands and of Indians.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5572. A communication from the Director of the Office of Management and Budget, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Migratory Bird Subsistence Harvest in Alaska; Region-Specific Regulations” (RIN1018–BE24) received in the Office of the President of the Senate on September 24, 2020; to the Committee on Environment and Public Works.

EC–5579. A communication from the Branch Chief, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “General Provisions; Revised List of Migratory Birds” (RIN1018–BC67) received in the Office of the President of the Senate on September 30, 2020; to the Committee on Environment and Public Works.

EC–5580. A communication from the Branch Chief, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Migratory Bird Hunting; Seasons and Bag Possession Limits for Certain Migratory Game Birds” (RIN1018–BD68) received in the Office of the President of the Senate on September 23, 2020; to the Committee on Environment and Public Works.

EC–5581. A communication from the Branch Chief, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Migratory Bird Hunting: Final 2020–21 Frameworks for Migratory Bird Hunting Regulations” (RIN1018–BD69) received in the Office of the President of the Senate on September 23, 2020; to the Committee on Environment and Public Works.

EC–5582. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Massachusetts; Reasonably Available Control Technology for the 2008 and 2015 Ozone Standards” (FRL No. 10015–04–Region 1) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2020; to the Committee on Environment and Public Works.
EC–5583. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Pennsylvania: 1997 8-Hour Ozone NAAQS Second Maintenance Plan for the Franklin County Area” (FRL No. 10015–92–Region 3) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2020; to the Committee on Environment and Public Works.

EC–5584. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Missouri: Revisions to Administrative Rules” ((RIN1615–AC59) received in the Office of the President of the Senate on September 29, 2020; to the Committee on the Judiciary.

EC–5592. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Air Quality State Implementation Plans; Approval and Promulgation of Implementation Plans; South Dakota; Infrastructure Requirements for the 2015 Ozone National Ambient Air Quality Standards; Revisions to Administrative Rules” (FRL No. 10014–96–Region 6) received in the Office of the President of the Senate on September 30, 2020; to the Committee on Environment and Public Works.

EC–5601. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Modification of Significant New Uses of Certain Chemical Substances (20–13)” (FRL No. 10013–33–OCSPP) received in the Office of the President of the Senate on September 30, 2020; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WICKER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:


By Mr. WICKER, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 2681. A bill to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes (Rept. No. 116–273).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs:

Chad F. Wolf, of Virginia, to be Secretary of Homeland Security.

* Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before the appropriate. Reconstituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ.

S. 5599. A bill to establish a United States-India Clean Energy and Power Transmission Partnership to facilitate renewable...
energy cooperation with India, to enhance cooperation with India on climate resilience and adaptation, and for other purposes; to the Committee on Foreign Relations.

By Ms. STabenow (for herself and Mr. Risch): S. 4769. A bill to establish the Office of International Energy Cooperation, to require the Secretary of Energy to develop an international energy cooperation strategy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. SCHUMER): S. 4770. A bill to provide continued assistance to unemployed workers; to the Committee on Finance.

By Mr. SCHATZ (for himself, Mr. BINGE, and Mr. SMITH): S. 4771. A bill to establish the Future of Local News Commission to examine and report on the role of local news gathering in sustaining democracy in the United States, and for other purposes; read the first time.

By Mr. MCCONNELL: S. Res. 728. A resolution recognizing the importance of local news gathering to the health emergency; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself and Mr. RUBIO): S. 4772. A bill to establish the Paycheck Protection Program Second Draw Loan, and for other purposes; read the first time.

By Mr. WICKER (for himself and Ms. COLLINS): S. 4773. A bill to provide support for air carrier workers, and for other purposes; read the first time.

By Mr. MCCONNELL: S. 4774. A bill to provide continued emergency assistance, educational support, and health care response for individuals, families, and businesses affected by the 2020 coronavirus pandemic; read the first time.

By Ms. HIRONO (for herself, Mr. BROWN, Mrs. MURRAY, Mr. SANDERS, Ms. DUCKWORTH, Mr. SCHATZ, Mr. CARSON, and Mr. WAINSCOTT): S. 4776. A bill to require the Secretary of Housing and Urban Development to establish a pilot program for public-private partnerships for disaster mitigation projects, and for other purposes; reported and agreed to.

By Mr. YOUNG (for himself and Mrs. SHAHEN): S. 4777. A bill to establish the Paycheck Protection Program Second Draw Loan, and for other purposes; read the first time.

By Ms. STABENOW (for herself, Mr. BROWN, Mrs. MURRAY, Mr. BLOMMENTHAL, Mr. PEETERS, Mr. MENNENDEZ, Mr. VAN HOLLLEN, and Mrs. CAPITO): S. Res. 727. A resolution designating the week of September 21 through September 25, 2020, as "National Falls Prevention Awareness Week" to raise awareness and encourage the prevention of falls among older adults; considered and agreed to.

By Mr. GARDNER (for himself and Mr. SCOTT of South Carolina): S. Res. 733. A resolution designating 2020 as the centennial of the Preservation Society of Charleston; considered and agreed to.

By Ms. COLLINS (for herself, Mr. ROBERTS, Mr. Kaine, Ms. CASSEY, Ms. MCsALLLY, Mr. SMITH, Ms. BRUNSEN, Mr. Hensley, Mr. BROWN, Mr. Udall, Mr. WHITEHOUSE, Mr. SCHUMER, and Mr. PORTMAN): S. Res. 732. A resolution designating November 7, 2020, as "National Bison Day"; considered and agreed to.

By Mr. HOEVEN (for himself, Mr. HENRICH, Mr. MORAN, Mr. ROBERTS, Mr. Cramer, Mr. Tester, Ms. Smith, Ms. BALDWIN, Mr. MURPHY, Mr. THUNE, Mr. BROWN, Mr. Udall, Mr. WHITEHOUSE, Mr. INHOFE, Mr. CORNYN, Mr. Enzi, Mr. Boozman, Mr. Rounds, Mr. PORTMAN, Mr. Shuhren, Mr. MARKET, and Mr. BENNET): S. Res. 730. A resolution recognizing 2020 as the 25th anniversary of the Dayton Peace Agreement Program, and for other purposes; to the Committee on Foreign Relations.

By Mr. MCCONNELL (for Mr. RUBIO (for himself, Mr. CASEY, Mr. CORNYN, Ms. CORTEZ MAATO, Ms. CANTWELL, Mr. RISCH, Ms. KLOHCHUR, Mr. KENNEDY, Mr. VAN HOLLLEN, Mr. BLUNT, Mr. CARPER, Mrs. BLACKHUN, Ms. GRAHSL, Mr. DURBIN, Mr. GARDNER, Mr. COONS, Mr. LANKFORD, Mrs. SHAHEN, Mrs. Fischer, Mr. WHITEHOUSE, Mr. CRAPO, Ms. HIRONO, Mr. ALLAN, Mr. Brown, Mr. PORTMAN, Mr. WYDEN, Mr. ERNST, Mr. MERKLEY, Ms. MCSALLY, Ms. ROSEN, Mr. ROMNEY, Mr. ADAMS, Mrs. HAWLEY, Mr. DUCKWORTH, Mrs. FEINSTEIN, Mr. HINICH, Mr. WICKER, Mrs. HYDE-SMITH, Mr. TILLS, Mr. CRAZER, Mr. COTTON, Mr. BOOZMAN, Mr. PENDUCE, MR. YOUNG, and MR. ROMNEY): S. Res. 736. A resolution supporting the designation of the week beginning September 20, 2020, as "National Small Business Week" and commending the entrepreneurial spirit of the small business owners of the United States and their impact on their communities; considered and agreed to.

By Ms. COLLINS (for herself, Mr. SMITH, Mr. BRAUN, Mr. ROBERTS, Mr. Kaine, Ms. CASSEY): S. Res. 734. A resolution supporting Lights On Afterschool, a national celebration of afterschool programs held on October 22, 2020; considered and agreed to.

By Mr. ROEVEN (for himself, Mr. HENRICH, Mr. MORAN, Mr. ROBERTS, Mr. Cramer, Mr. Tester, Ms. Smith, Ms. BALDWIN, Mr. MURPHY, Mr. THUNE, Mr. BROWN, Mr. Udall, Mr. WHITEHOUSE, Mr. INHOFE, Mr. CORNYN, Mr. Enzi, Mr. Boozman, Mr. Rounds, Mr. PORTMAN, Mr. Shuhren, Mr. MARKET, and Mr. BENNET): S. Res. 732. Resolutions recognizing 2020 as the centennial of the Preservation Society of Charleston; considered and agreed to.
By Mr. CASSIDY (for himself and Mr. MURPHY): S. Res. 738. A resolution recognizing suicide as a serious public health problem and expressing support for the designation of September as “National Suicide Prevention Month”; considered and agreed to.

By Mr. CORNYN (for himself, Mr. BLACKBURN, Mr. WHITEHOUSE, Mr. WICKER, Mr. RYAN, Mr. RUBIO, and Ms. KLOBUCHAR): S. Res. 739. A resolution expressing support for the designation of the week of September 21 through September 25, 2020, as “National Family Service Learning Week”; considered and agreed to.

By Mrs. SHAHEEN (for herself, Mr. PORTMAN, Ms. HASSAN, Mr. WHITEHOUSE, Ms. CANTWELL, Ms. SMITH, Ms. CORTEZ MASTO, Mr. COONS, Mr. PETERS, Mr. WARNER, Mr. GARDNER, Mr. BENNET, Mr. REED, Mr. MARKEY, Ms. HIRONO, Mr. WYDEN, Mr. MANCHIN, Mr. CARPER, Mr. VAN HOLLKEN, Mr. MERKLEY, Ms. STABENOW, Mr. CARDIN, Mr. HENNICH, and Ms. COLLINS): S. Res. 740. A resolution designating October 7, 2020, as “Energy Efficiency Day” in celebration of the economic and environmental benefits that have been driven by private sector innovation and Federal energy efficiency policies; considered and agreed to.

By Mr. McCONNELL (for Mr. ALEXANDER (for himself, Mr. UDALL, Mr. MARALL, Mr. SCHUMER, Mr. GRAHAM, Mr. HENNICH, Mr. GARDNER, Mr. BROWN, Mr. PORTMAN, Mrs. MURRAY, Mr. ROBERTS, Ms. CANTWELL, Mrs. BUCKHURN, Mr. MANCHIN, Mr. MARKEY, and Ms. ROSEN)): S. Res. 741. A resolution designating October 30, 2020, as a national day of remembrance of the nuclear weapons program of the United States; considered and agreed to.

By Ms. WARREN (for herself, Mr. COTTON, Mr. PETERS, Ms. ROSEN, Mr. JOHNSON, and Mr. LANKFORD): S. Con. Res. 48. A concurrent resolution expressing support for the designation of October 28, 2020, as “Honoring the Nation’s First Responders Day”; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 195
At the request of Mr. PORTMAN, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 195, a bill to require the Director of the Government Publishing Office to establish and maintain a website accessible to the public that allows the public to obtain electronic copies of all congressionally mandated reports in one place, and for other purposes.

S. 311
At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 311, a bill to promote protection from discrimination living organ donors.

S. 314
At the request of Mr. RISCH, his name was added as a cosponsor of S. 314, a bill to amend title 5, United States Code, to provide for an interagency task force on the use of public lands to provide medical treatment and therapy to veterans through outdoor recreation.

S. 741
At the request of Ms. SMITH, the names of the Senator from Alabama (Mr. JONES) and the Senator from Florida (Mr. SCOTT) were added as cosponsors of S. 741, a bill to amend the Public Health Service Act to establish a group and individual health insurance coverage and group health plans to provide for cost sharing for oral anticancer drugs on terms no less favorable than the cost sharing provided for anticancer medications administered by a health care provider.

S. 100
At the request of Mr. CASSIDY, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 100, a bill to establish a postsecondary student data system.

S. 815
At the request of Mr. BOOZMAN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 815, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit against income tax for the purchase of qualified access technology for the blind.

S. 892
At the request of Mr. CASEY, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 892, a bill to award a Congressional Gold Medal, collectively, to Glen Doherty, Tyrone Woods, J. Christopher Stevens, and Sean Smith, in recognition of their contributions to the Nation.

S. 2389
At the request of Mrs. GILLIBRAND, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Oregon (Mr. MERKLEY), and the Senator from Minnesota (Ms. STABENOW) were added as cosponsors of S. 2389, a bill to provide access to counsel for children and other vulnerable populations.

S. 2783
At the request of Mr. MARKEY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2783, a bill to repeal the section of the Middle Class Tax Relief and Job Creation Act of 2010 that requires the Federal Communications Commission to reallocate and auction the T-Band spectrum.

S. 2753
At the request of Mr. BROWN, the name of the Senator from Massachusetts (Ms. STABENOW) was added as a cosponsor of S. 2753, a bill to amend title XVII of the Social Security Act to update eligibility for the supplemental security income program, and for other purposes.

S. 2898
At the request of Mr. INHOFE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2898, a bill to amend title 5, United States Code, to provide for a full annuity supplement for certain air traffic controllers.

S. 2907
At the request of Ms. HASSAN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2907, a bill to amend title XVIII of the Social Security Act to provide coverage of medical nutrition therapy services for individuals with eating disorders under the Medicare program.

S. 3001
At the request of Mr. MARKEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3001, a bill to support the rights and enhance opportunities for LGBTI people around the world, and for other purposes.
At the request of Mrs. HYDE-SMITT, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 3072, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the approval of new abortion drugs, to prohibit investigational use exemptions for abortion drugs, and to impose additional regulatory requirements with respect to previously approved abortion drugs, and for other purposes.

S. 3176

At the request of Mr. COONS, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of S. 3176, a bill to amend the Foreign Assistance Act of 1961 and the United States-Israel Strategic Partnership Act of 2014 to make improvements to certain defense and security assistance provisions and to authorize the appropriations of funds to Israel, and for other purposes.

S. 3223

At the request of Mr. SCHATZ, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 3223, a bill to promote and support the local arts and creative economy in the United States.

S. 3233

At the request of Mr. CASSIDY, the names of the Senator from Montana (Mr. DAINES) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 3353, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immuno-suppressive drugs for kidney transplant patients, and for other purposes.

S. 3356

At the request of Mr. KING, the name of the Senator from North Carolina (Mr. ROUSH) was added as a cosponsor of S. 3356, a bill to support the reuse and recycling of batteries and critical minerals, and for other purposes.

S. 3517

At the request of Ms. KLOBUCAR, the name of the Senator from Nevada (Ms. CORTez MAStO) was added as the cosponsor of S. 3517, a bill to increase the ability of nursing facilities to access to telehealth services and obtain technologies to allow virtual visits during the public health emergency relating to an outbreak of coronavirus disease 2019 (COVID–19), and for other purposes.

S. 3761

At the request of Mr. PETERS, his name was added as a cosponsor of S. 3761, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide veterans service organizations and recognized agents and attorneys opportunities to review Department of Veterans Affairs disability rating determinations before they are finalized, and for other purposes.

S. 3825

At the request of Ms. KLOBUCAR, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 3825, a bill to establish the Coronavirus Mental Health and Addiction Assistance Network, and for other purposes.

S. 4063

At the request of Mr. TRUDE, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 4063, a bill to provide that, due to the disruptions caused by COVID–19, applications for impact aid funding for fiscal year 2022 may use certain data submitted in the fiscal year 2021 application.

S. 4123

At the request of Mr. HOEVEN, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 4123, a bill to provide for the adjustment or modification by the Secretary of Agriculture of loans for critical rural utility service providers, and for other purposes.

S. 4166

At the request of Ms. SINEMA, the name of the Senator from New Hampshire (Mr. SHAFRAN) was added as a cosponsor of S. 4166, a bill to require the Secretary of Veterans Affairs to secure medical opinions for veterans with service-connected disabilities who die from COVID–19 to determine whether their service-connected disabilities were the principal or contributory cases of death, and for other purposes.

S. 4181

At the request of Mr. REED, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 4181, a bill to establish a Library Stabilization Fund to respond to and accelerate the recovery from coronavirus.

S. 4239

At the request of Mr. CORNYN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 4236, a bill to establish a grant program for small live venue operators and talent representatives.

S. 4327

At the request of Mr. MARKEY, the names of the Senator from Delaware (Mr. COONS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 4327, a bill to require the Secretary of the United States Department of Defense to establish the Taiwan Fellowship Program, and for other purposes.

S. 4477

At the request of Mrs. KLOBUCAR, the name of the Senator from Nevada (Ms. CORTez MAStO) was added as the cosponsor of S. 4477, a bill to amend the Patient Protection and Affordable Care Act to require the Department of Health and Human Services to develop standards and regulations to improve access to low-cost health insurance plans, and for other purposes.

S. 4590

At the request of Mr. MARKEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 4600, a bill to amend title 10, United States Code, to improve responses to sexual assault and sexual harassment.

S. 4613

At the request of Mr. BOOZMAN, the names of the Senator from Georgia (Mr. PERDUE) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 4613, a bill to amend the Fairness to Contact Lens Consumers Act to prevent certain
At the request of Mr. Cotton, the names of the Senator from Pennsylvania (Mr. Toomey) and the Senator from Arkansas (Mr. Boozman) were added as cosponsors of S. 4661, a bill to authorize the President to posthumously award the Medal of Honor to Alwyn C. Cashe for acts of valor during Operation Iraqi Freedom.

At the request of Mr. Coons, the names of the Senator from Montana (Mr. Daines) and the Senator from Virginia (Mr. Warner) were added as cosponsors of S. 4676, a bill to improve the debt relief program under the CARES Act, and for other purposes.

At the request of Mr. Enzi, the names of the Senator from Delaware (Mr. Carper) was added as a cosponsor of S. 4684, a bill to designate the facility of the United States Postal Service located at 440 Arapahoe Street in Thermopolis, Wyoming, as the “Robert L. Brown Post Office”.

At the request of Ms. Klobuchar, the names of the Senator from Rhode Island (Mr. Whitehouse) and the Senator from Connecticut (Mr. Murphy) were added as cosponsors of S. 4710, a bill to obtain and direct the placement in the Capitol or on the Capitol Grounds of a monument to honor Associate Justice of the Supreme Court of the United States Ruth Bader Ginsburg.

At the request of Mr. Rounds, the names of the Senator from Louisiana (Mr. Cassidy) and the Senator from North Dakota (Mr. Cramer) were added as cosponsors of S. 4715, a bill to grant Federal charter to the National American Indian Veterans, Incorporated.

At the request of Mr. Risch, the names of the Senator from Vermont (Mr. Leahy), the Senator from Maryland (Mr. Van Hollen) and the Senator from California (Mrs. Feinstein) were added as cosponsors of S. Res. 689, a resolution condemning the crackdown on peaceful protesters in Belarus and calling for the imposition of sanctions on responsible officials.

At the request of Mr. Graham, the names of the Senator from Oregon (Mr. Merkley) and the Senator from Texas (Mr. Cornyn) were added as cosponsors of S. Res. 709, a resolution expressing the sense of the Senate that the August 13, 2020, and September 11, 2020, announcements of the establishment of full diplomatic relations between the State of Israel and the United Arab Emirates and the State of Israel and the Kingdom of Bahrain are historic achievements.

At the request of Mr. Menendez, the name of the Senator from Massachusetts (Mr. Markey) was added as a cosponsor of S. Res. 724, a resolution expressing the sense of the Senate regarding the practice of politically motivated imprisonment of women around the world and calling on governments for the immediate release of women who are political prisoners.

AMENDMENT NO. 359

At the request of Mr. Portman, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of amendment No. 2660 intended to be proposed to H.R. 8337, a bill making continuing appropriations for fiscal year 2021, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Burr (for himself, Mr. Tillis, Ms. Klobuchar, and Mr. Warner):

S. 4762. A bill to designate the airport traffic control tower located at Piedmont Triad International Airport in Greensboro, North Carolina, as the “Senator Kay Hagan Airport Traffic Control Tower”; considered and passed. S. 4762

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

SECTION 1. DESIGNATION.
The airport traffic control tower located at Piedmont Triad International Airport in Greensboro, North Carolina, and any successor airport traffic control tower at that location, shall be named and designated as the “Senator Kay Hagan Airport Traffic Control Tower”.

SEC. 2. REFERENCES.
Any reference in a law, map, regulation, document, paper, or other record of the United States to the airport traffic control tower referred to in section 1 shall be deemed to be a reference to the “Senator Kay Hagan Airport Traffic Control Tower”.

By Mr. McConnell:

S. 4775. A bill to provide continued emergency assistance, educational support, and health care response for individuals, families, and businesses affected by the coronavirus pandemic; read the first time. S. 4775

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “Delivering Immediate Relief to America’s Families, Schools and Small Businesses Act”.

SEC. 2. TABLE OF CONTENTS.
The table of contents for this Act is as follows:

1. Short title.
2. Table of contents.
3. References.

DIVISION A—LIABILITY PROTECTIONS, CONTINUED RELIEF FOR SMALL BUSINESSES AND WORKERS, PUBLIC HEALTH ENHANCEMENTS, AND EDUCATIONAL SUPPORT

TITLE I—SUNSETS AND OFFSETS
Sec. 1001. Emergency relief and taxpayer protections.
Sec. 1002. Direct appropriations.
Sec. 1003. Termination of authority.
Sec. 1004. Rescissions.

TITLE II—CORONAVIRUS LIABILITY RELIEF
Sec. 2002. Findings and purposes.

Subtitle A—Liability Relief

PART I—LIABILITY LIMITATIONS FOR INDIVIDUALS AND ENTITIES ENGAGED IN BUSINESSES, SERVICES, ACTIVITIES, OR ACCOMMODATIONS
Sec. 2121. Application of part.
Sec. 2122. Liability; safe harbor.

PART II—LIABILITY LIMITATIONS FOR HEALTH CARE PROVIDERS
Sec. 2141. Application of part.
Sec. 2142. Liability for health care professionals and health care facilities during coronavirus public health emergency.

PART III—SUBSTANTIVE AND PROCEDURAL PROVISIONS FOR CORONAVIRUS-RELATED ACTIONS GENERALLY
Sec. 2161. Jurisdiction.
Sec. 2162. Limitations on suits.
Sec. 2163. Procedures for suit in district courts of the United States.
Sec. 2164. Demand letters; cause of action.

PART IV—RELATION TO LABOR AND EMPLOYMENT LAWS
Sec. 2181. Limitation on violations under specific laws.
Sec. 2182. Liability for conducting testing at workplace.
Sec. 2183. Joint employment and independent contracting.
Sec. 2184. Exclusion of certain notification requirements as a result of the COVID-19 public health emergency.

Subtitle B—Products
Sec. 2201. Applicability of the targeted liability protections for pandemic and epidemic products and security countermeasures with respect to covid-19.

Subtitle C—General Provisions
Sec. 2301. Severability.

TITLE III—ASSISTANCE FOR AMERICAN FAMILIES
Sec. 3001. Short title.
Sec. 3002. Extension of the Federal Pandemic Unemployment Compensation program.

TITLE IV—SMALL BUSINESS PROGRAMS
Sec. 4001. Small business recovery.

TITLE V—POSTAL SERVICE ASSISTANCE
Sec. 5001. COVID-19 funding for the United States Postal Service.

TITLE VI—EDUCATIONAL SUPPORT AND CHILD CARE

Subtitle A—Emergency Education Freedom Grants; Tax Credits for Contributions to Eligible Scholarship-granting Organizations
Sec. 6001. Emergency education freedom grants.
Sec. 6002. Tax credits for contributions to eligible scholarship-granting organizations.
Sec. 6003. Education Freedom Scholarships web portal and administration.
Sec. 6004. 324 account funding for homeschool and additional elementary and secondary expenses.

Subtitle B—Back to Work Child Care Grants
Sec. 6101. Back to Work Child Care grants.

TITLE VII—PANDEMIC PREPARATION AND STRATEGIC STOCKPILE
Sec. 7001. Sustained on-shore manufacturing capacity for public health emergencies.
SEC. 7002. Improving and sustaining State medical stockpiles.

SEC. 7003. Strengthening the Strategic National Stockpile.

TITLE VIII—CORONAVIRUS RELIEF FUND EXTENSION

Sec. 8001. Extension of period to use Coronavirus Relief Fund payments.

TITLE IX—CHARITABLE GIVING

Sec. 9001. Increase in limitation on partial above the line deduction for charitable contributions.

TITLE X—CRITICAL MINERALS

Sec. 1001. Mineral security.

Sec. 1002. Rare earth element advanced coal technologies.

TITLE XI—MISCELLANEOUS PROVISIONS

Sec. 11001. Emergency designation.

DIVISION B—CORONAVIRUS RESPONSE ADDITIONAL SUPPLEMENTAL APPROPRIATIONS ACT, 2020

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION F—PROTECTIONS

CONTINUED RELIEF FOR SMALL BUSINESSES AND WORKERS, PUBLIC HEALTH ENHANCEMENTS, AND EDUCATIONAL SUPPORT

TITLE I—SUNSETS AND OFFSETS

SEC. 1001. EMERGENCY RELIEF AND TAXPAYER PROTECTIONS.

Section 4003 of the CARES Act (15 U.S.C. 9063) is amended by adding at the end the following:

“(c) REDUCTION.—The appropriation made under this section shall be reduced, on January 19, 2021, by an amount equal to the difference between $146,000,000,000 and the aggregate amount of loans, loan guarantees, and other investments that the Secretary has made or committed to make under section 4003(b)(4) of this Act, effective on the date of enactment of this Act.”

SEC. 1002. DIRECT APPROPRIATION.

Section 4027 of the CARES Act (15 U.S.C. 9063) is amended by adding at the end the following:

“(d) REDUCTION.—The appropriation made under this section shall be reduced, on January 19, 2021, by an amount equal to the difference between $500,000,000,000 and the aggregate amount of credits, loan guarantees, and other investments that the Secretary has made or committed to make under section 4027 of this Act, effective on the date of enactment of this Act.”

SEC. 1003. TERMINATION OF AUTHORITY.

Section 4029 of the CARES Act (15 U.S.C. 9063) is amended by adding at the end the following:

“(c) FEDERAL RESERVE PROGRAMS OR FACILITIES.—

“(1) In general.—Notwithstanding any other provision of law, after January 4, 2021, the Board of Governors of the Federal Reserve System and the Federal Reserve banks shall not make any loan, purchase any obligation, asset, security, or other interest, or make any extension of credit through any program or facility established under section 23(3) of the Federal Reserve Act (12 U.S.C. 343(3)) in which the Secretary made a loan, loan guarantee, or other investment using funds appropriated under section 2027, other than any such loan, purchase, or extension of credit for which a complete application was submitted on or before January 4, 2021, provided that such loan, purchase, or extension of credit is made on or before January 18, 2021, and under the terms and conditions of the program or facility as in effect on the date the complete application was submitted.

“(2) No modification.—On or after January 19, 2021, the Board of Governors of the Federal Reserve System and the Federal Reserve banks shall not modify the terms and conditions of any program or facility established under section 23(3) of the Federal Reserve Act (12 U.S.C. 343(3)) in which the Secretary made a loan, loan guarantee, or other investment using funds appropriated under section 2027, other than any litigation, other similarly situated loans, purchases, or extensions of credit made or purchased through any such program or facility provided that—

“(A) the loan, obligation, asset, security, or other interest, or extension of credit is for an eligible business, including an eligible nonprofit organization; and

“(B) the modification or restructuring relates to a single and specific eligible business, including an eligible nonprofit organization; and

“(C) the modification or restructuring is necessary to minimize costs to taxpayers that could arise from a default on the loan, obligation, asset, security, or other interest, or extension of credit.”.

SEC. 1004. RESCISSIONS.

(a) PPP AND SUBSIDY FOR CERTAIN LOAN PAYMENTS.—Of the unobligated balances in the appropriations account under the heading “Small Business Administration—Business Loans Program Account, CARES Act,” pursuant to the statement of the appropriations bill for this Act, effective on the date of enactment of this Act, $146,000,000,000 shall be rescinded and deposited into the general fund of the Treasury.

(b) EXCHANGE STABILIZATION FUND.—Section 4003 of the CARES Act (15 U.S.C. 9042) is amended—

(1) in subsection (a), by striking “$500,000,000,000” and inserting “$296,000,000,000”; and

(2) in subsection (b), in the matter preceding subparagraph (A), by striking “$454,000,000,000” and inserting “$250,000,000,000”.

TITLE II—CORONAVIRUS LIABILITY RELIEF

SEC. 2001. SHORT TITLE.

This title may be cited as the “Safe Guarding America’s Frontline Employees To Kickstart the Economy Act” or the “SAFE TO WORK Act.”

SEC. 2002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The SARS-CoV-2 virus that originated in China and causes COVID-19 has caused untold misery and devastation throughout the world, including in the United States.

(2) For months, front line health care workers and health care facilities have fought the virus with courage and resolve. They did so at first with very little information about how to treat the virus and developed strategies to save lives of the people of the United States in real time. They risked their personal health and wellbeing to protect and treat their patients.

(3) Businesses in the United States kicked into action to produce and procure personal protective equipment, such as masks, gloves, face shields, and hand sanitizer, and other necessary medical supplies, such as ventilators, at unprecedented rates.

(4) To halt the spread of the disease, State and local governments took drastic measures. They shut down small and large businesses, schools (which are substantial employers and provide the market for higher-education services), religious, philanthropic and other nonprofit institutions (which are substantial employers and provide necessary services to their communities), and local government agencies.

(5) Congress must ensure that the Nation’s health care workers and health care facilities are able to act fully to defeat the virus.

(6) Congress must also safeguard its investment of taxpayer dollars under the CARES Act and other coronavirus legislation. Congress must ensure that those funds are used to help businesses and workers survive and recover from the economic crisis, and to help health care workers and health care facilities defeat the virus. CARES Act funds cannot be diverted to important purposes to line the pockets of the trial bar.

(b) No modification.—On or after January 19, 2021, the Board of Governors of the Federal Reserve System and the Federal Reserve banks shall not make any loan, purchase any obligation, asset, security, or other interest, or make any extension of credit through any program or facility established under section 23(3) of the Federal Reserve Act (12 U.S.C. 343(3)) in which the Secretary made a loan, loan guarantee, or other investment using funds appropriated under section 2027, other than any such loan, purchase, or extension of credit for which a complete application was submitted on or before January 4, 2021, provided that such loan, purchase, or extension of credit is made on or before January 18, 2021, and under the terms and conditions of the program or facility as in effect on the date the complete application was submitted.

(2) No modification.—On or after January 19, 2021, the Board of Governors of the Federal Reserve System and the Federal Reserve banks shall not modify the terms and conditions of any program or facility established under section 23(3) of the Federal Reserve Act (12 U.S.C. 343(3)) in which the Secretary made a loan, loan guarantee, or other investment using funds appropriated under section 2027, other than any litigation, other similarly situated loans, purchases, or extensions of credit made or purchased through any such program or facility provided that—

(A) the loan, obligation, asset, security, or other interest, or extension of credit is for an eligible business, including an eligible nonprofit organization; and

(B) the modification or restructuring relates to a single and specific eligible business, including an eligible nonprofit organization; and

(C) the modification or restructuring is necessary to minimize costs to taxpayers that could arise from a default on the loan, obligation, asset, security, or other interest, or extension of credit.”.

(3) Congress must also ensure that the National Health Care Workforce Commission is not used to fund lobbying against the patient and family centered care standards promoted by the Affordable Care Act.

(4) Congress can get back to work and students can get back to school.

(5) Congress must also safeguard its investment of taxpayer dollars under the CARES Act and other coronavirus legislation. Congress must ensure that those funds are used to help businesses and workers survive and recover from the economic crisis, and to help health care workers and health care facilities defeat the virus. CARES Act funds cannot be diverted to important purposes to line the pockets of the trial bar.

(6) Congress must also safeguard its investment of taxpayer dollars under the CARES Act and other coronavirus legislation. Congress must ensure that those funds are used to help businesses and workers survive and recover from the economic crisis, and to help health care workers and health care facilities defeat the virus. CARES Act funds cannot be diverted to important purposes to line the pockets of the trial bar.

(7) Congress must also ensure that the National Health Care Workforce Commission is not used to fund lobbying against the patient and family centered care standards promoted by the Affordable Care Act.

(8) Congress must also ensure that the National Health Care Workforce Commission is not used to fund lobbying against the patient and family centered care standards promoted by the Affordable Care Act.

(9) Congress must also ensure that the National Health Care Workforce Commission is not used to fund lobbying against the patient and family centered care standards promoted by the Affordable Care Act.

(10) Congress must also ensure that the National Health Care Workforce Commission is not used to fund lobbying against the patient and family centered care standards promoted by the Affordable Care Act.

(11) Congress must also ensure that the National Health Care Workforce Commission is not used to fund lobbying against the patient and family centered care standards promoted by the Affordable Care Act.

(12) Congress must also ensure that the National Health Care Workforce Commission is not used to fund lobbying against the patient and family centered care standards promoted by the Affordable Care Act.
lish the rules by which those causes of action they can hear, and to establish the jurisdiction of the courts of the respective States and local courts are ill-suited.

(23) Because of the national scope of the economic and health care dangers posed by the coronavirus, permanent and expensive new rules governing liability for certain coronavirus-related tort claims is a necessary and proper means of carrying into execution Congress's power to regulate commerce among the several States.

(24) Because Congress must safeguard the investment of taxpayer dollars it made in the CARES Act and other coronavirus legislation, and ensure that they are used for their intended purposes and not diverted for other purposes, establishing temporary rules governing liability for certain coronavirus-related tort claims is a necessary and proper means of carrying into execution Congress's power to provide for the general welfare of the United States.

(b) PURPOSES.—Pursuant to the powers delegated to Congress by article I, section 8, clauses 1, 3, 9, and 10, and article II, section 2, clause 1 of the Constitution of the United States, the purposes of this title are to—

(1) establish necessary and consistent standards for litigation of certain claims specific to the unique coronavirus pandemic;

(2) prevent the overburdening of the court systems with undue litigation;

(3) encourage the occurrence of appropriate risk management by small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, and local government agencies; and

(4) ensure that the Nation's recovery from the coronavirus economic crisis is not burdened or slowed by the substantial risk of litigation;

(5) prevent litigation brought to extract settlements and enrich trial lawyers rather than vindicate the public interest;

(6) protect interstate commerce from the burdens of potentially meritless litigation;

(7) ensure that recovery proceeds without artificial and unnecessary delays; and

(8) protect the interests of the taxpayers by ensuring that emergency taxpayer support continues to aid businesses, workers, and health care providers rather than enrich trial lawyers; and

(9) protect the highest and best ideals of the national economy, so businesses can produce and serve their customers, workers can work, teachers can teach, students can learn, and believers can worship.

SEC. 303. DEFINITIONS. In this title—

(1) APPLICABLE GOVERNMENT STANDARDS AND GUIDANCE.—The term "applicable government standards and guidance" means—

(A) any mandatory standards or regulations specifically concerning the prevention or mitigation of the transmission of coronavirus issued by the Federal Government, or a State or local government with jurisdiction over the individual or entity, or

(B) any guidance, standards, or regulations specifically concerning the prevention or mitigation of the transmission of coronavirus issued by the Federal Government, or a State or local government with jurisdiction over the individual or entity.

(2) CORONAVIRUS-RELATED ACTION.—The term "coronavirus-related action" means a coronavirus exposure action or a coronavirus-related medical liability action.

(3) CORONAVIRUS—The term "coronavirus" means any disease, health condition, or threat of harm caused by the SARS-CoV-2 virus or a virus mutating therefrom.

(4) CORONAVIRUS EXPOSURE ACTION.—(A) IN GENERAL.—The term "coronavirus exposure action" means a civil action—

(i) brought by a person who suffered personal injury or has died as a result of coronavirus or a virus mutating therefrom, or is at risk of suffering personal injury or death as a result of coronavirus or a virus mutating therefrom; and

(ii) brought against an individual or entity engaged in businesses, services, activities, or accommodations of the individual or entity; and

(AA) brought—

(aa) on or after December 1, 2019; and

(bb) before the later of—

(1) October 1, 2024; or

(2) the date on which there is no declaration by the Secretary of Health and Human Services under section 319F–3(b) of the Public Health Service Act (42 U.S.C. 247d–6(b)) (relating to medical countermeasures) that has the effect with respect to coronavirus, including the Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID–19 (85 Fed. Reg. 19,090 (March 17, 2020)).

(B) EXCLUSIONS.—The term "coronavirus exposure action" does not include—

(i) a criminal, civil, or administrative enforcement action brought by the Federal Government or any State, local, or Tribal government; or

(ii) a claim alleging intentional discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), disability, genetic information, or age, or the class of the location where the services are provided, that relates to—

(A) the diagnosis, prevention, or treatment of coronavirus; or

(B) the assessment or care of an individual with a confirmed or suspected case of coronavirus; or

(C) the care of any individual who is admitted to, presents to, receives services from, or resides at, a health care provider for any
purpose during the period of a Federal emergency declaration concerning coronavirus, if such provider's decisions or activities with respect to such individual are impacted as a result of such emergency.

(7) CORONAVIRUS-RELATED MEDICAL LIABILITY ACTION.—

(A) IN GENERAL.—The term "coronavirus-related medical liability action" means a civil action—

(i) brought by a person who suffered personal injury, or a representative of a person who suffered personal injury;

(ii) brought against a health care provider; and

(iii) alleging any harm, damage, breach, or tort resulting in the personal injury alleged to have been caused by, or be related to a health care provider's act or omission (cause of action) or providing coronavirus-related health care services that occurred—

(I) on or after December 1, 2019; and

(II) before the later of—

(aa) October 1, 2024; or

(bb) the date on which there is no declaration made by the Secretary of Health and Human Services under section 319F-3(b) of the Public Health Service Act (42 U.S.C. 247d-6(b)) (relating to covered countermeasures) that is in effect with respect to coronavirus, including the declaration under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19 (36 Fed. Reg. 15296) issued by the Secretary of Health and Human Services on March 17, 2020.

(B) EXCLUSIONS.—The term "coronavirus-related medical liability action" does not include—

(i) a criminal, civil, or administrative enforcement action brought by the Federal Government against any State, local, or Tribal government; or

(ii) a claim arising out of an act or omission in reckless disregard of—

(A) knowingly without legal or factual justification; or

(B) in a good-faith belief that the individual being treated is in need of health care services.

(C) INCLUSION OF VOLUNTEERS.—The term "health care provider" includes volunteers that meet the following criteria:

(I) the volunteer is a health care professional providing coronavirus-related health care services.

(ii) the act or omission by the volunteer occurs—

(I) in the course of providing health care services;

(II) in the health care professional's capacity as a volunteer; or

(III) in the course of providing health care services that—

(aa) are within the scope of the license, registration, or certification of the volunteer, as defined by the State of licensure, registration, or certification; and

(bb) do not exceed the scope of license, registration, or certification of substantially similar health professional in the State in which such act or omission occurs; and

(IV) in a good-faith belief that the individual being treated is in need of health care services.

(D) INCLUSION OF ADMINISTRATORS, SUPERVISORS, ETC.—The term "health care provider" includes administrators, supervisors, etc.—

(i) who are within the scope of the license, registration, or certification of the health care provider; and

(ii) acting in the course of providing coronavirus-related health care services in a comparable role.

(E) INCLUSION OF VOLUNTEERS.—The term "health care provider" includes volunteers that meet the following criteria:

(I) the volunteer is a health care professional providing coronavirus-related health care services.

(ii) the act or omission by the volunteer occurs—

(I) in the course of providing health care services;

(II) in the health care professional's capacity as a volunteer; or

(III) in the course of providing health care services that—

(aa) are within the scope of the license, registration, or certification of the volunteer, as defined by the State of licensure, registration, or certification; and

(bb) do not exceed the scope of license, registration, or certification of substantially similar health provider in the State in which such act or omission occurs; and

(IV) in a good-faith belief that the individual being treated is in need of health care services.

(13) INDIVIDUAL OR ENTITY.—The term "individual or entity" means—

(A) any natural person, corporation, company, trade, business, firm, partnership, joint stock company, vessel in rem, educational institution, labor organization, or similar organization or group of organizations;

(B) any nonprofit organization, foundation, society, or association organized for religious, charitable, educational, or other purposes; or

(C) any State, Tribal, or local government.

(14) LOCAL GOVERNMENT.—The term "local government" means any unit of government within a State, including—

(A) county;

(B) city;

(C) municipality;

(D) township;

(E) town;

(F) parish;

(G) borough;

(H) public authority, including any public housing authority under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.);

(i) school district;

(jj) intrastate district;

(kk) council of governments, whether or not incorporated as a nonprofit corporation under State law; and

(M) agency or instrumentality of—

(i) multiple units of local government (including units of local government located in different States);

(ii) an intra-State unit of local government.

(15) MANDATORY.—The term "mandatory", with respect to public health government standards and guidance, means the standards or regulations are themselves enforceable by the issuing government through criminal, civil, or administrative action.

(16) PERSONAL INJURY.—The term "personal injury" means—

(A) actual or potential physical injury to an individual or death caused by a physical injury; or

(B) mental suffering, emotional distress, or similar injuries suffered by an individual in connection with a physical injury.

(17) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision or instrumentality thereof; and

(B) includes any agency or instrumentality of 2 or more of the entities described in subparagraph (A).

(18) TRIBAL GOVERNMENT.—

(A) IN GENERAL.—The term "Tribal government" means the recognized governing body of any Indian tribe included on the list published by the Secretary of the Interior pursuant to section 106(a) of the Federal Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)).

(B) INCLUSION.—The term "Tribal government" includes any subdivision (regardless of the laws and regulations of the jurisdiction in which the subdivision is organized or incorporated) of a governing body described in paragraph (A) that—

(i) is wholly owned by that governing body; and

(ii) has been delegated the right to exercise 1 or more substantial governmental functions of the governing body.

(19) WILFUL MISCONDUCT.—The term "wilful misconduct" means an act or omission that is taken—

(A) intentionally to achieve a wrongful purpose;

(B) knowingly without legal or factual justification; and

(C) in disregard of a known or obvious risk that is so great as to make it highly probable that the harm will outweigh the benefit.

Subtitle A—Liability Relief

PART I—LIABILITY LIMITATIONS FOR INDIVIDUALS AND ENTITIES ENGAGED IN BUSINESSES, SERVICES, ACTIVITIES, OR ACCOMMODATIONS

SECTION 2121. APPLICATION OF PART.

(a) IN GENERAL.—This part creates an exclusive cause of action for coronavirus exposure actions.

(b) LIABILITY.—A plaintiff may prevail in a coronavirus exposure action only in accordance with the requirements of this subtitle.

(c) APPLICATION.—The provisions of this part shall apply to any cause of action that is a coronavirus exposure action that was filed before the date of enactment of this Act and that is pending on such date of enactment; and

(ii) any coronavirus exposure action filed on or after such date of enactment.

(2) PRESERVATION OF LIABILITY LIMITS AND DEFENSES.—Except as otherwise explicitly provided in this part, nothing in this part expands any liability otherwise imposed or limits any defense otherwise available under Federal, State, or Tribal law.

(3) IMMUNITY.—Nothing in this part abrogates the immunity of any State, or waives the immunity of any Tribal government. The protections on liability provided under this part shall control in any action properly filed against a State or Tribal government pursuant to a duly executed waiver by the federal Tribe of sovereign immunity and stating claims within the scope of this part.

(b) PREEMPTION AND SUPERSEDURE.—
(1) IN GENERAL.—Except as described in paragraphs (2) through (6), this part preempts and supersedes any Federal, State, or Tribal law, including statutes, regulations, rules, orders, proclamations, or standards of any State, local, or Tribal government, to bring any criminal, civil, or administrative enforcement action against any individual or entity for complying with the applicable government standards and guidance after the date of enactment.

(2) STRicter LAws NOT PREEMPTED OR SUPERSeded.—Nothing in this part shall be construed to affect the applicability of a provision of any Federal, State, or Tribal law that imposes stricter limits on damages or liabilities for personal injury caused by, arising out of, or related to an actual, alleged, feared, or potential for exposure to coronavirus, or otherwise affords greater protection to defendants in any coronavirus exposure action, than are provided in this part. Any such provision of Federal, State, or Tribal law shall be applied in addition to the requirements of this part and not in lieu thereof.

(3) WORKers’ COMPENSATION LAws NOT PREEMPTED OR SUPERSeded.—Nothing in this part shall be construed to affect the applicability of a provision of any Federal, State, or Tribal law that imposes stricter limits on damages or liabilities for personal injury caused by, arising out of, or related to an actual, alleged, feared, or potential for exposure to coronavirus, or otherwise affords greater protection to defendants in any coronavirus exposure action, than are provided in this part. Any such provision of Federal, State, or Tribal law shall be applied in addition to the requirements of this part and not in lieu thereof.

(4) ENFORCEMENT ACTIONS.—Nothing in this part shall be construed to impair, limit, or affect the authority of the Federal Government, to bring any criminal, civil, or administrative enforcement action against any individual or entity before or after the date of enactment.

(5) DISCRIMINATION CLAIMS.—Nothing in this part shall be construed to affect the applicability of any provision of any Federal, State, Tribal law that creates a cause of action for, or discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), disability, genetic information, or age.

(6) MAINTENANCE AND CURE.—Nothing in this part shall be construed to affect a seaman’s right to claim maintenance and cure benefits.

(7) STATute OF LIMITATIONs.—A coronavirus exposure action may not be commenced in any Federal, State, or Tribal jurisdiction more than 1 year after the date of the actual, alleged, feared, or potential for exposure to coronavirus.

SEC. 2122. LIABILITY, SAFE HARBOR.

(a) REQUIREMENTS FOR LIABILITY EXPOSURE.—Notwithstanding any other provision of law, and except as otherwise provided in this section, no individual or entity engaged in businesses, services, activities, or accommodations shall be liable in any coronavirus exposure action unless the plaintiff can prove by clear and convincing evidence that—

(1) the individual or entity engaged in gross negligence or willful misconduct that caused an actual exposure to coronavirus; and

(2) the actual exposure to coronavirus caused the personal injury of the plaintiff.

(b) REasonable EFForts To COMply.—

(1) COMPLIING APPlicABLE GOvernMENT STANDARDS AND GUIDANCE.—The absence of a written or published policy on the mitigation of transmission of coronavirus at the time of the actual, alleged, feared, or potential for exposure to coronavirus that complied with, or was more protective than, the applicable government standards and guidance to which the individual or entity was subject, shall not be considered evidence of liability or culpability.

(2) EXCEPTIONS.—If mandatory standards and regulations constituting applicable government standards and guidance issued by any government with jurisdiction over the individual or entity conflict with applicable government standards and guidance that are not mandatory and are issued by any other government with jurisdiction over the individual or entity, or if the individual or entity that issued the mandatory standards and regulations, the plaintiff may establish that the individual or entity did not make reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance issued by any government to whose jurisdiction the individual or entity is subject.

(c) MAINTENANCE AND CURE.—If a health care provider in the course of rendering health care services, or an entity engaged in businesses, services, activities, or accommodations, or an individual or entity before or after the date of enactment, shall not make reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance to which the individual or entity was subject.

(d) WRITTEN OR PUBLISHED POLICY.—

(A) IN GENERAL.—If an individual or entity engaged in businesses, services, activities, or accommodations maintained a written or published policy on the mitigation of transmission of coronavirus at the time of the actual, alleged, feared, or potential for exposure to coronavirus that complied with, or was more protective than, the applicable government standards and guidance to which the individual or entity was subject, the individual or entity shall be presumed to have made reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance for purposes of subsection (a)(1).

(B) REPUTATION.—The plaintiff may rebut the presumption under subparagraph (A) by establishing that the individual or entity was not complying with the written or published policy at the time of the actual, alleged, feared, or potential for exposure to coronavirus.

(e) ABSENCE OF A WRITTEN OR PUBLISHED POLICY.—The absence of a written or published policy shall not give rise to a presumption that the individual or entity did not make reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance for purposes of subsection (a)(1).

(f) TIMING.—For purposes of subsection (a)(1), a change to a policy or practice by an individual or entity before or after the actual, alleged, feared, or potential for exposure to coronavirus, shall not be evidence of liability for the actual, alleged, feared, or potential for exposure to coronavirus.

(g) THIRD PARTIES.—No individual or entity shall be held liable in a coronavirus exposure action for the acts or omissions of a third party, unless—

(1) the individual or entity had an obligation under general common law principles to control the acts or omissions of the third party; or

(2) the third party was an agent of the individual or entity.

(h) MOTIVATION.—Changes to the policies, practices, or procedures of an individual or entity for complying with the applicable government standards and guidance after the date of enactment, shall not be considered evidence of liability or culpability.

PART II—LIABILITY LIMITATIONS FOR HEALTH CARE PROVIDERS

SEC. 2141. APPLICATION OF PART.

(a) IN GENERAL.—This part creates an exclusive cause of action for coronavirus-related medical liability actions.

(b) LIABILITY.—A plaintiff may prevail in a coronavirus-related medical liability action only in accordance with the requirements of this subtitle.

(c) APPLICATION.—The provisions of this part shall apply to—

(i) any cause of action that is a coronavirus-related medical liability action that was filed before the date of enactment of this Act and that is pending on such date of enactment; and

(ii) any coronavirus-related medical liability action filed on or after such date of enactment.

(2) PRESERVATION OF LIABILITY LIMITS AND DEFENSES.—Except as otherwise explicitly provided in this part, nothing in this part shall be construed to preclude or limit any defense otherwise available under Federal, State, or Tribal law.

(3) IMMUNITY.—Nothing in this part abrogates the immunity of any State, or waives the immunity of any Tribal government. The limitations on liability provided under this subtitle shall be considered to have made reasonable efforts in light of all the circumstances to comply with the applicable government standards and regulations to which the individual or entity was subject.

(4) WRITTEN OR PUBLISHED POLICY.—

(A) IN GENERAL.—If an individual or entity engaged in businesses, services, activities, or accommodations maintained a written or published policy on the mitigation of transmission of coronavirus at the time of the actual, alleged, feared, or potential for exposure to coronavirus that complied with, or was more protective than, the applicable government standards and guidance to which the individual or entity was subject, the individual or entity shall be presumed to have made reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance for purposes of subsection (a)(1).

(B) REPUTATION.—The plaintiff may rebut the presumption under subparagraph (A) by establishing that the individual or entity was not complying with the written or published policy at the time of the actual, alleged, feared, or potential for exposure to coronavirus.

(C) ABSENCE OF A WRITTEN OR PUBLISHED POLICY.—The absence of a written or published policy shall not give rise to a presumption that the individual or entity did not make reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance for purposes of subsection (a)(1).

(D) TIMING.—For purposes of subsection (a)(1), a change to a policy or practice by an individual or entity before or after the actual, alleged, feared, or potential for exposure to coronavirus, shall not be evidence of liability for the actual, alleged, feared, or potential for exposure to coronavirus.

(E) THIRD PARTIES.—No individual or entity shall be held liable in a coronavirus exposure action for the acts or omissions of a third party, unless—

(1) the individual or entity had an obligation under general common law principles to control the acts or omissions of the third party; or

(2) the third party was an agent of the individual or entity.

(F) MOTIVATION.—Changes to the policies, practices, or procedures of an individual or entity for complying with the applicable government standards and guidance after the date of enactment, shall not be considered evidence of liability or culpability.

(2) STRICTER LAWS NOT PREEMPTED OR SUPERSeded.—Nothing in this part shall be construed to affect the applicability of any provision of any Federal, State, or Tribal law that imposes stricter limits on damages or liabilities for personal injury caused by, arising out of, or related to an act or omission by a health care provider in the course of arranging or providing coronavirus-related health care services.

(3) DISCRIMINATION CLAIMS.—Nothing in this part shall be construed to affect the applicability of any provision of any Federal, State, or Tribal law that imposes stricter limits on damages or liabilities for personal injury caused by, arising out of, or related to an act or omission by a health care provider in the course of arranging or providing coronavirus-related health care services, or otherwise affords greater protection to defendants in any coronavirus-related medical liability action than are provided in this part. Any such provision of Federal, State, or Tribal law shall be applied in addition to the requirements of this part and not in lieu thereof.

(3) ENFORCEMENT ACTIONS.—Nothing in this part shall be construed to impair, limit, or affect the authority of the Federal Government, or of any State, local, or Tribal government, to bring any criminal, civil, or administrative enforcement action against any individual or entity for complying with the applicable government standards and guidance.

(4) DISCRIMINATION CLAIMS.—Nothing in this part shall be construed to affect the applicability of any provision of any Federal, State, or Tribal law that imposes stricter limits on damages or liabilities for personal injury caused by, arising out of, or related to an act or omission by a health care provider in the course of arranging or providing coronavirus-related health care services, or otherwise affords greater protection to defendants in any coronavirus-related medical liability action than are provided in this part. Any such provision of Federal, State, or Tribal law shall be applied in addition to the requirements of this part and not in lieu thereof.
sex (including pregnancy), disability, genetic information, or age.

(5) PUBLIC READINESS AND EMERGENCY PREPARATION.—Nothing in this part shall be construed to affect the applicability of section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d) to any act or omission involving a covered countermeasure, as defined in subsection (i) of such section in arranging for or providing coronavirus-related health care services. Nothing in this part shall be construed to affect the applicability of section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e).

(6) VACCINE INJURY.—To the extent that title XXI of the Public Health Service Act (42 U.S.C. 300a–6 et seq.) establishes a Federal rule applicable to a civil action brought for a vaccine-related injury or death, this part does not affect the application of that rule to such an action.

(c) STATUTE OF LIMITATIONS.—A coronavirus-related medical liability action may or may not be commenced in any Federal, State, or Tribal government court later than 1 year after the date of the alleged harm, damage, breach, or tort, unless tolled for—

(1) intentional misrepresentation or fraud; or
(2) intentional concealment; or
(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the injured person.

SEC. 2142. LIABILITY FOR HEALTH CARE PROFESSIONALS AND HEALTH CARE FACILITIES DURING CORONAVIRUS PUBLIC HEALTH EMERGENCY.

(a) REQUIREMENTS FOR LIABILITY FOR CORONAVIRUS-RELATED HEALTH CARE SERVICES.—Notwithstanding any other provision of law, and except as provided in subsection (b), no health care provider shall be liable in a coronavirus-related medical liability action arising out of the conduct of the individual or entity; and

(1) gross negligence or willful misconduct by the health care provider; and
(2) that the alleged harm, damage, breach, or tort resulting in the personal injury was directly caused by the alleged gross negligence or willful misconduct.

(b) EXCEPTIONS.—For purposes of this section, acts, omissions, or decisions resulting from a resource or staffing shortage shall not be considered willful misconduct or gross negligence.

PART III—STANDARD AND PROCEDURAL PROVISIONS FOR CORONAVIRUS-RELATED ACTIONS GENERAL

SEC. 2161. JURISDICTION.

(a) JURISDICTION.—The district courts of the United States shall have concurrent original jurisdiction of any coronavirus-related action.

(b) REMOVAL.—

(1) REMOVAL BY A COPYRIGHTED OR AUTHORIZED ENTITY.—A coronavirus-related action of which the district courts of the United States have original jurisdiction under subsection (a) that is brought in a State court may be removed to a district court of the United States in accordance with section 1446 of title 28, United States Code, except that—

(A) notwithstanding subsection (b)(2)(A) of such section, such action may be removed by any defendant without the consent of all defendants; and
(B) notwithstanding subsection (b)(1) of such section, for any cause of action that is a coronavirus-related action that was filed in a State court before the date of enactment of this Act, any district court of removal may be in effect on such date of enactment, and of which the district courts of the United States have original jurisdiction under subsection (a), any defendant in a civil action or proceeding within 30 days of the date of enactment of this Act, (2) PROCEDURE AFTER REMOVAL.—Section 1447 of title 28, United States Code, shall apply to any removal of a case under paragraph (1), except that, notwithstanding subsection (k)(1) of such section, a court of appeals of the United States shall accept an appeal from an order of a district court granting or denying a motion to remand the case to the State or Tribal government court from which it was removed if application is made to the court of appeals of the United States not later than 10 days after the entry of the order.

SEC. 2162. LIMITATIONS ON SUITS.

(a) JOINT AND SEVERAL LIABILITY LIMITATIONS.—

(1) IN GENERAL.—An individual or entity against whom a final judgment is entered in any coronavirus-related action shall be liable solely for the portion of the judgment that corresponds to the relative and proportionate responsibility of that individual or entity. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all individuals or entities, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(2) PROPORTIONAL LIABILITY.—

(A) DETERMINATION OF RESPONSIBILITY.—In any coronavirus-related action, the court shall instruct the jury to answer special interrogatories that, if the court determines that the personal injury, harm, damage, breach, or tort was caused solely by the willful misconduct of a defendant, the court shall determine that percentage as a percentage of the total fault of all individuals or entities who caused or contributed to the loss incurred by the plaintiff.

(B) FACTORS FOR CONSIDERATION.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(i) the nature of the conduct of each individual or entity found to have caused or contributed to the loss incurred by the plaintiff; and
(ii) the nature and extent of the causal relationship between the conduct of each such individual or entity and the damages incurred by the plaintiff.

(3) JOINT LIABILITY FOR SPECIFIC INTENT OR FRAUD.—Nothing in this section preempts a Federal, State, or Tribal court from enforcing any law that—

(A) limits the liability of a defendant in a coronavirus-related action to a lesser degree of liability than the degree of liability determined under this section; or
(B) otherwise affords a greater degree of protection from joint and several liability than is afforded by this section; or
(C) limits the damages that can be recovered from a defendant in a coronavirus-related action to a lesser amount of damages than the amount determined under this section.

(4) RIGHT TO CONTRIBUTION NOT AFFECTED.—Nothing in this section supersedes any Federal, State, or Tribal law, including statutes, regulations, rules, orders, proclamations, or standards that are enacted, promulgated, or established under common law, related to joint and several liability, proportionate or contributory liability, contribution, or the award of damages for any coronavirus-related action.

(b) SEPARATE STATEMENTS CONCERNING THE NATURE AND AMOUNT OF DAMAGES AND REQUIRED STATE OF MIND.—

(1) PLEADING WITH PARTICULARITY.—In any coronavirus-related action filed in or removed to a district court of the United States—

(A) each element of the plaintiff’s claim; and
(B) with respect to a coronavirus exposure action, all places and persons visited by the person on whose behalf the complaint was filed and all persons who visited the residence of the person on whose behalf the complaint was filed during the 14-day period before the onset of the first symptoms alleged to be caused by coronavirus, including—

(i) each individual or entity against which a complaint is filed, along with the factual basis for the belief that such individual or entity was a cause of the personal injury alleged; and
(ii) every other person or place visited by the person on whose behalf the complaint was filed and every other person who visited the residence of the person on whose behalf the complaint was filed during such period, along with the factual basis for the belief that the persons or places were not the cause of the personal injury alleged; and

(2) the complaint shall plead with particularity—

(A) each element of the plaintiff’s claim; and
(B) the complaint shall plead with particularity each alleged act or omission constituting gross negligence or willful misconduct that resulted in personal injury, harm, damage, breach, or tort.
(1) Nature and Amount of Damages.—In any coronavirus-related action filed or removed to a district court of the United States in which monetary damages are requested, the complaint shall contain a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(2) Required State of Mind.—In any coronavirus-related action filed in or removed to a district court of the United States, the plaintiff shall file with the complaint a statement, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

(c) Verification and Medical Records.—

(1) Verification Requirement.—(A) In General.—The complaint in a coronavirus-related action filed in or removed to a district court of the United States shall include a verification, made by affidavit of the plaintiff under oath, stating that to the best of the knowledge of the deponent, except as to matters specifically identified as being alleged on information and belief, there is a strong inference that the defendant acted with the required state of mind.

(B) Identification of Matters Alleged Upon Information and Belief.—Any matter that is not specifically identified as being alleged on information and belief and from which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, shall be alleged in the complaint, with respect to each element of such claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

(d) Application with Federal Rules of Civil Procedure.—

(1) Nature and Amount of Damages.—In any coronavirus-related action filed in or removed to a district court of the United States, the plaintiff shall file with the complaint an interrogatory, a request for production of documents, or any other form of discovery request; under rule 37 of the Federal Rules of Civil Procedure, only if the court finds that—

(i) the requesting party needs the information sought to prove or defend as to a material issue contested in such action; and

(ii) the likely benefits to such request equal or exceed the burden or cost for the responding party of providing such responses.

(2) Interlocutory Appeal and Stay of Discovery.—The courts of appeals of the United States shall have jurisdiction of an appeal from a motion to dismiss that is denied in the conduct of coordinated or consolidated pretrial proceedings in a district court of the United States. The district court shall stay all discovery in such a coronavirus-related action until the court of appeals has disposed of the appeal.

(e) Class Actions and Multidistrict Litigation Proceedings.—

(1) Class Actions.—In any coronavirus-related action that is filed in or removed to a district court of the United States and is maintained as a class action or multidistrict litigation—

(A) an individual or entity shall only be a member of the class if the individual or entity affirmatively elects to be a member; and

(B) the court, in addition to any other notice required by rule 23 of the Federal Rules of Civil Procedure, shall direct notice of the action to each member of the class, which shall include—

(i) a concise and clear description of the nature of the action;

(ii) the jurisdiction where the case is pending; and

(iii) the fee arrangements with class counsel, including—

(I) the hourly fee being charged; or

(II) if it is a contingency fee, the percentage of the final award which will be paid, including any contingent amount that would be paid if the requested damages were to be granted; and

(III) if the cost of the litigation is being financed, a description of the financing arrangement.

(2) Multidistrict Litigations.—

(A) Trial prohibition.—In any coordinated or consolidated pretrial proceedings conducted pursuant to section 1407(b) of title 28, United States Code, the judge or judges to whom consensual multidistrict litigation is assigned by the Judicial Panel on Multidistrict Litigation may not conduct a trial in a coronavirus-related action transferred or directly filed in the proceedings unless all parties to that coronavirus-related action consent.

(B) Review of Orders.—The court of appeals over the United States having jurisdiction over the transferee district court shall permit an appeal to be taken from any order issued in the conduct of coordinated or consolidated pretrial proceedings conducted pursuant to section 1407(b) of title 28, United States Code, if the order is applicable to 1 or more coronavirus-related actions and an immediate appeal from the order may materially advance the ultimate termination of 1 or more coronavirus-related actions in the proceedings.

SEC. 2164. Demand Letters; Cause of Action.

(a) Cause of Action.—If any person transmits or causes another to transmit in any form and by any means a demand for remuneration in exchange for settling, releasing, waiving, or otherwise not pursuing a claim that is, or could be, brought as part of a coronavirus-related action and that is meritless, the Attorney General may commence a civil action in any appropriate district court of the United States.

(b) Relief.—In a civil action under paragraph (1), the court may, to vindicate the public interest, assess a civil penalty against the defendant in an amount not exceeding $50,000 per transmitted demand for remuneration in exchange for settling, releasing, waiving or otherwise not pursuing a claim that is meritless.

(c) Distribution of Penalties.—If the Attorney General obtains civil penalties in accordance with paragraph (2), the Attorney General shall distribute the proceeds equitably among those persons aggrieved by the respondent’s pattern or practice of transmitting demands for remuneration in exchange for settling, releasing, waiving or otherwise not pursuing a claim that is meritless.

PART IV—RELATION TO LABOR AND EMPLOYMENT LAWS

SEC. 2181. Limitation on Violations Under Specific Laws.

(a) In General.—

(1) Definition.—In this subsection, the term “covered Federal employment law” means any of the following:


(C) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).


(E) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

(F) Title II of the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff et seq.).

(G) Title I of the Americans with Disabilities Act Amendments Act of 2009 (42 U.S.C. 12111 et seq.).

(b) Limitation.—Notwithstanding any provision of a covered Federal employment law, in any action, proceeding, or investigation brought by or on behalf of any person, the employer shall not be subject to any enforcement proceeding or liability under any provision of a
covered Federal employment law if the employer—
(A) was relying on and generally following applicable government standards and guidance; and
(B) knew of the obligation under the relevant provision; and
(C) attempted to satisfy any such obligation by—
(i) exploring options to comply with such obligations and with the applicable government standards and guidance (such as through in-person training or remote communication strategies);
(ii) implementing interim alternative protection or training procedures;
(iii) following guidance issued by the relevant agency with jurisdiction with respect to any exemptions from such obligation.

(ii) APPLICATION LAWS. In this subsection—
(A) the term ‘‘auxiliary aids and services’’ has the meaning given the term in section 4 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12103);
(B) the term ‘‘covered public accommodation law’’ means—
(1) title III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181 et seq.); or
(2) title II of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);
(C) the term ‘‘place of public accommodation’’ means—
(i) a place of public accommodation, as defined in section 210(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e); or
(ii) a public accommodation, as defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181); and
(D) the term ‘‘public health emergency period’’ means a period designated a public health emergency period by a Federal, State, or local government.

(ii) ACTIONS AND MEASURES DURING A PUBLIC HEALTH EMERGENCY.—
(A) IN GENERAL.—Notwithstanding any other provision of law or regulation, during any public health emergency period, no person who owns, leases (or leases to), or operates a place of public accommodation shall be liable for any action or personal injury directly resulting from such testing, except for those personal injuries caused by the gross negligence or intentional misconduct of the employer or other person.

SEC. 2183. JOINT EMPLOYMENT AND INDEMNIFICATION.

Notwithstanding any other provision of Federal or State law, including any covered Federal employment law (as defined in section 4(f)(1) of the Coronavirus Aid, Relief, and Economic Security Act (47 U.S.C. 141 et seq.), the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), and the Family and Medical Leave Act of 1993 (29 U.S.C. 1201 et seq.), it shall not constitute evidence of a joint employment relationship or employment relationship employer to provide or require, for an employee of another employer or for an independent contractor, any of the following:

(i) Coronavirus-related policies, procedures, or training.

(ii) Personal protective equipment or training for the use of such equipment.

(iii) Cleaning or disinfecting services or the means for such cleaning or disinfecting.

(iv) Workplace testing for coronavirus.

(v) Temporary assistance due to coronavirus, including financial assistance or other health and safety benefits.

SEC. 2184. EXCLUSION OF CERTAIN NOTIFICATION REQUIREMENTS AS A RESULT OF THE COVID–19 PUBLIC HEALTH EMERGENCY.

(i) DEFINITIONS.—(Section 2(a) of the Work–

Adjustment and Retraining Notification Act (29 U.S.C. 210(a)) is amended—

(1) in paragraph (2), by adding before the semicolon at the end the following: ‘‘and the shutdown, if occurring during the covered period, is not a result of the COVID–19 national emergency’’;

(2) in paragraph (3), by striking ‘‘(A) in paragraph (A), by striking ‘‘and’’ at the end;’’ and inserting—

‘‘(A) in paragraph (A), by striking ‘‘and’’ at the end;’’;

‘‘(B) in paragraph (B), by adding ‘‘and’’ at the end; and’’;

‘‘(C) by adding at the end the following: ‘‘(3) Notwithstanding subsection (a)(6), during the covered period, is not a result of the COVID–19 national emergency’’;’’

(3) in paragraph (7), by striking ‘‘and’’;

(4) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

‘‘(9) the term ‘covered period’ means the period that—

‘‘(A) begins on January 1, 2020; and

‘‘(B) ends 90 days after the last date of the COVID–19 national emergency’’;

(II) within the scope of such notice; and

(III) in compliance with other applicable requirements of the Federal Food, Drug, and Cosmetic Act that are not the subject of such notice;

(ii) in the case of a device, is exempt from the requirement under section 510(x) of the Federal Food, Drug, and Cosmetic Act; or

(iii) in the case of a drug—

‘‘(I) meets the requirements for marketing under a final administrative order under section 506G of the Federal Food, Drug, and Cosmetic Act; or

‘‘(II) is marketed in accordance with section 585G(a)(3) of such Act.’’.

(iv) CLAIMING MEANS OF DISTRIBUTION.—

Section 319F–3(a)(5) of the Public Health Service Act (42 U.S.C. 247d–6a(a)(5)) is amended by inserting ‘‘by, or in partnership with, Federal, State, and local public health officials or the private sector’’ after ‘‘distribution’’ the first place it appears.

(c) NO CHANGE TO ADMINISTRATIVE PROCEDURES APPLIED TO NOTIFICATION DISCRETION EXERCISE.—Section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d) is amended by adding at the end the following:

‘‘(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

‘‘(1) to require use of procedures described in section 533 of title 5, United States Code, for a notice of use of enforcement discretion for which such procedures are not otherwise required; or

‘‘(2) to affect whether such notice constitutes final agency action within the meaning of section 704 of title 5, United States Code.’’.

Subtitle C—General Provisions

SEC. 2301. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such a provision or amendment to any person or circumstance is held to be unconstitutional, the remaining provisions of and amendments made by this title, as well as the application of such provision or amendment to any person other than the parties to the action holding the provision or amendment to be unconstitutional, or to any circumstances other than those presented in such action, shall not be affected thereby.

TITLE III—ASSISTANCE FOR AMERICAN FAMILIES

SEC. 3001. SHORT TITLE.

This title may be cited as the ‘‘Continued Financial Relief to Americans Act of 2020’’.

SEC. 3002. EXTENSION OF THE FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION PROGRAM.

(a) EXTENSION.—Section 210A(e)(2) of division A of the CARES Act (15 U.S.C. 2650a(2)) is amended by striking ‘‘July 31, 2020’’ and inserting ‘‘December 31, 2020’’.

(b) AMOUNT.—

(I) IN GENERAL.—Section 210A(b) of division A of the CARES Act (15 U.S.C. 2650a(3)) is amended—

(1) in subparagraph (C), by striking ‘‘; or’’ and inserting a semicolon;

(2) in subparagraph (D), by striking the period and inserting ‘‘; and’’;

(3) by adding at the end the following:

‘‘(E) a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act), biological product (including vaccines (as such term is defined in section 351(i)), or device (as such term is defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act) that—

‘‘(I) is the subject of a notice of use of enforcement discretion issued by the Secretary if such drug, biological product, or device is used—

‘‘(i) when such notice is in effect;

‘‘(ii) within the scope of such notice; and

‘‘(iii) in compliance with other applicable requirements of the Federal Food, Drug, and Cosmetic Act that are not the subject of such notice;

‘‘(ii) in the case of a device, is exempt from the requirement under section 510(k) of the Federal Food, Drug, and Cosmetic Act; or

‘‘(iii) in the case of a drug—

‘‘(I) meets the requirements for marketing under a final administrative order under section 506G of the Federal Food, Drug, and Cosmetic Act; or

‘‘(II) is marketed in accordance with section 585G(a)(3) of such Act.’’.”
(A) in paragraph (1)(B), by striking “of $600” and inserting “equal to the amount specified in paragraph (3)”; and
(B) by adding at the end the following new paragraph:

“(3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—The amount specified in this paragraph is the following amount:

(A) For weeks of unemployment beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, $200.

(B) For weeks of unemployment beginning after the last week under subparagraph (A) and ending on or before December 27, 2020.
(2) by striking subsection (1).

(g) SIMPLIFIED APPLICATION.—Section 1106 of the CARES Act (15 U.S.C. 9005), as amended by subsection (f) of this section, is amended—

(1) in subsection (e), in the matter preceding paragraph (1), by striking "An eligible" and inserting "Except as provided in subsection (e), an eligible"; and

(2) in subsection (f), by inserting "the information required under subsection (l), as applicable'' after "subsection (e)''; and

(3) by adding at the end the following:

"(I) SIMPLIFIED APPLICATION.—

"(1) COVERED LOANS UNDER $150,000.—

"(AA) in subsection (l) of this section, with respect to a covered loan made to an eligible recipient that is not more than $150,000, the covered loan amount shall be forgiven under this section if the eligible recipient—

"(aa) submits the lender a one-page online or paper form, to be established by the Administrator not later than 7 days after the date of enactment of the Continuing the Paycheck Protection Program Act, that—

"(AA) reports the amount of the covered loan amount spent by the eligible recipient—

"(aaa) on payroll costs; and

"(aab) on the sum of

"(AA) payments of interest on any covered mortgage obligation (which shall not include any prepayment of or payment of principal on a covered mortgage obligation);

"(BB) payments on any covered rent obligation;

"(CC) covered utility payments;

"(DD) covered operations expenditures;

"(EE) covered property damage costs;

"(FF) covered supplier costs; and

"(GG) covered worker protection expenditures;

"(BB) attest that the eligible recipient made a good faith effort to comply with the requirements under section 7(a)(36)(A)(viii)(I)(aa)(EE) of the Small Business Act (15 U.S.C. 636(a)(36)), and

"(ii) retains records relevant to the form that prove compliance with those requirements—

"(I) with respect to employment records, for the 4-year period following submission of the form; and

"(II) with respect to other records, for the 3-year period following submission of the form.

"(B) DEMOGRAPHIC INFORMATION.—An eligible recipient of a covered loan described in subparagraph (A) may complete and submit any form related to borrower demographic information.

"(C) SIMPLIFIED APPLICATION.—The Administrator may—

"(i) review and audit covered loans described in subparagraph (A); and

"(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

"(I) the amount of a covered loan described in subparagraph (A); or

"(II) the loan forgiveness amount with respect to a covered loan described in subparagraph (A).

"(D) AUDIT.—The Administrator may—

"(i) review and audit covered loans described in subparagraph (A); and

"(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

"(I) the amount of a covered loan described in subparagraph (A); or

"(II) the loan forgiveness amount with respect to a covered loan described in subparagraph (A).

"(E) REPORTS.—Not later than 30 days after the date on which the Administrator submits the audit plan required under subparagraph (A), and each month thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Committee on Small Business of the House of Representatives an audit plan that details—

"(i) the policies and procedures of the Administrator for conducting reviews and audits of covered loans; and

"(ii) the metrics that the Administrator shall use to determine which covered loans will be audited for each category of covered loans described in paragraphs (1) and (2).


"(G) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(7) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—(A) DEFINITIONS.—In this paragraph—

"(I) the terms "financial institutions'', "credit union'', "eligible self-employed individual'', "insured depository institution'', "nonprofit organization'', "payroll costs'', "covered loan'', and "covered loan or loan forgiveness requirements'' have the meanings given those terms in paragraph (36), except that "eligible entity'' shall be substituted for "eligible recipient'' each place it appears in the definitions of those terms;

"(ii) the term "covered loan'' means a loan made under this paragraph;

"(iii) the terms "covered mortgage obligation'', "covered operating expenditure'', "covered property damage cost'', "covered rent obligation'', "covered utility payment'', and "covered worker protection expenditure'' have the meanings given those terms in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

"(iv) the term "covered loan'' means the period beginning on the date of the origination of the covered loan and ending on December 31, 2020;

"(v) the term "eligible entity''—

"(I) means any business concern, nonprofit organization, veteran's organization, Tribal business concern, eligible self-employed individual, sole proprietor, independent contractor, or small agricultural cooperative that—

"(aa)(AA) with respect to a business concern, would qualify as a small business concern by the annual receipts size standard (if applicable) established by section 121.201 of title 13, Code of Federal Regulations, or any successor regulation; or

"(BB) if the entity does not qualify as a small business concern, meets the alternative size standard established under section 3(a)(5);

"(bb) employs not more than 300 employees; and

"(cc)(AA) except as provided in subitems (BB), (CC), and (JD), had gross receipts during the first or second quarter in 2020 that are not less than 35 percent less than the gross receipts of the entity during the same quarter in 2019;

"(BB) the entity was not in business during the first or second quarter of 2019, but was in business during the third and fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the third or fourth quarter of 2019;

"(CC) if the entity was not in business during the first, second, or third quarter of 2019, but was in business during the fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the fourth quarter of 2020;

"(DD) if the entity was not in business during 2019, but was in operation on February 15, 2020, had gross receipts during the second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the first quarter of 2020;

"(EE) includes an organization described in subparagraph (D)(vii) of paragraph (36) that is eligible to receive a loan under that paragraph and that meets the requirements described in items (aa) and (cc) of subclause (i); and

"(FF) makes under this paragraph and that meets the requirements described in items (aa) and (cc) of subclause (i); and

"(III) does not include—

"(aa) an issuer, the securities of which are listed on an exchange registered a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);

"(bb) any entity that—

"(aa) is a type of business concern described in subsection (b), (c), (d), (e), (f), (h), (j) (m), (p), (q), (r), or (s) of section 120.110 of title 13, Code of Federal Regulations, or any successor regulation; or

"(BB) is a type of business concern described in section 120.110(g) of title 13, Code of Federal Regulations, or any successor regulation; or

"(yy) except as otherwise provided in the interim final rule of the Administration entitled "Business Loan Program Temporarily
Changes: Paycheck Protection Program—Ad-
ditional Eligibility Criteria and Require-
ments for Certain Pledges of Loans (85 Fed.
Reg. 21747 (April 20, 2020));

"(CC) is a business concern de-
scribed in section 120.110(j) of title 13, Code of
Federal Regulations, or any successor regu-
lation, except if the business concern is an
organization described in paragraph
(36)(D)(viii);

"(DD) is a type of business concern de-
scribed in section 120.110(j) of title 13, Code of
Federal Regulations, or any successor regu-
lation, except as otherwise provided in the
interim final rule of the Administration en-
titled ‘Business Loan Program Temporary
Changes; Paycheck Protection Program—
Eligibility of Certain Electric Cooperatives’
(85 Fed. Reg. 35607 (May 19, 2020)) and ‘Busi-
ness Loan Program Temporary Changes; Paycheck Protection Program—
Eligibility of Certain Telephone Cooperatives’
(85 Fed. Reg. 35500 (June 11, 2020)) or any other guid-
ance or rule issued or that may be issued by the
Administrator;

"(EE) is a type of business concern de-
scribed in section 120.110(n) of title 13, Code of
Federal Regulations, or any successor regu-
lation, except as otherwise provided in the
interim final rule of the Administration ent-
titled ‘Business Loan Program Temporary
Changes; Paycheck Protection Program—
Additional Eligibility Revisions to First In-
terim Final Rule’ (85 Fed. Reg. 38301 (June
26, 2020)) or any other guidance or rule
issued or that may be issued by the Administrator;

"(FF) is a type of business concern de-
scribed in section 120.110(o) of title 13, Code of
Federal Regulations, or any successor regu-
lation, except as otherwise provided in any
guidance or rule issued or that may be issued by the
Administrator; or

"(GG) an entity that would be described in
the subsections listed in subitems (AA) through (FF) if the entity were a business concern;

or

"(HH) is assigned, or was approved for a
loan under paragraph (36) with a, North Amer-
ica Industrial Classification System code beginning with 52;

"(II) any business concern or entity pri-
marily engaged in political or lobbying ac-
tivities, which shall include any entity that
is organized for research or for engaging in
advocacy in areas such as public policy or
political strategy or otherwise describes itself as a think tank in any public docu-
ments;

"(dd) any business concern or entity—

"(AA) for which an entity created in or
organized under the laws of the People’s Repub-
lic of China, or the Special Administra-
tive Region of Hong Kong, owns or holds, directly or
indirectly, not less than 20 percent of the
economic interest of the business concern or
entity, including as equity shares or a cap-
tial interest in a limited liability company or
partnership; or

"(BB) that retains, as a member of the
board of directors of the business concern, a
person who is a resident of the People’s Repub-
lc of China;

"(vi) the terms ‘exchange’, ‘issuer’, and ‘se-
curity’ have the meanings given those terms
in section 3(a) of the Securities Exchange
Act of 1934 (15 U.S.C. 78c(a)); and

"(vii) the term ‘tribal business concern’ means a ‘tribal business concern’ described in section

(B) LOANS.—Except as otherwise
provided in this paragraph, the Administrator may
ensure covered loans to eligible entities under
this section, and is subject to the conditions,
provisions, and limitations provided for as a loan made under paragraph (36).

"(C) MAXIMUM LOAN AMOUNT.—

"(i) In general.—Except as otherwise
provided in this subparagraph, the maximum
amount of a covered loan made to an eligible
entity is the lesser of—

"(I) the product obtained by multiplying—

"(aa) at the election of the eligible entity,
the average total monthly payment for pay-
roll costs incurred or paid by the eligible en-
tity during—

"(AA) the 1-year period before the date on
which the loan is made; or

"(BB) calendar year 2019; by

"(bb) 2.5; or

"(ii) $2,000,000.

"(ii) Seasonal employers.—The maximum
amount of a covered loan made to an eligible
entity that is a seasonal employer is the lesser of—

"(I) the product obtained by multiplying—

"(aa) at the election of the eligible entity,
the average total monthly payments for pay-
roll costs incurred or paid by the eligible en-
tity—

"(AA) for a 12-week period beginning
February 15, 2019 or March 1, 2019 and ending
June 30, 2019; or

"(BB) for a consecutive 12-week period be-
 tween May 1, 2019 and September 15, 2019; by

"(bb) 2.5; or

"(II) $2,000,000.

"(iii) New entities.—The maximum
amount of a covered loan made to an eligible
entity that did not exist during the 1-year
period preceding February 15, 2020 is the lesser
of—

"(I) the product obtained by multiplying—

"(aa) at the election of the eligible entity,
the average total monthly payments for pay-
roll costs incurred or paid by the eligible en-
tity—

"(AA) of the period ending on December
31, 2019; by

"(BB) the number of months in which
those payroll costs were paid or incurred; by

"(bb) 2.5; or

"(II) $2,000,000.

"(iv) Limit for multiple locations.—With
respect to an eligible entity with more than
1 physical location, the total amount of all
covered loans shall be not more than
$2,000,000.

"(v) Loan number limitation.—An eligible
entity may only receive 1 covered loan.

"(vi) 90 day rule for maximum loan
amount.—The maximum aggregate loan
amount of loans guaranteed under this sub-
section that are approved for an eligible en-
tity during the 90 days after the date on which the eligible entity applies for the
covered loan; by

"(BB) the number of months in which
those payroll costs were paid or incurred; by

"(bb) 2.5; or

"(II) $2,000,000.

"(vii) Any covered supplier cost.

"(viii) Any covered utility payment.

"(IX) Any covered rent obligation.

"(X) Any covered utility payment.

"(XI) Any covered supplier cost.

"(XII) Any covered worker protection
expenditure.

"(XIII) The limitation on forgiveness for all
eligible entities.—The forgiveness amount
under this subparagraph shall be equal to the lesser
of—

"(i) 3 percent of the principal amount of
the financing of the covered loan above
$350,000; and

"(ii) any covered loan above $350,000.

"(XIV) Any covered property damage cost.

"(XV) Any payment on any covered rent
obligation.

"(XVI) Any covered utility payment.

"(XVII) Any covered supplier cost.

"(XVIII) Any covered worker protection
expenditure.

"(XIX) Any covered utility payment.

"(XX) The limitation on forgiveness for all
eligible entities.—The forgiveness amount
under this subparagraph shall be equal to the lesser
of—

"(i) 3 percent of the principal amount of
the financing of the covered loan above
$350,000; and

"(ii) any covered loan above $350,000.

"(XXI) Any covered property damage cost.

"(XXII) Any payment on any covered rent
obligation.

"(XXIII) Any covered utility payment.

"(XXIV) Any covered supplier cost.

"(XXV) Any covered worker protection
expenditure.

"(XXVI) Any covered utility payment.

"(XXVII) The limitation on forgiveness for all
eligible entities.—The forgiveness amount
under this subparagraph shall be equal to the lesser
of—

"(i) 3 percent of the principal amount of
the financing of the covered loan above
$350,000; and

"(ii) any covered loan above $350,000.

"(XXVIII) Any covered property damage cost.

"(XXIX) Any payment on any covered rent
obligation.

"(XXX) Any covered utility payment.

"(XXXI) Any covered supplier cost.

"(XXXII) Any covered worker protection
expenditure.

"(XXXIII) Any covered utility payment.
not more than 10 employees as of February 15, 2020.

'(L) Set aside for community financial institutions, small insured depository institutions, and small agricultural credit associations.

'(M) Loans made under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) are subject to the provisions of section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as amended by subsection (j) of this section, is not more than $100,000,000, divided by 12; and

'(N) Standard Operating Procedure—The Administrator shall, to the maximum extent practicable, allow a lender approved to make under the Paycheck Protection Program temporary changes and articulating the purpose of ensuring equitable access to covered loans.

'((ii) lobbying expenditures related to a State or local election; or

'((iii) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.'.

(j) Continued Access to the Paycheck Protection Program—

'(1) General—Section 7(a)(36)(E)(I) of the Small Business Act (15 U.S.C. 636(a)(36)(E)(I)) is amended by striking "$10,000,000" and inserting "$2,000,000".

'(2) Calculation of Maximum Loan Amount—

'(I) Definition.—In this subparagraph, the term ‘covered recipient’ means an eligible recipient that—

'(aa) is a small business concern with employees, the maximum covered loan amount shall be the lesser of—

'(AA) the sum of—

'(aaa) the product obtained by multiplying—

'(aaaa) the gross income of the covered recipient in 2019, as reported on a Schedule F (or any equivalent successor schedule); and

'(bbbb) the outstanding amount of a loan under subsection (b)(2) that was made during the period beginning on January 31, 2020 and ending on April 3, 2020 that the borrower intends to refinance under the covered loan, not including any amount of any advance under the loan that is not required to be repaid; or

'(bb) $2,000,000.

'(III) With Employees.—With respect to a covered recipient with employees, the maximum covered loan amount shall be calculated using the formula described in subparagraph (E)(i), except that the gross income of the covered recipient described in clause (I) or (II) of such subparagraph, as described by the bank for cooperatives described in section 1106 of the CARES Act (15 U.S.C. 9005)

'(i) IN GENERAL.—With respect to the application of Farm Credit Administration capital requirements, a loan described in clause (i)—

'(II) shall not be included in the calculation of any applicable leverage ratio or other applicable capital ratio of such association.

'(ii) LOANS DESCRIBED.—A loan referred to in clause (i)—

'(I) that is made by a Farm Credit Bank described in section 12(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002a) or a Federal Land Bank Association, a Production Credit Association, or an intermediate credit service described in section 12(b) of the Farm Credit Act of 1971 (12 U.S.C. 2002a) under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgive those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37); or

'(II) a loan made by a Federal Land Bank Association, a Production Credit Association, and an agricultural credit association, or the risk for cooperative described in section 12(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002a) under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a));

'(III) LOAN GUARANTEES.—Section 7(a)(36)(S) of the Small Business Act (15 U.S.C. 636(a)(36)(S)) is amended—

'(I) in clause (i)—

'(II) in subclause (I), by striking “and” at the end; and

'(III) by adding at the end the following:

'“(IV) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of not less than $10,000,000,000 and not more than $50,000,000,000.”; and

'(II) in clause (ii)—

'(III) in subclause (II), by striking “and” at the end; and

'(IV) by striking the period at the end and inserting “; and”;

'(V) by adding at the end the following:

'“(IV) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of not less than $10,000,000,000.”;

'(n) Definition of Seasonal Employer.—

'(I) PPPLoans.—Section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)) is amended—

'(A) in clause (xi), by striking “and” at the end;
(B) in clause (xii), by striking the period at the end and inserting ‘‘; and’’; and
(C) by adding at the end the following:
‘‘(xiii) the term ‘seasonal employer’ means an eligible recipient that—
‘‘(I) does not operate for more than 7 months in any calendar year; or
‘‘(II) during the preceding calendar year, had gross receipts for any 6 months of that year that were not more than 33.33 percent of the gross receipts of the employer for the other 6 months of that year.’’.
(2) in subheading—
(a) in paragraph (12) of section 1106(a) of the CARES Act (15 U.S.C. 9005(a)), as so redesignated by subsection (d)(2) of this section, is amended to read as follows:
‘‘(12) the terms ‘payroll costs’ and ‘seasonal employer’ have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).’’
(3) in section 501(c)(6) of the Small Business Act (15 U.S.C. 636(a)(36)(D)) is amended—
(1) in clause (y), by inserting ‘‘or whether an organization described in clause (vii) employs not more than 150 employees,’’ after ‘‘clause (i)(I),’’;
(2) in clause (vii), by inserting ‘‘an organization described in clause (vii),’’ after ‘‘nonprofit organization’’; and
(3) by adding at the end the following:
‘‘(vi) ELIGIBILITY FOR CERTAIN SMALL ORGANIZATIONS.—
‘‘(I) in general.—Except as provided in subclause (II), any organization that is described in section 501(c)(6) of the Internal Revenue Code and that is exempt from taxation under section 501(a) of such Code (excluding professional sports leagues and organizations for the purpose of promoting or participating in a political campaign or other activity) shall be eligible to receive a covered loan if—
‘‘(aa) the organization does not receive more than 10 percent of its receipts from lobbying activities;
‘‘(bb) the lobbying activities of the organization do not comprise more than 10 percent of the total activities of the organization; and
‘‘(cc) the organization employs not more than 150 employees.
‘‘(II) destination marketing organizations.—Notwithstanding clause (I), during the covered period, any destination marketing organization shall be eligible to receive a covered loan if—
‘‘(aa) the destination marketing organization does not receive more than 10 percent of its receipts from lobbying activities;
‘‘(bb) the lobbying activities of the destination marketing organization do not comprise more than 10 percent of the total activities of the organization; and
‘‘(cc) the destination marketing organization employs not more than 150 employees; and
‘‘(dd) the destination marketing organization—
‘‘(AA) is described in section 501(c) of the Internal Revenue Code and is exempt from taxation under section 501(a) of such Code; or
‘‘(BB) is a quasi-governmental entity or is a political subdivision of a State or local government having any instrumentality of those entities.’’. (d) the Small Business Act (15 U.S.C. 636(a)(36)(F)) is amended by adding at the end the following:
‘‘(VI) PROHIBITION.—None of the proceeds of a covered loan may be used for—
‘‘(I) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);
‘‘(II) lobbying activities related to a State or local government;
‘‘(III) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order, of the Congress or any State government, State legislature, or local legislature or legislative body;
‘‘(IV) EFFECTIVE DATE; APPLICABILITY.—The amendments made to paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) by title II of the Small Business Support Enhancement Act of 2020 (Public Law 116–136) under this section shall be effective as if included in the CARES Act and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).’’.
(2)TESTIMONY.—Not later than the date that is 30 days after the date of enactment of this Act, the Administrator submits to the Director of the Executive Office for United States Trustees a written determination that, subject to satisfying any other eligibility requirements, any debtor in possession or trustee that is authorized to operate the business of the debtor under section 1181, 1184, 1203, 1204, or 1304 of title 11, United States Code, would be eligible for a loan under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)); and (3) EFFECTIVE DATE; SUNSET.—
(A) EFFECTIVE DATE.—The amendments made by paragraphs (1) through (5) shall take effect under subsection (b) of title II of the Act.
(B) SUNSET.—
(1) IN GENERAL.—If the amendments made by this paragraph take effect under subsection (A), the amendments made by paragraphs (1), (2), (3), (4), and (5) take effect under subsection (b) of this paragraph, such amendments shall apply to any case under title 11, United States Code, commenced before the date that is 2 years after the date of enactment of this Act.
(2) OVERSIGHT.—
(1) COMPLIANCE WITH OVERSIGHT REQUIREMENTS.—
(A) IN GENERAL.—Except as provided in subparagraph (B), on and after the date of enactment of this Act, the Administrator shall comply with any data or information requests or inquiries made by the Comp
troller General of the United States not later than 30 days (or such later date as the Comp
troller General may specify) after receiving the request or inquiry.
(B) EXCEPTION.—If the Administrator is un
able to comply with a request or inquiry de
cscribed in subparagraph (A) within the 30
day period or, if applicable, later period de
scribed in subparagraph (A), the Administrator shall, during that 30-day (or later) period, submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and Entrepreneurship of the House of Representatives a notification that in
cudes a detailed justification for the inability of the Administrator to comply with the request or inquiry.
(2) TESTIMONY.—Not later than the date that is 30 days after the date of enactment of
the entity is a covered entity.

(ii) before that transaction is approved, disclose to the Administrator whether the share or interest described in clause (i) or (ii) is transferable; or

(iii) is defined by section 3(5) of the Carl D. Perkins Act (20 U.S.C. 1231e(5)), as added by section 102(b) of the CARES Act (Public Law 116-139) as amended by this Act; and

(3) COMMITTEE AUTHORITY AND APPOINTMENTS.—

(A) COMMITTEE AUTHORITY.—Section 102(b) of the CARES Act (Public Law 116-139) as added by this Act; and the amendments made by this section.

(B) COMMITTEE DEFINITION.—The term "committee" means any committee of the Senate, the House of Representatives, or a select committee of both Houses.

(4) COMMITTEE AUTHORITY AND APPOINTMENTS.—

(A) COMMITTEE AUTHORITY.—Section 102(b) of the CARES Act (Public Law 116-139) as added by this Act; and the amendments made by this section.

(B) COMMITTEE DEFINITION.—The term "committee" means any committee of the Senate, the House of Representatives, or a select committee of both Houses.

(5) COMMITTEE AUTHORITY AND APPOINTMENTS.—

(A) COMMITTEE AUTHORITY.—Section 102(b) of the CARES Act (Public Law 116-139) as added by this Act; and the amendments made by this section.

(B) COMMITTEE DEFINITION.—The term "committee" means any committee of the Senate, the House of Representatives, or a select committee of both Houses.

(6) COMMITTEE AUTHORITY AND APPOINTMENTS.—

(A) COMMITTEE AUTHORITY.—Section 102(b) of the CARES Act (Public Law 116-139) as added by this Act; and the amendments made by this section.

(B) COMMITTEE DEFINITION.—The term "committee" means any committee of the Senate, the House of Representatives, or a select committee of both Houses.
Section 25E. Contributions to Eligible Scholarship-Granting Organizations.

(a) ALLOWANCE OF CREDIT.—Subject to section 603(c) of the Delivering Immediate Relief to America's Families, Schools and Small Businesses Act, in the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of any qualified contributions made by the taxpayer during the taxable year.

(b) AMOUNT OF CREDIT.—The credit allowed under subsection (a) for any taxable year shall not exceed 10 percent of the taxpayer's adjusted gross income for the taxable year.

(c) DEFINITIONS.—For purposes of this section—

(1) ELIGIBLE SCHOLARSHIP-GRANTING ORGANIZATION.—The term ‘eligible scholarship-granting organization’ means—

(A) a State or local government or its agency, or any other State or local government entity, that is recognized as an eligible scholarship-granting organization under section 25A of the Internal Revenue Code of 1986, or

(B) an organization that—

(i) is described in section 501(c)(3) and exempt from taxation under section 501(a),

(ii) does not have as a purpose or activity the provision of scholarships or educational benefits without charge, or

(iii) does not maintain any influence or control over the use of any qualified contributions provided by the taxpayer.

(d) ELIGIBLE SCHOLARSHIP-GRANTING ORGANIZATION.—For purposes of subsection (c)(1)(B), a State with an existing, as determined by the Secretary of Education, in accordance with the purpose of this section, and a State with an existing, as determined by the State, to eligible scholarship-granting organizations under subsection (c)(1)(B), a State without a tax credit scholarship program shall use not less than 50 percent of the amount provided by the State to subgrants to eligible scholarship-granting organizations under subsection (a)(1)(B) in the State in proportion to the contributions received in calendar year 2019 that were eligible for a State tax credit if such contributions are used by the organization to provide scholarships to individual elementary and secondary students, including scholarships for attending private schools.

(e) REALLOCATION.—A State shall return to the Secretary any amounts of the allotment received under this section that the State does not award as subgrants under subsection (d) by March 30, 2021, and the Secretary shall reallocate such funds to the remaining eligible States in accordance with subsection (c).

(f) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—A qualifying scholarship awarded to a student from funds provided under this section shall not be considered assistance to the school or other educational provider that enrols, or provides educational services to, the student or the student’s parents.

(2) EXCLUSION FROM INCOME.—

(A) INCOME TAXES.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount received by an individual as a qualifying scholarship.

(B) FEDERALLY FUNDED PROGRAMS.—Any amount received by an individual as a qualifying scholarship shall not be taken into account as income or resources for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of such benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary.
(2) QUALIFIED CONTRIBUTION.—The term "qualified contribution" means a contribution of cash to any eligible scholarship-granting organization.

(3) QUALIFIED EXPENSE.—The term "qualified expense" means any educational expense that is—

(A) for an individual student’s elementary or secondary education, as recognized by the State, or

(B) for the secondary education component of an individual elementary or secondary education provider, as defined by section 3(5) of the Carl D. Perkins Career and Technical Education Act of 2002 (20 U.S.C. 7102(c)).

(4) QUALIFYING SCHOLARSHIP.—The term "qualifying scholarship" means a scholarship granted by an eligible scholarship-granting organization under this individual elementary or secondary student for a qualified expense.

(5) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the outlying areas (as defined in section 1121(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(c)), and the Department of the Interior Indian Education Program).

(6) RULES OF CONSTRUCTION.—

(A) Qualifying scholarship awarded to a student from the proceeds of a qualified contribution under this section shall not be considered assistance to the school or other educational provider that enrolls, or provides educational services to, the student or the student’s parents.

(2) EXCLUSION FROM INCOME.—Gross income shall not include any amount received by an individual as a qualifying scholarship and such amount shall not be taken into account as income or resources for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of such benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(3) PROHIBITION OF CONTROL OVER NON-PUBLIC EDUCATION PROVIDERS.—

(A)(i) Nothing in this section shall be construed to permit, allow, encourage, or authorize a State, or any political subdivision thereof, or any private, religious, or home education provider, whether or not a home education provider is treated as a private school or home school under State law.

(ii) This section shall not be construed to exclude private, religious, or home education providers from participation in programs or services under section 3263A(a).

(B) Nothing in this section shall be construed to permit, allow, encourage, or authorize an entity submitting a list of eligible scholarship-granting organizations on behalf of a State pursuant to section 6003(c)(5) of the Delivering Immediate Relief to America’s Families, Schools and Small Businesses Act shall disfavor or discourage the use of qualifying scholarships for the purchase of elementary and secondary education services, including those services provided by private or nonprofit entities, such as faith-based providers.

(7) STATE AUTHORITY.—Nothing in this section shall be construed to modify a State or local government’s authority and responsibility to fund education.

(8) DUAL ELIGIBILITY.—The Secretary shall prescribe such regulations or other guidance to ensure that the sum of the tax credits provided by Federal, State, or local governments for a taxpayer receiving a Federal tax credit in any taxable year does not exceed the sum of the qualified contributions made by the taxpayer for the taxable year.

(9) CARRYFORWARD OF CREDIT.—If a tax credit allowed under this section is not fully used within the applicable taxable year because of insufficient tax liability on the part of the taxpayer, the unused amount may be carried forward for a period not to exceed 5 years.

(10) ELECTION.—This section shall apply to a taxpayer for a taxable year only if the taxpayer elects to have this section apply for such taxable year.

(11) ALTERNATIVE MINIMUM TAX.—For purposes of calculating the alternative minimum tax under section 55, a taxpayer may use any credit received for a qualified contribution under this section.

(12) TERMINATION.—This section shall not apply to any contributions made in taxable years beginning after December 31, 2022.

(13) CREDIT FOR CORPORATIONS.—Subpart D of part IV of subchapter C of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Contributions to eligible scholarship-granting organizations."

(14) CREDIT FOR INCOME TAX RETURNING TO AMERICA’S FAMILIES, SCHOOLS AND SMALL BUSINESSES.—Subject to section 6003(c) of the Delivering Immediate Relief to America’s Families, Schools and Small Businesses Act, in the case of a tax return containing a qualified contribution, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of any qualified contributions (as defined in section 25E(c)(2)) made by such corporation during the taxable year.

(15) AMOUNT OF CREDIT.—The credit allowed under subpart D for any taxable year shall not exceed 5 percent of the taxpayer’s income (as defined in section 170(b)(2)(D)) of the domestic corporation for such taxable year.

(16) ADDITIONAL PROVISIONS.—For purposes of this section, any qualified contributions made by a domestic corporation shall be subject to the limitation provided in subpart D (including subsection (d) of such section), to the extent applicable.

(17) ELECTION.—This section shall apply to a taxpayer for a taxable year only if the taxpayer elects to have this section apply for such taxable year.

(18) TERMINATION.—This section shall not apply to any contributions made in taxable years beginning after December 31, 2022.

(19) CREDIT PART OF GENERAL BUSINESS CREDIT.—(a) IN GENERAL.—Subject to the provisions of section 38, in the case of a domestic corporation for any taxable year beginning after December 31, 2022, the credit allowed under section 38, in the case of a domestic corporation for such taxable year, shall not exceed $5,000,000,000.

(b) KEPT IN RESERVE.—The Secretary shall disfavor or discourage contributions to any qualified scholarship-granting organization, instead of through the web portal described in subsection (a), provided that the taxpayer, or the eligible scholarship-granting organization on behalf of the taxpayer, enter into an agreement with the Treasury, for a tax credit from the Secretary of the Treasury in coordination with the Secretary of Education.

(c) NATIONAL AND STATE LIMITATIONS ON CREDITS.—

(1) NATIONAL LIMITATION.—For each fiscal year, the total amount of qualifying contributions for which a credit is allowed under sections 25E and 45U of the Internal Revenue Code of 1986 shall not exceed $5,000,000,000.

(2) ALLOCATION OF LIMITATION.—(a) INITIAL ALLOCATIONS.—For each calendar year, with respect to the limitation under paragraph (1), the Secretary of the Treasury, in consultation with the Secretary of Education, shall—

(i) allocate to each State an amount equal to the sum of the qualifying contributions made in the State in the previous year; and

(ii) from any amounts remaining following allocations made under clause (i), allocate to each participating State an amount equal to the sum of—

(A) the amount that bears the same relationship to 20 percent of such remaining amount as the number of individuals aged 5 through 17 in the State, as determined by the Secretary of Education, bears to the number of those individuals in all such States, as so determined; and

(B) the amount that bears the same relationship to 80 percent of such remaining amount as the number of individuals aged 5
through 17 from families with incomes below the poverty line in the State, as determined by the Secretary of Education, on the basis of the most recent satisfactory data, bears to the number of the individuals in all such States, as so determined.

(B) MINIMUM ALLOCATION.—Notwithstanding subparagraph (A), no State receiving an allocation under this section shall receive less than ½ of 1 percent of the amount allocated for a fiscal year.

(3) ALLOWABLE PARTNERSHIPS.—A State may only administer the allocation it receives under paragraph (2) in partnership with one or more States, provided that the eligible scholarship-granting organizations in each partner State serve students who reside in all States in the partnership.

(4) TOTAL ALLOCATION.—A State’s allocation, for any fiscal year, is the sum of the amount determined for such State under subparagraphs (A) and (B) of paragraph (2).

(5) ALLOCATION AND ADJUSTMENTS.—

(A) INITIAL ALLOCATION.—Not later than November 1 of the year preceding a year for which there is a national limitation on credits under paragraph (1) (referred to in the “applicable year”)), or as early as practicable with respect to the first year, the Secretary of the Treasury shall announce the State allocations under paragraphs (A) and (B) of subparagraph (B) of paragraph (2).

(B) LIST OF ELIGIBLE SCHOLARSHIP-GRA NTING ORGANIZATIONS.—

(i) IN GENERAL.—Not later than January 1 of each fiscal year, or as early as practicable with respect to the first year, the Secretary of the Treasury shall declare by notice of intent whether or not a scholarship-granting organization is eligible to receive an allocation under this section which is also used in section 25E of title 26, any reference in this section to the term “eligible scholarship-granting organization” shall include a reference to the following exempt organizations:

(ii) In the case of any distribution made after the date of the enactment of the Delivering Immediate Relief to America’s Families, Schools and Small Businesses Act of 2020 (Public Law 116–136), and any applicable year, the Secretary of the Treasury shall provide the Secretary of the Treasury a list of eligible scholarship-granting organizations, including a certification that the entity submitting the list on behalf of a State has the authority to perform this function.

(iii) RECLOSURE.—Neither this section nor any other Federal law shall be construed as limiting the entities that may submit the list on behalf of a State.

(C) REALLOCATION OF UNCLAIMED CREDITS.—The Secretary of the Treasury shall reallocate a State’s allocation to other States, in accordance with paragraph (2), if the State—

(i) chooses not to identify scholarship-granting organizations under subparagraph (B) in any applicable year; or

(ii) does not have an existing eligible scholarship-granting organization with whom it would be possible to administer the allocation.

(D) REALLOCATION.—On or after April 1 of any applicable year, the Secretary of the Treasury may reallocate, to one or more other States, any unallocated eligible scholarship-granting organizations in the States, without regard to paragraph (2), the allocation of a State for which the State’s allocation has not been claimed.

(D) DEFINITIONS.—Any term used in this section which is also used in section 25E of the Internal Revenue Code of 1986 shall have the same meaning as when used in such section.

SEC. 6004. 529 ACCOUNT FUNDING FOR H OME SCHOOLS AND ADDITIONAL ELEMENTARY AND SECONDARY EXPENSES.

(a) IN GENERAL.—Section 529(c)(7) of the Internal Revenue Code of 1986 amended—

(1) by striking “Any reference” and inserting ”(A) IN GENERAL.—Any reference”, and

(2) by adding at the end the following new subparagraphs:

(B) ADDITIONAL EXPENSES.—In the case of any distribution made after the date of the enactment of the Delivering Immediate Relief to America’s Families, Schools and Small Businesses Act and before January 1, 2023, this section shall include a reference to the following additional expenses in connection with enrollment or attendance at, or for students enrolled at or attending, an elementary or secondary public, private, or religious school:

(i) Tuition for advanced placement examination, or any examination related to college or university admission.

(ii) Fees for a nationally standardized norm-referenced achievement test, an advanced placement examination, or any examinations related to college or university admission.

(iii) Tuition for tutoring or educational classes outside of the home, including at a tutoring facility, but only if the tutor or instructor is not related to the student and—

(A) is licensed as a teacher in any State, or

(B) has taught at an eligible educational institution, or

(C) is a subject matter expert in the relevant subject.

(iv) Fees for a nationally standardized norm-referenced achievement test, an advanced placement examination, or any examinations related to college or university admission.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any distribution made after the date of the enactment of this Act.

Subtitle B—Back to Work Child Care Grants

SEC. 6010. BACK TO WORK CHILD CARE GRANTS.

(a) PURPOSE.—The purpose of this section is to support the recovery of the United States economy by providing assistance to aid in reopening child care programs, and maintaining the availability of child care in the United States, so that parents can access safe care and make child care arrangements.

(b) DEFINITIONS.—In this section:

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

(2) ELIGIBLE CHILDMAP PROVIDER.—The term “eligible child care provider” means—

(A) an eligible child care provider as defined in section 658B(p)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9888b(p)(1));

(B) a child care provider that—

(i) is license-exempt and operating legally in the State;

(ii) is not providing child care services to relatives; and

(iii) satisfies State and local requirements, including those referenced in section 658B(c)(2)(D) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9888b(c)(2)(D))

(3) INDIVIDUALS.—The term “individual” includes individuals who are individuals who are eligible to receive the relevant grant funds if such State, Indian tribe, or tribal organization fails to provide assurances that meet the requirements of subsection (f).

(4) LEAD AGENCY.—The term “lead agency” has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9885n).

(c) QUALIFIED CHILD CARE PROVIDER.—The term “qualified child care provider” means any eligible child care provider as defined in section 658B(p)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9888b(p)(1)).

(d) PROCESS FOR ALLOCATION OF FUNDS.—

(1) IN GENERAL.—Any funds that are appropriated to carry out this section shall be distributed by the Secretary to the lead agency of each State, Indian tribe, or tribal organization that seeks a notice of intent to provide assurances under subsection (g) of this section, the Secretary shall make grants to States, Indian tribes, and tribal organizations a notice of intent to provide assurances under subsection (c) from allotments and payments under subsection (e)(2). The Secretary shall issue a notice of the funding allocations for each State, Indian tribe, and tribal organization not later than 14 days after funds are appropriated to carry out this section.

(2) NOTICE.—Not later than 14 days after issuance of a notice of funding allocations under paragraph (1), a State, Indian tribe, or tribal organization that seeks to provide assurances under this section, the Secretary shall provide a notice of intent to provide assurances for such grant. The notice of intent shall include a certification that the State, Indian tribe, or tribal organization agrees to repay the grant funds if such State, Indian tribe, or tribal organization fails to provide assurances that meet the requirements of subsection (f) or to comply with such an assurance.

(3) ALLOCATIONS TO TRIBAL ORGANIZATIONS.—Any funds that are appropriated to carry out this section shall be distributed by the Secretary to the lead agency of each State, Indian tribe, or tribal organization that seeks to provide assurances under subsection (g) of this section, the Secretary shall make grants to States, Indian tribes, and tribal organizations a notice of intent to provide assurances under subsection (c) from allotments and payments under subsection (e)(2). The Secretary shall issue a notice of the funding allocations for each State, Indian tribe, and tribal organization not later than 14 days after funds are appropriated to carry out this section.

(4) ALLOCATIONS TO TRIBAL ORGANIZATIONS.—Any funds that are appropriated to carry out this section shall be distributed by the Secretary to the lead agency of each State, Indian tribe, or tribal organization that seeks to provide assurances under subsection (g) of this section, the Secretary shall make grants to States, Indian tribes, and tribal organizations a notice of intent to provide assurances under subsection (c) from allotments and payments under subsection (e)(2). The Secretary shall issue a notice of the funding allocations for each State, Indian tribe, and tribal organization not later than 14 days after funds are appropriated to carry out this section.

(5) ALLOCATIONS TO TRIBAL ORGANIZATIONS.—Any funds that are appropriated to carry out this section shall be distributed by the Secretary to the lead agency of each State, Indian tribe, or tribal organization that seeks to provide assurances under subsection (g) of this section, the Secretary shall make grants to States, Indian tribes, and tribal organizations a notice of intent to provide assurances under subsection (c) from allotments and payments under subsection (e)(2). The Secretary shall issue a notice of the funding allocations for each State, Indian tribe, and tribal organization not later than 14 days after funds are appropriated to carry out this section.

(6) ALLOCATIONS TO TRIBAL ORGANIZATIONS.—Any funds that are appropriated to carry out this section shall be distributed by the Secretary to the lead agency of each State, Indian tribe, or tribal organization that seeks to provide assurances under subsection (g) of this section, the Secretary shall make grants to States, Indian tribes, and tribal organizations a notice of intent to provide assurances under subsection (c) from allotments and payments under subsection (e)(2). The Secretary shall issue a notice of the funding allocations for each State, Indian tribe, and tribal organization not later than 14 days after funds are appropriated to carry out this section.

(7) ALLOCATIONS TO TRIBAL ORGANIZATIONS.—Any funds that are appropriated to carry out this section shall be distributed by the Secretary to the lead agency of each State, Indian tribe, or tribal organization that seeks to provide assurances under subsection (g) of this section, the Secretary shall make grants to States, Indian tribes, and tribal organizations a notice of intent to provide assurances under subsection (c) from allotments and payments under subsection (e)(2). The Secretary shall issue a notice of the funding allocations for each State, Indian tribe, and tribal organization not later than 14 days after funds are appropriated to carry out this section.

(8) ALLOCATIONS TO TRIBAL ORGANIZATIONS.—Any funds that are appropriated to carry out this section shall be distributed by the Secretary to the lead agency of each State, Indian tribe, or tribal organization that seeks to provide assurances under subsection (g) of this section, the Secretary shall make grants to States, Indian tribes, and tribal organizations a notice of intent to provide assurances under subsection (c) from allotments and payments under subsection (e)(2). The Secretary shall issue a notice of the funding allocations for each State, Indian tribe, and tribal organization not later than 14 days after funds are appropriated to carry out this section.

(9) ALLOCATIONS TO TRIBAL ORGANIZATIONS.—Any funds that are appropriated to carry out this section shall be distributed by the Secretary to the lead agency of each State, Indian tribe, or tribal organization that seeks to provide assurances under subsection (g) of this section, the Secretary shall make grants to States, Indian tribes, and tribal organizations a notice of intent to provide assurances under subsection (c) from allotments and payments under subsection (e)(2). The Secretary shall issue a notice of the funding allocations for each State, Indian tribe, and tribal organization not later than 14 days after funds are appropriated to carry out this section.
such amount to make allotments and pay-
ments, to States, Indian tribes, and tribal or-
ganizations that submit such a notice of in-
tent to provide assurances, in accordance with
paragraphs (3) and (4) of subsection (b), and sub-
section (b), of section 6580 of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9358m), for the grants described in subsection (c).

(f) ASSURANCES.—A State, Indian tribe, or tribal organization that receives a grant under subsection (c) shall provide to the Sec-
retary assurances that the lead agency will:

(1) require as a condition of subgrant fund-
ing under subsection (g) that each eligible child care provider applying for a subgrant from the lead agency—
(A) has been an eligible child care provider in continuous operation and serving children through a child care program immediately prior to March 1, 2020;
(B) agree to follow all applicable State, local, and tribal health and safety require-
ments and, if applicable, enhanced protocols for child care services and related to COVID–19 or another health or safety condition;
(C) agree to comply with the documenta-
tion and reporting requirements under sub-
section (b); and
(D) certify in good faith that the child care program of the provider will remain open for not less than 1 year after receiving such a subgrant.

(2) ensure that each subgrant made under this section be limited to extraordinary circumstances, including a state of emergency declared by the Governor or a major disaster or emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191);

(3) ensure that subgrant funds are made available to eligible child care providers re-
gardless of whether the eligible child care provider is providing services for which as-
sistance is made available under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) at the time of applica-
tion for a subgrant;

(4) through at least December 31, 2020, con-
tinue to make subgrants provided under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) for the pur-
pose of continuing payments and assistance to qualified child care providers other than by direct disbursements to the provider, and make sub-
grants to a qualified child care provider, if the lead agency makes each subgrant individually for

(A) shall use a portion that is not less than 94 percent of the grant funds to award sub-
grants to qualified child care providers as de-
scribed in the lead agency’s assurances pur-
suant to subsection (i);

(B) reserve not more than 6 percent of the funds to—

(vi) making facility changes and repairs to address enhanced protocols for child care services related to COVID-19 or another health or safety condition;
(vii) purchasing or updating equipment and supplies to serve children during nontradi-
tional hours;
(viii) adapting the child care program or curricula to accommodate children who have not had recent access to a child care setting;
(ix) making other purchases or expenditures that are needed to sustain the operations of the lead agency, the subgrantees, and the child care programs that have received subgrant funds under this section for the period described in subparagraph (x); and

(ix) implements the lead agency’s assurances pursuant to subsection (h) to the lead agency, in-
cluding, as applicable, payroll, employee benefits, mortgage or rent, utilities, insurance, described in subparagraph (B)(ii); and

(ii) data on current operating capacity, taking into account previous operating ca-
pacity for a period of time prior to the COVID–19 public health emergency, and up-
dated group size limits and staff-to-child ra-
tios;

(iii) child care enrollment, attendance, and revenue projections based on current oper-
ating capacity and previous enrollment and revenue for the period described in subclause (I);

(iv) a demonstration of how the subgrant funds will assist in promoting the long-term viability of the eligible child care provider and how the eligible child care provider will sustain operations without the cessation of funding under this section;

(v) assures that the eligible child care provider will—
(I) report to the lead agency, before every month for which the subgrant funds are to be received, data on current financial charac-
teristics, including revenue, and data on cur-
rent average enrollment and attendance;
(vi) not artificially suppress revenue, en-
rrollment, or attendance for the purposes of receiving subgrant funds;
(vii) provide the necessary documentation under subsection (h) to the lead agency, in-
cluding providing documentation of expendi-
tures of subgrant funds; and

(C) SUBGRANT APPLICATION.—To be qua-
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child care services and related to COVID-19 or another health or safety condition; and

(iii) a certification in good faith that the child care program will remain open for not less than 12 months after receiving a subgrant under this paragraph, unless such program is closed due to extraordinary circumstances described in subsection (f)(1)(D).

(3) Subgrant installment.—In providing funds through a subgrant under this paragraph—

(i) the lead agency shall—

(II) disburse such subgrant funds to a qualified child care provider in installments made not less than once monthly;

(II) make subgrant installments to any qualified child care provider for a period of not more than 9 months; and

(ii) the lead agency may, notwithstanding subparagraph (E)(ii), disburse an initial subgrant installment to a qualified child care provider in a greater amount than that subparagraph provides for, and adjust the succeeding installments, as applicable.

(E) SUBGRANT INSTALLMENT AMOUNT.—The lead agency—

(i) shall determine the amount of a subgrant installment under this paragraph by basing an outcome on—

(aa) at a minimum, the fixed costs associated with the provision of child care services by a qualified child care provider; and

(bb) at the election of the lead agency, an additional amount determined by the lead agency, for the purposes of assisting qualified child care providers in subpart C of part B of subtitle IV of title XIX of the Social Security Act, with increased operating costs and lost revenue, associated with the COVID–19 public health emergency; and

(ii) any other methodology that the lead agency determines to be appropriate, and which is disclosed in reporting submitted by the lead agency under subsection (i)(6)(B);

(ii) in clause (ii), by striking ''and'' at the end;

(iii) the number of child care slots, in the capacity of a qualified child care provider, given applicable group size limits and staff-to-child ratios, that were open for attendance of children on March 1, 2020, and each of the 11 months following, disaggregated by age of children served, geography, region, center-based child care setting, and family child care setting;

(iii) the number of qualified child care providers that received a subgrant under subsection (g)(4), disaggregated by age of children served, geography, region, center-based child care setting, and family child care setting;

(iv) the number of qualified child care providers in operation and serving children on March 1, 2020, and each of the 11 months following, disaggregated by age of children served, geography, region, center-based child care setting, and family child care setting;

(v) information concerning how qualified child care providers receiving grants under subsection (g)(4) used the subgrant funding received, disaggregated by the allowable uses of funds described in subsection (g)(4)(B).

(B) REPORT TO CONGRESS.—Not later than 90 days after receiving the lead agency reports required under subparagraph (A), the Secretary shall make publicly available and provide to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report summarizing the findings of the lead agency reports.

(I) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the activities under this section.

(J) EXCLUSION FROM INCOME.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount received by a qualified child care provider under this section.
(4) in subsection (e)(1)—
   (A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and
   (B) by inserting after subparagraph (A), the following:
      "(B) TEMPORARY FLEXIBILITY.—During a public health emergency under section 319, the Secretary, in consultation with the Department of Health and Human Services, shall not apply with respect to salaries paid pursuant to section 319, or a major disaster or emergency under section 319C–1(b); and
      (C) SUPPLEMENT NOT SUPPLANT.—Awards, contracts, or grants awarded under this subsection shall supplement, not supplant, the resources already in place by a State or other entity pursuant to an award under this subsection.
   (C) ADMINISTRATIVE EXPENSES.—More than 5 percent of funds awarded under this subsection may be used for administrative expenses.
      (D) CLARIFICATION.—An eligible entity receiving an award under this subsection may assign a lead entity to manage the State stockpile, which may be a recipient of an award under section 319C–2(b).
   (F) REQUIREMENT OF MATCHING FUNDS.—
      (i) IN GENERAL.—Subject to clause (ii), the Secretary may not make an award under this subsection unless the applicant agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in this subsection, to make non-Federal contributions toward such costs in an amount equal to—
         (I) for each of fiscal years 2023 and 2024, not less than $1 for each $3 of Federal funds provided in the award;
         (II) for each of fiscal years 2025 and 2026, not less than $1 for each $4 of Federal funds provided in the award; and
         (III) for fiscal year 2027 and each fiscal year thereafter, not less than $1 for each $3 of Federal funds provided in the award.
      (ii) WAIVER.—
         (I) IN GENERAL.—The Secretary may, upon the request of a State, waive the requirement under clause (i) if the Secretary determines that extraordinary economic conditions in the State in the fiscal year involved or in the previous fiscal year justifies the waiver.
         (II) APPLICABILITY OF WAIVER.—A waiver provided by the Secretary under this subparagraph shall apply only to the fiscal year involved.
   (3) STOCKPILING ACTIVITIES AND REQUIREMENTS.—A recipient of an award under this subsection shall use such funds to carry out the following:
      (A) Maintaining a stockpile of appropriate pharmaceutical products and medical devices, including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the stockpile, including drugs, vaccines, and other biological products, medical devices, and diagnostic tests to be used during a public health emergency declared by the Secretary.
      (B) Maintaining an inventory of appropriate supplies, including pharmaceutical products, medical devices, and other supplies (including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the stockpile), and amounts as the State determines necessary, consistent with such State's stockpile plan. Such a recipient may not use funds to support the maintenance of such stockpile during the public health emergency declared by the Secretary.
   (4) STATE PLAN COORDINATION.—The Secretary may require entities receiving an award under this subsection to maintain a stockpile of appropriate supplies for use in the State, in an amount equal to—
      (A) in paragraph (3)(A)(i), by striking "Not later than 1 year after the date of enactment of this subsection" and inserting "Not later than 180 days after the date of enactment of the Delivering Immediate Relief to America's Families, Schools and Small Businesses Act;"; and
      (B) in paragraph (2), by striking "Not later than 1 year after the date of enactment of this subsection" and inserting "Not later than 1 year after the date of enactment of the Delivering Immediate Relief to America's Families, Schools and Small Businesses Act;".
   (b) MEDICAL COUNTERMEASURE INNOVATION PARTNER.—The restrictions under section 302 of Division B, Consolidated Appropriations Act, 2020 (Public Law 116–94), or any other provision of law imposing a restriction on salaries of individuals related to a previous appropriation to the Department of Health and Human Services, shall not apply with respect to salaries paid pursuant to an agreement under the medical countermeasure innovation partner program under section 319L(c)(4)(E) of the Public Health Service Act (42 U.S.C. 247d–7(e)(4)(E)).

SEC. 7002. IMPROVING AND SUSTAINING STATE MEDICAL STOCKPILES—
   (a) COORDINATION.—Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended by adding at the end the following:
      "(1) IMPROVING AND MAINTAINING STATE MEDICAL STOCKPILES.—
         (A) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall award grants, contracts, or cooperative agreements to eligible entities to maintain a stockpile of appropriate drugs, vaccines and other biological products, medical devices, and other supplies (including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the stockpile) to be used during a public health emergency declared by the Secretary.
         (B) REVIEW AND AUDIT.—The Assistant Secretary for Preparedness and Response, through the Assistant Secretary for Preparedness and Response, shall develop and implement a process to review and audit such grants, contracts, or cooperative agreements for the purpose of ensuring that the funds provided under such grants, contracts, or cooperative agreements are used in accordance with the terms of any such agreement, and for the physical security of the stockpile, as appropriate.
         (C) PERFORMANCE AND ACCOUNTABILITY.—(A) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall develop and implement a process to review and audit entities in receipt of awards under this subsection, including by establishing metrics to ensure that each entity receiving such an award is carrying out activities in accordance with the applicable State stockpile plan. The Secretary may require entities to—
            (i) measure progress toward achieving the outcome goals; and
            (ii) prepare, in consultation with appropriate Federal, State, and local officials, plans for periodic testing of the stockpile; and
         (B) NOTICE OF FAILURE.—The Secretary shall develop and implement a process to notify entities that are determined by the Secretary to have failed to meet the requirements of this subsection. Such process shall provide such entities with the opportunity to correct such
noncompliance. An entity that fails to correct such noncompliance shall be subject to subparagraph (C).

(9) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $1,000,000,000 for each of fiscal years 2021 through 2030, to remain available until expended.

SEC. 7003. STRENGTHENING THE STRATEGIC NATIONAL STOCKPILE.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 241a–6b) is amended—

(A) in paragraph (2)(A), by adding “and the contracts issued under paragraph (5)” after “paragraph (1)”;

(B) in paragraph (3)(F), by striking “Secretary of Homeland Security” and inserting “Secretary of Health and Human Services, in coordination with or at the request of, the Secretary of Homeland Security.”;

(c) by redesigning paragraph (5) as paragraph (6);

(d) by inserting after paragraph (4) the following:

“(5) SURGE CAPACITY.—The Secretary, in maintaining the stockpile under paragraph (1) and carrying out procedures under paragraph (5), may enter into contracts or cooperative agreements with vendors for procurement, maintenance, and storage of reserve amounts of drugs, vaccines and other biological products, medical devices, and other medical supplies (including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the administration of drugs, vaccines and other biological products, medical devices, and diagnostic tests to the stockpile), under such terms and conditions (including quantity, production schedule, maintenance costs, and price of product) as the Secretary may specify, including for purposes—

(i) maintenance and storage of reserve amounts of products intended to be delivered to the ownership of the Federal Government under the contract, which may require cost of shipping, or otherwise transporting, handling, storage, and related costs for such product or products; and

(ii) maintaining domestic manufacturing capacity of such products to ensure additional reserved production capacity of such products is available, and that such products are purchased in a timely manner, to be delivered to the ownership of the Federal Government under the contract and deployed in the event the Secretary determines that there is a need to quickly purchase additional quantities of such product; and

(B) promulgate such regulations as the Secretary determines necessary to implement subparagraph (A) and the requirements of subparagraph (A), as applicable.

(E) in subparagraph (A) of paragraph (6), as so redesignated—

(i) in clause (vii), by striking “and” and inserting “and”;

(ii) in clause (ix), by striking the period and inserting “;” and “; and”;

(iii) by adding at the end the following:

“(x) in the case of the contractors or cooperative agreements entered into pursuant to paragraph (5);”;

and

(2) in subsection (c)(2)(C), by striking “on an annual basis” and inserting “not later than March 15 of each year”.

TITLE VIII—CORONAVIRUS RELIEF FUND EXTENSION

SEC. 8001. EXTENSION OF PERIOD TO USE CORONAVIRUS RELIEF FUND PAYMENTS.


TITLE IX—CHARITABLE GIVING

SEC. 9001. INCREASE IN LIMITATION ON PARTIAL ABOVE THE LINE DEDUCTION FOR CHARITABLE CONTRIBUTIONS.

(a) INCREASE.—

(1) IN GENERAL.—Paragraph (2)(a) of section 62(a) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) CHARITABLE CONTRIBUTIONS.—In the case of a taxable year beginning in 2020 of an individual to whom section 62(a) applies for such taxable year, the deduction under section 170(a) (determined without regard to section 170(b)) for qualified charitable contributions (not in excess of the applicable amount).”.

(2) APPLICABLE AMOUNT.—Paragraph (1) of section 62(f) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) APPLICABLE AMOUNT.—The term ‘applicable amount’ means $900 (twice such amount in the case of a joint return).”.

(c) CONFORMING AMENDMENTS.—Section 62(f)(2)(C) of such Code is amended by striking “(determined without regard to subsection (b)” after “applicable amount” and inserting “(determined without regard to subsection (b) thereof)”.?

(b) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO OVERSTATED DEDUCTION.—

(1) IN GENERAL.—Section 6662(b) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (1) the following:

“(9) Any overstatement of qualified charitable contributions (as defined in section 62(f)).”.

(2) INCREASED PENALTY.—Section 6662 of such Code is amended by adding at the end the following new subsection:

“(1) INCREASE IN PENALTY IN CASE OF OVERSTATEMENT OF QUALIFIED CHARITABLE CONTRIBUTIONS.—In the case of any portion of an underpayment which is attributable to one or more personal charitable contributions (as defined in section 62(f)), subsection (a) shall be applied with respect to such portion by substituting ‘50 percent’ for ‘20 percent’.

(3) EXCEPTION TO APPROVAL OF ASSESSMENT.—Section 6751(b)(2)(A) is amended by striking “or 6655” and inserting “6655, or 6662 (but only with respect to an addition to tax by reason of subsection (b)(9) thereof)”.

(4) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 30, 2020.

TITLE X—CRITICAL MINERALS

SEC. 10001. MINERAL SECURITY.

(a) DEFINITIONS.—In this section:

(1) BYPRODUCT.—The term “byproduct” means a critical mineral;

(2) CRITICAL MINERAL.—The term “critical mineral” means any mineral, element, substance, or material designated as critical by the Secretary under section 1343(a); and

(3) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(G) the United States Virgin Islands.

(b) POLICY.—

(1) IN GENERAL.—Section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602) is amended in the second sentence—

(A) by striking paragraph (3) and inserting the following:

“(3) establish an analytical and forecasting capability for identifying critical mineral demand, supply, and other factors to allow informed actions to be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts;”.

(B) in paragraph (6), by striking “and” after the semicolon at the end; and

(C) by striking paragraph (7) and inserting the following:

“(7) facilitate the availability, development, and environmentally responsible production of domestic resources to meet national material or critical mineral needs;”.

(2) avoid duplication of effort, prevent unnecessary paperwork, and minimize delays in the administration of applicable laws (including regulations) and the issuance of permits and authorizations necessary to explore for, develop, and produce critical minerals and to construct critical mineral manufacturing facilities in accordance with applicable environmental and land management laws:

(3) strengthen—

(A) educational and research capabilities at not lower than the secondary school level; and

(B) workforce training for exploration and development of critical minerals and critical mineral materials.

(4) bolster international cooperation through technology transfer, information sharing, and other means;

(5) promote domestic production, use, and recycling of critical minerals;

(6) develop alternatives to critical minerals; and

(7) establish contingencies for the production of, or access to, critical minerals for which viable sources do not exist within the United States.

(2) CONFORMING AMENDMENT.—Section 2(b) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601(b)) is amended by striking “(b) Amended in this Act, the term” and inserting the following:

“(b) DEFINITIONS.—In this Act:

(1) CRITICAL MINERAL.—The term ‘critical mineral’ means any mineral, element, substance, or material designated as critical by the Secretary under section 1318(c) of the National Defense Authorization Act for Fiscal Year 2021.

(2) MATERIALS.—The term ‘materials’;

(c) CRITICAL MINERAL DESIGNATIONS.—

(1) DRAFT METHODOLOGY AND LIST.—The Secretary, acting through the Director of the United States Geological Survey (referred to in this subsection as the ‘Secretary’), shall publish in the Federal Register for public comment—
(A) a description of the draft methodology used to identify a draft list of critical minerals; (B) a draft list of minerals, elements, substances, or materials that qualify as critical minerals; and (C) a draft list of critical minerals recovered as byproducts.

(2) AVAILABILITY OF DATA.—If available data are insufficient to provide a quantitative basis for the methodology developed under this subsection, qualitative evidence may be used to the extent necessary.

(3) FINAL METHODOLOGY AND LIST.—After reviewing public comments on the draft methodology and the draft lists published under paragraph (1) and updating the methodology as appropriate, not later than 45 days after the date on which the public comment period with respect to the draft methodology and draft lists closes, the Secretary shall publish in the Federal Register—

(A) a description of the final methodology for determining which minerals, elements, substances, or materials qualify as critical minerals; (B) the final list of critical minerals; and (C) the final list of critical minerals recovered as byproducts.

(4) DESIGNATIONS.—

(A) IN GENERAL.—For purposes of carrying out this subsection, the Secretary shall maintain a list of minerals, elements, substances, and materials designated as critical, pursuant to the final methodology published under paragraph (3), that the Secretary determines—

(i) are essential to the economic or national security of the United States; (ii) sufficiently of which is vulnerable to disruption (including restrictions associated with foreign political risk, abrupt demand growth, military conflict, violent unrest, anti-competitive or protectionist behaviors, and other risks throughout the supply chain); and (iii) serve an essential function in the manufacturing of a product (including energy technology, defense-, currency-, agriculture-, consumer electronics-, and health care-related applications), the absence of which would have significant consequences for the economic or national security of the United States.

(B) INCLUSIONS.—Notwithstanding the criteria described in subparagraph (A), the Secretary may designate and include on the list any mineral, element, substance, or material determined by another Federal agency to be strategic, critical, or essential to the defense or national security of the United States.

(C) REQUIRED CONSULTATION.—The Secretary shall consult with the Secretaries of Defense, Commerce, Agriculture, and Energy and the United States Trade Representative in designating minerals, elements, substances, and materials as critical under this paragraph.

(5) SUBSEQUENT REVIEW.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretaries of Commerce, Agriculture, and Energy and the United States Trade Representative, shall review the methodology and list under paragraph (3) and the designations under paragraph (4), at least every 3 years, or more frequently as the Secretary considers to be appropriate.

(B) REVISIONS.—Subject to paragraph (4)(A), the Secretary may—

(i) revise the methodology described in this subsection; (ii) determine that minerals, elements, substances, or materials previously determined to be critical minerals are no longer critical minerals; and (iii) designate additional minerals, elements, substances, or materials as critical minerals.

(6) NOTICE.—On finalization of the methodology established under paragraph (3), or any revision to the methodology or list under paragraph (5), the Secretary shall submit to Congress written notice of the action.

(7) RESOURCE ASSESSMENT.—

(A) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, in consultation with the Secretaries of Defense, Energy and Agriculture, the Secretary shall publish a comprehensive national assessment of each critical mineral that—

(i) identifies and quantifies known critical mineral resources, using all available public and private information and datasets, including exploration histories; and (ii) provides a qualitative assessment of undiscovered critical mineral resources throughout the United States, including probability estimates of tonnage and grade, using all available public and private information and datasets, including exploration histories.

(B) SUPPLEMENTARY INFORMATION.—In carrying out this subsection, the Secretary may carry out surveys and field work (including drilling, remote sensing, geophysical surveys, topographical mapping, and geochemical sampling and analysis) to supplement existing information and datasets available for determining the existence of critical minerals in the United States.

(C) PUBLIC ACCESS.—Subject to applicable law, to the maximum extent practicable, the Secretary shall maintain a list of minerals, elements, substances, or materials designated as critical under this subsection based on—

(i) identifies and quantifies known critical mineral resources, using all available public and private information and datasets, including exploration histories; and (ii) provides a qualitative assessment of undiscovered critical mineral resources throughout the United States, including probability estimates of tonnage and grade, using all available public and private information and datasets, including exploration histories.

(8) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the status of geological surveying of the United States, and any necessary additional legislative action—

(A) for which the United States was dependent on a foreign country for more than 25 percent of the United States supply, as depicted in the report issued by the United States Geological Survey entitled "Mineral Commodity Summaries 2020"; but

(B) that is not designated as a critical mineral under subsection (c).

(e) PERMITTING.—

(1) IN GENERAL.—It is the sense of Congress that—

(A) critical minerals are fundamental to the economy, competitiveness, and security of the United States; (B) to the maximum extent practicable, the critical mineral needs of the United States should be satisfied by minerals responsibly produced and recycled in the United States; and

(C) the Federal permitting process has been identified as an impediment to mineral production and the mineral security of the United States.

(2) PERFORMANCE IMPROVEMENTS.—To improve the quality and timeliness of decisions, the Secretary (acting through the Director of the Office of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) shall, to the maximum extent practicable, with respect to critical mineral production on Federal land, complete Federal permitting and review processes with maximum efficiency and effectiveness, while supporting vital economic growth—

(A) establishing and adhering to timelines and schedules for the consideration of, and final decisions regarding, applications, operating plans, leases, licenses, permits, and other use authorizations for mineral-related activities on Federal land; (B) establishing clear, quantifiable, and temporal permitting performance goals and tracking progress against those goals; (C) engaging in early collaboration among agencies, project sponsors, and affected stakeholders—

(i) to incorporate and address the interests of those parties; and (ii) to minimize delays; (D) ensuring transparency and accountability by using cost-effective information technology to collect and disseminate information regarding individual projects and agency performance;

(E) engaging in early and active consultation with State, local, and Indian tribal governments to avoid conflicts or duplication of effort, resolve concerns, and allow for concurrent, rather than sequential, reviews; (F) providing demonstrable improvements in the performance of Federal permitting and review processes, including lower costs and more timely decisions; (G) expanding and institutionalizing permitting and review process improvements that have proven effective; (H) developing mechanisms to better communicate permitting priorities; and (I) resolving disputes among agencies at the national, regional, State, and local levels; and

(I) developing other practices, such as preapplication procedures.

(3) REVIEW AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall submit to Congress a report describing—

(A) identifies additional measures (including regulatory and legislative proposals, as
appropriate) that would increase the timeliness of permitting activities for the exploration and development of domestic critical minerals.

(2) Identifies options (including cost recovery paid by permit applicants) for ensuring adequate staffing and training of Federal entities and personnel responsible for conducting, reviewing, operating plans, leases, licenses, permits, and other use authorities for critical mineral-related activities on Federal land.

(3) Describes-and/or existing—critical mineral exploration or mine permit.

(4) PERFORMANCE METRIC.—Not later than 90 days after the date of submission of the report required under paragraph (3), the Secretary, after providing public notice and an opportunity to comment, shall develop and publish a performance metric for evaluating the progress of the executive branch in expediting the permitting of activities that will increase exploration for, and development of, domestic critical minerals, while maintaining environmental standards.

(5) ANNUAL REPORTS.—Beginning with the first budget submission by the President under chapter 6 of title 5, United States Code, after publication of the performance metric required under paragraph (4), and annually thereafter, the Secretary shall submit to Congress a report that—

(A) summarizes the implementation of recommendations, measures, and options identified in subparagraphs (A) and (B) of paragraph (3);

(B) using the performance metric under paragraph (4), describes progress made by the executive branch, as compared to the baseline line established pursuant to paragraph (3)(A), in expediting the permitting of activities that will increase exploration for, and development of, domestic critical minerals; and

(C) compares the United States to other countries in terms of permitting efficiency and any other criteria relevant to the globally competitive critical minerals industry.

(6) INDIVIDUAL PROJECTS.—Using data from the Secretaries generated under paragraph (5), the Director of the Office of Management and Budget shall prioritize inclusion of individual critical mineral projects on the website operated by the Office of Management and Budget in accordance with section 1122 of title 31, United States Code.

(7) REPORT OF SMALL BUSINESS ADMINISTRATION.—Not later than 1 year and 300 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the applicable committees of Congress a report that assesses the performance of Federal agencies with respect to—

(A) complying with chapter 6 of title 5, United States Code (commonly known as the “Regulatory Flexibility Act”), in promulgating regulations or directives applicable to the critical minerals industry; and

(B) performing an analysis of regulations applicable to the critical minerals industry that are duplicative, inefficient, duplicative, or excessively burdensome.

(F) FEDERAL REGISTER PROCESS.—

(1) DEPARTMENTAL REVIEW.—Absent any extraordinary circumstance, and except as otherwise required by law, the Secretary and the Secretary of Agriculture shall ensure that each Federal Register notice described in paragraph (2) shall be—

(A) subject to any required reviews within the Department of the Interior or the Department of Agriculture; and

(B) published in final form in the Federal Register not later than 45 days after the date of initial preparation of the notice.

(2) FEDERAL REGISTER.—The preparation of Federal Register notices required by law associated with the issuance of a critical mineral exploration or mine permit shall be delegated to the organizational level within the agency responsible for issuing the critical mineral exploration or mine permit.

(3) TRANSMISSION.—All Federal Register notices regarding official document availability, announcements of meetings, or notices of intent to undertake an action shall be submitted in, and transmitted to the Federal Register from, the office in which, as applicable—

(A) the documents or meetings are held; or

(B) the action is being undertaken.

(G) RECYCLING, EFFICIENCY, AND ALTERNATIVES.—

(1) ESTABLISHMENT.—The Secretary of Energy (referred to in this subsection as the “Secretary”) shall conduct a program of research and development—

(A) to promote efficient production, use, and recycling of critical minerals throughout the supply chain; and

(B) to develop alternatives to critical minerals that do not occur in significant abundance in the United States.

(2) COOPERATION.—In carrying out the program, the Secretary shall cooperate with appropriate Federal agencies and National Laboratories;

(B) critical mineral producers;

(C) critical mineral processors;

(D) critical mineral manufacturers;

(E) trade associations;

(F) academic institutions;

(G) small businesses; and

(H) other relevant entities or individuals.

(3) ACTIVITIES.—Under the program, the Secretary shall conduct—

(A) an assessment of—

(i) occurrence of critical minerals in the United States that—

(1) are forecast to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods; and

(2) are subject to potential supply restrictions, that lessen the need for critical minerals; and

(F) alternative energy technologies or alternative designs of existing energy technologies, particularly those that use minerals that—

(i) occur in abundance in the United States; and

(ii) are not subject to potential supply restrictions.

(4) REPORTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report summarizing the activities, findings, and progress of the program.

(h) ANALYSIS AND FORECASTING.—

(1) CAPABILITIES.—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary (acting through the Director of the United States Geological Survey) or a designee of the Secretary, in consultation with the Energy Information Administration, academic institutions, and other experts, in order to maintain a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(i) the quantity of each critical mineral domestically produced during the preceding year;

(ii) the quantity of each critical mineral domestically consumed during the preceding year;

(iii) market price data for critical minerals;

(iv) an assessment of—

(I) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(II) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(III) the implications of any supply restrictions, disruptions, or disruptions during the preceding year;

(v) the quantity of each critical mineral domestically recycled during the preceding year;

(vi) the market penetration during the preceding year of alternatives to each critical mineral;

(vii) a discussion of international trends associated with the development of, production, consumption, use, costs of production, prices, and recycling of each critical mineral and the development of alternatives to critical minerals; and

(viii) such other data, analyses, and evaluations as the Secretary finds necessary to achieve the purposes of this subsection; and

(B) a comprehensive forecast, entitled the “Annual Critical Minerals Outlook”, of projected critical mineral production, consumption, and recycling patterns, including—

(i) the quantity of each critical mineral projected to be domestically produced over the subsequent 1-year, 5-year, and 10-year periods; and

(ii) the quantity of each critical mineral projected to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods; and

(iii) an assessment of—
(i) critical mineral requirements to meet projected national security, energy, economic, industrial, technological, and other needs of the United States;

(ii) the relevance of the United States on foreign sources to meet those needs; and

(iii) the projected implications of potential supply shortages, restrictions, or disruptions;

(iv) the quantity of each critical mineral projected to be domestically recycled over the subsequent 1-year, 5-year, and 10-year periods;

(v) the market penetration of alternatives to each critical mineral projected to take place over the subsequent 1-year, 5-year, and 10-year periods;

(vi) a discussion of reasonably foreseeable international trends associated with the discovery, production, consumption, use, costs of production, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(vii) such other projections relating to each critical mineral as the Secretary determines to be necessary to achieve the purpose of this subsection.

(b) PROPRIETARY INFORMATION.—In preparing a report described in paragraph (1), the Secretary shall ensure, consistent with section 5(f) of the National Materials and Minerals Policy Act of 1979 (30 U.S.C. 1604(f)), that—

(A) no person uses the information and data collected for the report for a purpose other than the development of or reporting of aggregate data in a manner such that the identity of the person or firm who supplied the information is not discernible and is not material to the intended uses of the information;

(B) no person discloses any information or data collected for the report unless the information is transformed into a statistical or aggregate form that does not allow the identification of the person or firm who supplied particular information; and

(C) procedures are established to require the withholding of any information or data collected for the report if the Secretary determines that withholding is necessary to protect trade secrets or other confidential information.

SEC. 10002. RARE EARTH ELEMENT ADVANCED SURVEY

(a) PROGRAM FOR EXTRACTION AND RECOVERY OF RARE EARTH ELEMENTS AND MINERALS FROM COAL AND COAL BYPRODUCTS.—

(1) IN GENERAL.—The Secretary of the Navy shall carry out a comprehensive study of the potential for the extraction of rare earth elements and associated minerals from coal and coal byproducts, including acid mine drainage from coal mines.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report evaluating the development of advanced separation technologies for the extraction and recovery of rare earth elements and associated minerals from coal and coal byproducts, including acid mine drainage from coal mines.

SEC. 10003. RARE EARTH MATERIALS PRODUCTION AND SUPPLY SURVEY

(a) PROGRAM.—The Secretary of the Navy shall carry out a comprehensive study of the critical mineral supply chain and the availability of critical minerals that will support the national defense, energy, economic, industrial, technological, and other factors; and

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a description of the results of the study required under paragraph (3).

(c) DETERMINATION OF CRITICAL MINERALS.—The Secretary shall determine critical minerals for the purposes of the first paragraph of subsection (a) for each of fiscal years 2021 through 2030.

SEC. 10004. RARE EARTH ELEMENT ADVANCED SEPARATION TECHNOLOGIES

(a) PROGRAM.—The Secretary of the Navy shall carry out a comprehensive study of the potential for the development of advanced separation technologies for the extraction and recovery of rare earth elements and associated minerals from coal and coal byproducts, including acid mine drainage from coal mines.
TITLE XI—MISCELLANEOUS PROVISIONS
SEC. 1101. EMERGENCY DESIGNATION.
(a) In General.—The amounts provided by this division and the amendments made by this division are designated as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 938(g)).
(b) Direction in Senate.—In the Senate, this division and the amendments made by this division are designated as an emergency requirement pursuant to section 412(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

DIVISION B—CORONAVIRUS RESPONSE
ADDITIONAL SUPPLEMENTAL APPROPRIATIONS ACT, 2020

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, and for other purposes, namely:

TITLE I
DEPARTMENT OF HEALTH AND HUMAN SERVICES
PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For an additional amount for “Payments to States for the Child Care and Development Block Grant”, $5,000,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for Federal administrative expenses, which shall be used to supplement, not supplant State, territory, and Tribal general revenue funds for child care assistance for low-income families within the United States (including territories) without regard to requirements in subpart E of part 658 of title 45, or 658G of the Child Care and Development Block Grant Act: Provided, That such payments are in addition to any other funds available to child care providers that ensure that child care providers use a portion of funds received to continue to pay the salaries and wages of staff.

The Secretary shall ensure that States, Territories, and Tribes are encouraged to place conditions on payments and assistance to child care providers in the case of decreased enrollment or closures related to coronavirus, and to assure that they are able to remain open or reopen as appropriate and applicable: Provided further, That States, Territories, and Tribes are encouraged to place conditions on or verbal guidance to child care providers that ensure that child care providers have a portion of funds received to continue to pay the salaries and wages of staff.

For an additional amount for “Public Health and Social Services Emergency Fund”, $31,000,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing the purchase of vaccines, therapeutics, diagnostics, and medical supplies where the vaccines, therapeutics, and diagnostics, shall be purchased with funds made available under this paragraph in this Act: Provided, That funds in the previous proviso may be for necessary expenses related to the management of the Strategic National Stockpile under section 319F–8 of the Public Health Service Act: Provided further, That funds appropriated under this paragraph in this Act may be used to develop and demonstrate in-"
Act, and every 30 days thereafter until funds are expended, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on uses of funds, in operation with respect to the Emergency Fund, and detailing current obligations by Department or Agency, or component thereof broken out by the coronavirus supplemental appropriations Act (Public Law 116–139) and Health Care Enhancement Act (Public Law 116–139) and submit such updates to the Secretary not later than 60 days after funds are expended in this paragraph in this Act have been awarded to such recipient: Provided further, That the amount planned in the previous proviso shall include funding by contract, grant, or other transaction in excess of the amount allocated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Public Health and Social Services Emergency Fund", $15,000,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation, and to monitor and mitigate COVID–19, including tests for both active infection and prior exposure, diagnostic, screening, and surveillance, including serological tests, the manufacturing, procurement, and distribution of tests, testing equipment and testing supplies, including personal protective equipment needed to administer tests, the development and validation of rapid, molecular point-of-care tests, and other tests, support for workforce, epidemiology, to scale up academic, commercial, public health, and hospital laboratories, to conduct surveillance and contact tracing, support development of COVID–19 testing plans, and providing emergency funds related to COVID–19 testing: Provided, That of the amount appropriated under this paragraph in this Act, not less than $15,000,000,000 shall be for States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes for emergency support for testing, contact tracing, surveillance, containment, and mitigation, including support for workforce, epidemiology, use by employers, elementary and secondary schools, child care providers, institutions of higher education, long-term care facilities, or in other settings, scale up of testing by public health, academic, commercial, and hospital laboratories, and community-based testing sites, health care facilities, and other entities engaged in COVID–19 testing; and other related activities associated with COVID–19 testing, contact tracing, surveillance, containment, and mitigation: Provided further, That the amount provided in the preceding proviso under this paragraph in this Act shall be made available in 30 days of the date of enactment of this Act: Provided further, That the amount appropriated in the first proviso under this paragraph in this Act shall be made available in 30 days of the date of enactment of this Act: Provided further, That the Secretary shall reserve the amount broken out by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF EDUCATION

EDUCATION STABILIZATION FUND

For an additional amount for "Education Stabilization Fund", $15,000,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally; Provided, That of this amount, not less than $15,000,000,000 shall be for States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes for emergency support for testing, contact tracing, surveillance, containment, and mitigation, including support for workforce, epidemiology, use by employers, elementary and secondary schools, child care providers, institutions of higher education, long-term care facilities, or in other settings, scale up of testing by public health, academic, commercial, and hospital laboratories, and community-based testing sites, health care facilities, and other entities engaged in COVID–19 testing; and other related activities associated with COVID–19 testing, contact tracing, surveillance, containment, and mitigation: Provided further, That the amount provided in the preceding proviso under this paragraph in this Act shall be available in 30 days of the date of enactment of this Act: Provided further, That the amount appropriated in the first proviso under this paragraph in this Act shall be made available in 30 days of the date of enactment of this Act: Provided further, That the Secretary shall reserve the amount broken out by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

EDUCATION STABILIZATION FUND

SEC. 101. (a) ALLOCATIONS.—From the amount made available under this heading in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116–136); and

(b) RESERVATIONS.—After carrying out sub- section (a), the Secretary shall reserve the following amounts for the purposes specified:

(1) 60 percent on the basis of their relative proportion of the population of individuals aged 5 through 24. (2) 40 percent on the basis of their relative number of children counted under section 101(b) of the Elementary and Secondary Education Act of 1965 (referred to under this heading as "ESEA").

(c) USES OF FUNDS.—Grant funds awarded under this paragraph are subject to the following:

(1) Provide emergency support through grants to local educational agencies that the State educational agency deems have been most significantly impacted by coronavirus to support the ability of such local educational agencies to continue to provide educational services to their students and to support the on-going functionality of the local educational agency.

(2) Provide emergency support through grants to institutions of higher education and secondary schools that the Governor determines have been most significantly impacted by coronavirus to support the ability of such institutions to continue to provide educational services and to support the on-going functionality of the institution; and

(3) Provide support to any other institution of higher education, local educational agency, or education related entity within the State that the Governor deems essential for carrying out emergency educational services to students for authorized activities described in section 103(e) of this title, the ESEA of 1965, the Higher Education Act of 1965, and the Elementary and Secondary Education Act of 1965.

ECONOMIC IMPACT RELIEF FUND

SEC. 102. (a) GRANTS.—From funds reserved under section 101(b)(2) of this title, the Secretary shall make supplemental emergency economic impact relief grants to each State received under part A of title I of the ESEA of 1965 in the most recent fiscal year.

(b) ALLOCATIONS TO STATES.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State in proportion to the relative proportion of the population of individuals aged 5 through 24.

(c) SUBGRANTS.—From the payment provided under subsection (a) the State educational agency may provide grants to local educational agencies to continue to provide emergency educational services to students for authorized activities described in section 103(e) of this title, the ESEA of 1965, the Higher Education Act of 1965, and the Elementary and Secondary Education Act of 1965.
agencies and non-public schools, consistent with the provisions of this title. After carrying out the reservation of funds in section 105 of this title, each State shall allocate not less than 10 percent of the remaining grant funds awarded to the State under this section as subgrants to local educational agencies (including charter schools that are local educational agencies) in the State in proportion to the amount of funds such local educational agencies and charter schools that are local educational agencies received under part A of title I of the ESEA of 1965 in the most recent fiscal year. The State educational agency shall make such subgrants to local educational agencies as follows:

(1) one-third of funds shall be awarded not less than 15 calendar days after receiving an award from the Secretary under this section; and

(2) the remaining two-thirds of funds shall be awarded only after the local educational agency submits to the Governor under subpart (C) that describes how the local educational agency will safeguard schools with the physical presence of students, consistent with maintaining safe and continuous operations aligned with challenging state academic standards. The Governor approves a comprehensive school reopening plan for the 2020–2021 school-year, based on criteria determined by the Governor in consultation with the State educational agencies and the criteria for the Governor to carry out subparagraph (A) through (C), that describes how the local educational agency will safeguard schools with the physical presence of students, consistent with maintaining safe and continuous operations aligned with challenging state academic standards. The State educational agency shall make such subgrants to local educational agencies as follows:

(A) A local educational agency that provides in-person instruction for at least 50 percent of its students where the students physically attend school in-person shall not be eligible to receive a subgrant under paragraph (2).

(B) A local educational agency that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in subparagraph (A) shall have its allocation reduced on a pro rata basis in consultation with the Governor.

(C) PLAN CONTENTS.—A school reopening plan submitted to a Governor under section (c)(2) shall include, in addition to any other information necessary to meet the criteria determined by the Governor—

(1) A detailed timeline for when the local educational agency will provide in-person instruction, including the goals and criteria used for providing full-time in-person instruction to all students;

(2) A description of how many days of in-person instruction per calendar week the local educational agency plans to offer to students during the 2020–2021 school year; and

(3) An assurance that the local educational agency will offer students as much in-person instruction as is safe and practicable, consistent with maintaining safe and continuous operations aligned with challenging state academic standards.

(4) USES OF FUNDS.

(1) A local educational agency or non-public school that receives funds under subsection (c)(1) or section 105 may use funds for any of the following:

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

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

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

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

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

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

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

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

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

(J) STATE FUNDING.—With funds not otherwise allocated or reserved under this section, a State may reserve not more than 1/2 of 1 percent of its grant under this section for administrative costs and the remainder for emergency needs as determined by the State educational agency to address issues relating to coronavirus, including the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(K) ASSURANCES.—A State, State educational agency, or local educational agency receiving funding under this section shall provide assurances, as applicable, that:

(1) A State, State educational agency, or local educational agency will maintain and expand access to high-quality schools, including high-quality public charter schools, and will not—

(1) adopt policies to close or prevent the expansion of such schools to address revenue shortfalls that result in disproportionate closings or denial of expansion of public charter schools that are based on the terms of their charter for academic achievement; or

(2) disproportionally reduce funding to charter schools or otherwise increase funding gaps between charter schools and other public schools in the local educational agency.

(2) All allocations of funding and services provided from funds provided in this section to public charter schools are made on the same terms as are used for all schools, consistent with state law and in consultation with charter school leaders.

(3) REPORT.—A State receiving funds under this section shall submit to the Secretary, not later than 6 months after receiving funding provided in this Act, in such
manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(1) No State participating in any program under this section, including pursuant to section 106 of this Act, by a non-profit entity, or by any individual who has been admitted or applied for admission to such institution, of such individual, shall be construed to render such entity or person a recipient of Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing programs, facilities, or employment practices except, in appropriate circumstances.

(2) No State participating in any program under this section shall authorize any person or entity to use any funds authorized or appropriated under this section, including pursuant to section 105 of this Act, for any purpose that the Secretary determines, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(3) No funds received by an institution of higher education under this section shall be used to fund contractors for the provision of pre-enrollment recruitment activities; enrollment; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship.

(4) An institution of higher education that would be permitted to extend the Internal Revenue Service for the excise tax based on investment income of private colleges and universities under section 486 of the Internal Revenue Code of 1986 for tax year 2019 shall have their allocation under this section reduced by 50 percent and may only use funds for activities described in paragraph (a) of subsection (b) of this section.

(5) Upon receiving the report required under subsection (e), the Governor of the State may award assistance to non-public schools in the State prior to the coronavirus emergency. Upon reserving funds under this section, the Governor of the State may award such funds to:

(1) To eligible scholarship-granting organizations for carrying out section 6001 of division A of this Act; and

(2) To non-public schools accredited or otherwise located in and licensed to operate in the State based on the number of students enrolled in non-public schools in the State prior to the coronavirus emergency. Upon reserving funds under this section, the Governor of the State may award such funds to:

(a) An institution of higher education receiving funds under subsection (b) of this section may use the funds received to:

(1) Defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll); and

(d) The Governor of the State may award such funds to:

(1) A historically Black college and university or an-serving Institution that may use prior awards provided under titles III, V, and VII of the Higher Education Act to prevent, prepare for, and respond to coronavirus emergency costs that arise due to coronavirus.

(2) An institution of higher education receiving funds under section 18004 of division B of the CARES Act (Public Law 116-136) may use those funds under the terms and conditions of section 103(c) of this Act. Amounts repurposed pursuant to this paragraph that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) An institution of higher education designated by the Secretary as an eligible institution under section 448 of the Higher Education Act of 1965.

(4) An institution of higher education that would be permitted to extend the Internal Revenue Service for the excise tax based on investment income of private colleges and universities under section 486 of the Internal Revenue Code of 1986 for tax year 2019 shall have their allocation under this section reduced by 50 percent and may only use funds for activities described in paragraph (a) of subsection (b) of this section.
of assistance as prescribed under this section reduced on a pro rata basis, which shall be calculated using the same methodology as is used under section 103(c)(2)(C) of this title.

(c) A Governor shall allocate not less than 50 percent of the funds reserved in this section to non-public schools or eligible scholarship-granting organizations within 30 days of receiving an award from the Secretary and the remaining 50 percent not less than 4 months after receiving an award from the Secretary.

CONTINUED PAYMENT TO EMPLOYEES
SEC. 106. A local educational agency, State, institution of higher education, or other entity that receives funds under “Education Stabilization Fund”, shall to the greatest extent practicable, continue to pay the employees and contractors during the period of any disruptions or closures related to coronavirus.

DEFINITIONS
SEC. 107. Except as otherwise provided in sections 101–106 of this title, as used in such sections—

(1) the terms “elementary education” and “secondary education” have the meaning given such terms under State law;

(2) the term “institution of higher education” has the meaning given such term in title II of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

(3) the term “Secretary” means the Secretary of Education;

(4) the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(5) the term “cost of attendance” has the meaning given such term in section 472 of the Higher Education Act of 1965.

(6) the term “Non-public school” means a non-public elementary and secondary school that is licensed, or otherwise operates in accordance with State law; and

(7) the term “public school” means a public elementary or secondary school; and

(8) any other term used that is defined in section 911 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.) has the meaning given the term in such section.

GENERAL PROVISION—THIS TITLE
SEC. 108. Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services and Education shall provide a detailed spent plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committee on Appropriations of the House of Representatives and the Senate: Provided, That such plans shall be updated and submitted to such Committees every 60 days until September 30, 2024: Provided further, That such plans shall be accompanied until September 30, 2024:

That such plans shall be updated and submitted to the House of Representatives and the Senate: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLES II
DEPARTMENT OF COMMERCE
FISHERIES DISASTER ASSISTANCE
For an additional amount for “Fisherites Disaster Assistance”, $500,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus by providing support for agricultural producers, processors, and impacted workers; and for Coronavirus, domestically or internationally, which shall be for activities authorized under section 12005 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136): Provided, That the formula pre-...
Through all of this, people continue to go to work and try to carry out their duties the best they can. In the Federal Government, there are National Institutes of Health researchers, Internal Revenue Service workers, Social Security staff, law enforcement officers, and others, working each day to provide government services to the American public. Some are not able to take leave because their job is a critical part of the response to the pandemic. Others are simply unable to take leave because they are limiting their exposure to the virus or are following state and local rules to prevent the spread of COVID-19.

To try and address this issue, on August 10, the Office of Personnel Management published an interim rule that recognizes the COVID–19 pandemic as an “exigency of the public business” and allows some federal employees to carry over use or leave leave. However, this policy is limited to employees who are designated as essential by their agency.

This contrasts with the Department of Defense which issued a memo on April 16, allowing all active-duty service members to accrue leave in excess of their 60-day limitation, regardless of job responsibilities or duty station. All Federal employees contribute to their agency’s mission, regardless of the job they hold. No one should lose earned annual leave due to this pandemic.

To resolve this inequity, I am introducing the Federal Worker Leave Fairness Act which will allow all Federal employees to carry over annual leave above the 240 hour cap, regardless of their exposure to the virus or are following state or local rules to prevent the spread of COVID-19.

My bill also resolves this issue for federal employees; Federal Managers Association; American Federation of Government Employees; Federal Law Enforcement Officers Association; International Federation of Professional and Technical Engineers; National Federation of Federal Employees; Federal Managers Association; FAA Managers Association; National Active and Retired Federal Employees Association; and the American Federation of State, County and Municipal Employees.

This bill is a small act of fairness in an otherwise stressful and overwhelming year. I urge my colleagues to support this bill in recognition of our hardworking federal workforce.

I yield the floor.

SUBLEMMITED RESOLUTIONS

SENATE RESOLUTION 727—DESIGNATING SEPTEMBER 2020 AS “NATIONAL OVARIAN CANCER AWARENESS MONTH”

Ms. STABENOW (for herself, Ms. MURKOWSKY, Mrs. FEINSTEIN, Mr. BROWN, Mr. BLUMENTHAL, Mr. PETERS, Mr. MENENDEZ, Mr. VAN HOLLEN, and Mrs. CAPITO) submitted the following resolution; which was referred to the Committee on Appropriations:

S. Res. 727

Whereas ovarian cancer is the fifth leading cause of cancer deaths in women in the United States and accounts for more deaths than any other cancer of the female reproductive system;

Whereas, in the United States, a woman’s lifetime risk of being diagnosed with ovarian cancer is about 1 in 78;

Whereas the American Cancer Society estimates 21,750 new cases of ovarian cancer will be diagnosed in 2020 and 13,940 people will die from the disease nationwide;

Whereas the average survival rate for ovarian cancer is 46.5 percent, and survival rates vary greatly depending on the stage of diagnosis;

Whereas the 5-year survival rate for ovarian cancer is over 90 percent for women diagnosed in early stages;

Whereas, while the mammogram can detect breast cancer and the Pap smear can detect cervical cancer, there is no reliable early detection test for ovarian cancer;

Whereas, in January 2007, the first national consensus statement on ovarian cancer symptoms was developed to provide consistency in describing symptoms and make it easier for women to learn and remember those symptoms;

Whereas too many people remain unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other vague symptoms that are often easily confused with other diseases;

Whereas improved awareness of the symptoms of ovarian cancer by the public and health care providers can lead to a quicker diagnosis;

Whereas the lack of an early detection test for ovarian cancer, combined with its vague symptoms, mean that approximately 80 percent of cases of ovarian cancer are detected at an advanced stage;

Whereas all women are at risk for ovarian cancer, but approximately 20 percent of women who are diagnosed with ovarian cancer have a hereditary predisposition to ovarian cancer, which places them at even higher risk;

Whereas scientists and physicians have uncovered changes in the BRCA genes that some women inherit from their parents, which may make those women 30 times more likely to develop ovarian cancer;

Whereas the family history of a woman has been found to play an important role in accurately assessing a woman’s risk of developing ovarian cancer; and medical experts believe that family history should be taken into consideration during the annual well-woman visit of any woman;

Whereas, while the mammogram can detect breast cancer and the Pap smear can detect cervical cancer, there is no reliable early detection test for ovarian cancer;

Whereas the 5-year survival rate for ovarian cancer is over 90 percent for women diagnosed in early stages; and

Whereas, while the mammogram can detect breast cancer and the Pap smear can detect cervical cancer, there is no reliable early detection test for ovarian cancer;

Whereas the 5-year survival rate for ovarian cancer is over 90 percent for women diagnosed in early stages; and

Whereas, while the mammogram can detect breast cancer and the Pap smear can detect cervical cancer, there is no reliable early detection test for ovarian cancer;

Whereas the 5-year survival rate for ovarian cancer is over 90 percent for women diagnosed in early stages; and

Whereas, while the mammogram can detect breast cancer and the Pap smear can detect cervical cancer, there is no reliable early detection test for ovarian cancer;

Whereas the 5-year survival rate for ovarian cancer is over 90 percent for women diagnosed in early stages; and

Whereas, while the mammogram can detect breast cancer and the Pap smear can detect cervical cancer, there is no reliable early detection test for ovarian cancer;

Whereas the 5-year survival rate for ovarian cancer is over 90 percent for women diagnosed in early stages; and

Whereas, while the mammogram can detect breast cancer and the Pap smear can detect cervical cancer, there is no reliable early detection test for ovarian cancer;

Whereas the 5-year survival rate for ovarian cancer is over 90 percent for women diagnosed in early stages; and

Whereas, while the mammogram can detect breast cancer and the Pap smear can detect cervical cancer, there is no reliable early detection test for ovarian cancer;

Whereas the 5-year survival rate for ovarian cancer is over 90 percent for women diagnosed in early stages; and

Whereas, while the mammogram can detect breast cancer and the Pap smear can detect cervical cancer, there is no reliable early detection test for ovarian cancer;

Whereas the 5-year survival rate for ovarian cancer is over 90 percent for women diagnosed in early stages; and

Whereas, while the mammogram can detect breast cancer and the Pap smear can detect cervical cancer, there is no reliable early detection test for ovarian cancer;
750,000,000 people are facing severe food insecurity, and 10,000,000 more people having fallen into hunger between 2018 and 2019. 144,000,000 children stunted, and 47,000,000 children are acutely undernourished.

Whereas the COVID–19 pandemic has exposed vulnerabilities in global food systems and food supply chains, and has severely exacerbated food security shocks, such as the Fall Army Worm and desert locust infestations in the Horn of Africa region, particularly in Kenya, Ethiopia, and Somalia, as well as the Sahel and the Middle East, which already represented an unprecedented threat to global food security and livelihoods;

Whereas the COVID–19 pandemic and its second-order impacts are expected to dramatically worsen the state of global food security and nutrition, with preliminary assessments predicting a doubling of severe hunger (from 135,000,000 to 285,000,000 people) and an increase in child wasting (from 47,000,000 to 52,000,000) by the end of 2020;

Whereas the United States has been a global leader in addressing food insecurity on a bipartisanship basis and across Administrations, particularly in response to the global food price crisis in 2007–2008 and subsequent launch of the whole-of-government, United States Agency for International Development–led, Feed the Future program;

Whereas the late Senator Richard Lugar of Indiana was instrumental in advancing United States food security policy and promoting food security through smart investments in agriculture and food security, including through his stewardship of the Global Food Security Acts of 2008 and 2009, support for the launch of the Feed the Future program in 2010, and continued advocacy to formally authorize the Feed the Future program through enactment of the Global Food Security Reauthorization Act of 2016 (Public Law 114–195) and the Global Food Security Reauthorization Act of 2018 (Public Law 115–266);

Whereas the Global Food Security Act of 2016 (Public Law 114–195), as enacted in 2016 and reauthorized in 2018, required the development and implementation of a comprehensive United States Government Global Food Security Strategy and codified the Feed the Future framework, strengthening its accountability and transparency mechanisms, deepening engagements with a broad coalition of stakeholders, including faith-based and civil society organizations, universities and research institutions, the United States private sector, and United States farm and commodity organizations;

Whereas Feed the Future investments have helped transform countries’ food systems and improve their own food security and nutrition, with investments currently focused in 20 partner countries and 35 aligned countries and regions in Asia, Central America, and, east, southern, and west Africa;

Whereas according to its most recent program report, the Feed the Future program serves more than 214,000,000 people lift themselves out of poverty, prevented 3,400,000 children from being stunted, and ensured that 5,200,000 families no longer suffer from hunger in areas where the program operates;

Whereas Feed the Future is making significant progress towards building local capacity and resilience by promoting inclusive economic growth, strengthening monitoring and evaluation, and implementing sustainable agricultural practices, risk management, improved data, adaptive learning, and building the agricultural capacity of rural communities;

Whereas Feed the Future also is advancing women’s empowerment and gender equality by equipping women with adequate tools, training, and technology for small-scale agriculture;

Whereas Feed the Future investments benefit the United States, including by increasing United States trade and agricultural exports to Feed the Future countries by more than $1,400,000,000 since inception;

Whereas the COVID–19 pandemic has exposed vulnerabilities in global food systems and food supply chains, and has severely exacerbated food security shocks, such as the Fall Army Worm and desert locust infestations in the Horn of Africa region, particularly in Kenya, Ethiopia, and Somalia, as well as the Sahel and the Middle East, which already represented an unprecedented threat to global food security and livelihoods;

Whereas the COVID–19 pandemic and its second-order impacts are expected to dramatically worsen the state of global food security and nutrition, with preliminary assessments predicting a doubling of severe hunger (from 135,000,000 to 285,000,000 people) and an increase in child wasting (from 47,000,000 to 52,000,000) by the end of 2020; and

Whereas the United States has been a global leader in addressing food insecurity on a bipartisanship basis and across Administrations, particularly in response to the global food price crisis in 2007–2008 and subsequent launch of the whole-of-government, United States Agency for International Development–led, Feed the Future program;
Whereas, since the signing of the Dayton Peace Accords, the Government and people of Bosnia and Herzegovina have been working in partnership with the international community towards building a peaceful and democratic society based on the rule of law, respect for human rights, and a free-market economy; Now, therefore, be it

Resolved that the Senate—

(1) condemns human rights abuses that took place during the conflict in Bosnia and Herzegovina, and reconfirms the joint United States and EU commitment to promote and protect human rights, democracy, and the rule of law worldwide;

(2) commends the commitment of the Government of Bosnia and Herzegovina to peace and cooperation 25 years after the Dayton Peace Accords;

(3) encourages the Government of Bosnia and Herzegovina to continue pursuing NATO and EU membership;

(4) encourages the Government of Bosnia and Herzegovina to continue its progress towards solving its constitutional issues and improving its economic policy as it advances towards NATO and EU memberships;

(5) reiterates the importance of the Dayton Peace Accords as the basis of constitutional reform in Bosnia and Herzegovina and the promotion of political, economic, legal, and religious equality through the goals and values laid out by the Accords;

(6) urges the Government of Bosnia and Herzegovina to pursue constitutional reforms, needed to reconcile the past to seek empathy and respect as foundations to build a common future;

(7) urges the United States Government to work closely with the governments of the countries bordering Bosnia and Herzegovina—especially those who are signatories of the Dayton Peace Accords—to support full implementation of the Stabilization and Association Agreement between the EU and the Balkan States, which requires regional cooperation; and

(8) recognizes the State of Ohio and the greater Dayton community for their role in fostering the Dayton Peace Accords, and for continuing to support diplomacy, security, and peace around the world.

SENATE RESOLUTION 730—SUPPORTING THE DESIGNATION OF THE WEEK BEGINNING SEPTEMBER 20, 2020, AS . . . SMALL BUSINESS WEEK AND COMMEMORATING THE ENTREPRENEURIAL SPIRIT OF THE SMALL BUSINESS OWNERS OF THE UNITED STATES AND THEIR IMPACT ON THEIR COMMUNITIES

Mr. McCONNELL (for Mr. RUBIO (for himself, Mr. CARDIN, Mr. CORNYN, Ms. CORTEZ-Masto, Mr. GRASSLEY, Ms. CANTWELL, Mr. RISCH, Ms. KLOBUCHAR, Mr. KENNEDY, Mr. VAN HOLLEN, Mr. BLUMENTHAL, Mr. CARPER, Mrs. BLACKBURN, Mr. BOOKER, Mr. HOEVEN, Mr. DURBIN, Mr. GARDNER, Mr. COONS, Mr. LANDRIEU, Mrs. FISCHER, Mr. WHITEHOUSE, Mr. CRAPO, Ms. HIRONO, Mr. ALEXANDER, Mr. BROWN, Mr. PORTMAN, Mr. WYDEN, Ms. ERNST, Mr. MERKLEY, Ms. MCSALLY, Ms. ROSEN, Mr. ROUNDS, Mr. PETERS, Mr. HAWLEY, Mr. DUCKWORTH, Mrs. PEINTNER, Mr. WHITE, Mr. WICKER, Mr. HYDE-SMITH, Mr. TILLIS, Mr. CRAMER, Mr. COTTON, Mr. BOOZMAN, Mr. PERDUE, Mr. YOUNG, and Mr. ROMNEY)) submitted the following resolution; which was considered and agreed to:

S. Res. 730

Whereas 2020 marks the 57th anniversary of “National Small Business Week”;

Whereas every President for more than half a century has proclaimed a week celebrating the significance of small businesses across the United States;

Whereas there are more than 30,000,000 small businesses in the United States;

Whereas small businesses in the United States—

(1) employ nearly half of the workforce of the United States;

(2) make up 99.7 percent of all employers in the United States;

(3) employ veterans;

(4) produce 1⁄3 of the exports of the United States; and

(5) account for nearly half of private sector output;

Whereas, as of 2020, 9.1 percent of all small business owners in the United States are veterans;

Whereas, on July 30, 1933, Congress created the Small Business Administration to aid, counsel, assist, and protect the small business community; and

Whereas 2 out of every 3 new jobs in the United States are created by small businesses; Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week beginning September 20, 2020, as “National Small Business Week”;

(2) celebrates the entrepreneurial spirit of the small business owner in the United States;

(3) understand the importance of creating a small business climate that allows for sustained economic recovery;

(4) celebrates the invaluable contribution small businesses make to the United States as the backbone of the economy;

(5) supports increasing consumer awareness of the value and opportunity small businesses bring to their local communities;

(6) understands the importance of providing more access and resources to minority-owned and underserved firms; and

(7) understands the need to provide further assistance and relief to the small businesses of the United States during unprecedented times.

SENATE RESOLUTION 731—SUPPORTING LIGHTS ON AFTERSCHOOL, A NATIONAL CELEBRA-TION OF AFTERSCHOOL PROGRAMS HELD ON OCTOBER 22, 2020

Ms. COLLINS (for herself, Ms. SMITH, Mr. BRAUN, Mr. ROBERTS, Mr. KAIN, Ms. WARREN, and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. Res. 731

Whereas more than 30,000,000 children in the United States have parents who work outside the home;

Whereas high-quality afterschool programs that expand learning opportunities for children, such as afterschool, before-school, summer, and expanded learning opportunities, provide safe, challenging, engaging, and fun learning experiences, including experiences that encourage the study of science, technology, engineering, and math that help children and youth develop social, emotional, physical, cultural, and academic skills;

Whereas, due to COVID-19 crisis, afterschool programs have risen to the moment to support children by—

(1) innovating to provide virtual programming to keep children engaged;

(2) caring for children of essential workers;

(3) providing meals and learning supports; and

(4) supporting the wellbeing of children and families;

Whereas high-quality afterschool programs complement regular and expanded school day and support working families by ensuring that the children of working parents are safe and productive during the hours parents are working;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of children and youth in the United States;

Whereas high-quality afterschool programs that partner with high-quality community-based organizations build stronger communities by integrating schools with the larger community; and

Whereas Lights On Afterschool, a national celebration of afterschool, before-school, summer, and expanded learning opportunities program held on October 22, 2020, highlights the critical importance of those high-quality programs to children and families and communities of those children: Now, therefore, be it

Resolved, That the Senate supports Lights On Afterschool, a national celebration of afterschool programs held on October 22, 2020.

SENATE RESOLUTION 732—DESIGNATING NOVEMBER 7, 2020, AS “NATIONAL BISON DAY”

Mr. HOEVEN (for himself, Mr. HEIN-RICH, Mr. MORAN, Mr. ROBERTS, Mr. CRAMER, Mr. TESTER, Ms. SMITH, Ms. BALDWIN, Mrs. MURRAY, Mr. THUNE, Mr. BRAUN, Mr. UDALL, Mr. WHITEHOUSE, Mr. INHOFE, Mr. CORNYN, Mr. ENZI, Mr. BOOZMAN, Mr. ROUNDS, Mr. PORTMAN, Mr. SCHUMER, Ms. WARREN, Mr. MARK-KEY, and Mr. BENNET) submitted the following resolution; which was considered and agreed to:

S. Res. 732

Whereas, on May 9, 2016, the North American bison was adopted as the national mammal of the United States;

Whereas bison are considered a historical and cultural symbol of the United States;

Whereas bison are integrally linked with the economic and spiritual lives of many Indian Tribes through trade and sacred ceremonies;

Whereas there are approximately 70 Indian Tribes participating in the InterTribal Buffalo Council, which is a Tribal organization incorporated pursuant to section 17 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act,” 48 Stat. 988, as amended) and held on October 22, 2020;

Whereas numerous members of Indian Tribes are involved in bison restoration on Tribal land;

Whereas members of Indian Tribes have a combined herd of almost 20,000 bison on more than 1,000,000 acres of Tribal land;

Whereas bison play an important role in the landscapes and grasslands of the United States;

Whereas bison hold significant economic value for private producers and rural communities; and

Whereas, as of 2017, the Department of Agriculture estimates that 182,780 head of bison
Whereas a bison has been depicted on the official seal of the Department of the Interior since 1912;

Whereas each 10-year Cooperation Initiative, a 10-year cooperative initiative to coordinate the conservation of wild American bison;

Whereas a bison has been portrayed on 2 State flags;

Whereas the bison has been adopted by 3 States as the official mammal or animal of those States;

Whereas the buffalo nickel played an important role in modernizing the currency of the United States;

Whereas several sports teams and businesses have the bison as a mascot, which highlights the iconic and cultural significance of bison in the United States;

Whereas indigenous communities and a group of ranchers helped save bison from extinction by gathering the remaining bison of the diminished herds;

Whereas, on December 8, 1905, William Hornaday, Theodore Roosevelt, and others formed the American Bison Society in response to the near extinction of bison in the United States;

Whereas, on October 11, 1907, the American Bison Society sent 15 captive-bred bison from the New York Zoological Park, now known as the "Bronx Zoo", to the first big game refuge in the United States, now known as the "Wichita Mountains Wildlife Refuge";

Whereas, in 2005, the American Bison Society was re-established, bringing together bison ranchers, managers from Indian Tribes, Federal and State agencies, conservation organizations, and natural and social scientists from the United States, Canada, and Mexico to create a vision for the North American bison in the 21st century;

Whereas there are bison herds in national wildlife refuges, national parks, and national forests, and on other Federal land;

Whereas there are bison in State-managed herds across 11 States;

Whereas private, public, and Tribal bison leaders are working together to continue bison restoration throughout North America;

Whereas there is a growing effort to celebrate and officially recognize the historical, cultural, and economic significance of the North American bison to the heritage of the United States; and

Whereas members of Indian Tribes, bison producers, conservationists, sportmen, educators, and other public and private partners have declared the annual National Bison Day since 2012 and are committed to continuing this tradition annually on the first Saturday of November. Now, therefore, be it

Resolved, That the Senate recognizes 2020 as the centennial of the Preservation Society of Charleston.

SENIOR RESOLUTION 734—DESIGNATING THE WEEK OF SEPTEMBER 21 THROUGH SEPTEMBER 25, 2020, AS "NATIONAL FALLS PREVENTION AWARENESS WEEK"; and

(1) Designates the week of September 21 through September 25, 2020, as "National Falls Prevention Awareness Week".

(2) Recognizes that there are proven, cost-effective falls prevention programs and policies;

(3) Commends the 73 member organizations of the Falls Free Coalition and the falls prevention coalitions in 43 States and the District of Columbia for their efforts to work together to increase education and awareness about preventing falls among older adults;

(4) Encourages businesses, individuals, Federal, State, and local governments, the public health community, and health care providers to work together to raise awareness of falls in an effort to reduce the incidence of falls among older adults in the United States;

(5) Recognizes the Centers for Disease Control and Prevention for its work developing and evaluating interventions for all members of the health care teams to make falls prevention a routine part of clinical care;

(6) Encourages the Administration for Community Living for its work to promote access to evidence-based programs and services in communities across the United States;

(7) Encourages State health departments and State units on aging bison Society to provide significant leadership in reducing injuries and related health care costs by collaborating with organizations and individuals, to reduce falls among older adults;

(8) Encourages experts in the field of falls prevention to share their best practices so "older adults") are the fastest growing segment of the population in the United States, and the number of older adults in the United States will increase from approximately 52,000,000 in 2020 to an estimated 73,100,000 by 2030; whereas approximately 30 percent of older adults in the United States fall each year, with an 10-year increase in age increasing the risk of falls; whereas falls are the leading cause of both fatal and nonfatal injuries among older adults; whereas in 2018, older adults reported 35,600,000 falls, with approximately 8,400,000 falls resulting in an injury that limited regular activities or resulted in a medical visit; whereas, in 2018, approximately 3,000,000 older adults were admitted in hospital emergency departments for fall-related injuries, and more than 950,000 of those older adults were subsequently hospitalized; whereas, in 2018, more than 32,000 older adults died from injuries related to unintentional falls, and the death rate from falls of older adults in the United States is expected to continue to sharp rise to more than 100,000 per year by 2030; whereas, in 2015—

(1) The total direct medical cost of fall-related injuries for older adults is projected to reach approximately$50,000,000,000; and

(2) Medicare paid approximately $29,000,000,000; Medicaid paid approximately $8,700,000,000, and private and other payers paid approximately $12,000,000,000; and

(3) Overall medical spending for fall injuries in 2015 was estimated to be $754,000,000,000;

Whereas, if the rate of increase in falls is not slowed, the annual cost of fall injuries will surpass $1,000,000,000,000 by 2030; whereas evidence-based programs reduce falls by utilizing cost-effective strategies, such as exercise programs to improve balance and strength, medication management, vision improvement, reduction of home hazards, and falls prevention education; now, therefore, be it

Resolved, That the Senate recognizes 2020 as the "National Falls Prevalence Awareness Week".

SENATE RESOLUTION 733—RECOGNIZING 2020 AS THE CENTENNIAL OF THE PRESERVATION SOCIETY OF CHARLESTON

Mr. GRAHAM (for himself and Mr. SCOTT of South Carolina) submitted the following resolution; which was considered and agreed to:

Whereas the Preservation Society of Charleston, founded in 1920, is the oldest citizen-based preservation organization in the United States;

Whereas the Preservation Society of Charleston played a critical role in positioning the historic and beautiful city of Charleston, South Carolina, as a leader in the protection of natural resources and vibrant communities by spearheading the effort to pass the first historic district zoning ordinance in the United States in 1931, which is now known worldwide as the "Charleston Ordinance";

Whereas the Preservation Society of Charleston has a lengthy record of successes in saving endangered savings throughout the city of Charleston, including—

(1) the Dock Street Theater;

(2) the Lining House;

(3) the Old Exchange Building;

(4) Rainbow Row; and

(5) countless other historic buildings on the peninsula of Charleston;

Whereas the Preservation Society of Charleston was founded by a woman, Susan Fringle Frost, whose vision, determination, and energy set the preservation movement on a new path in the early 20th century;

Whereas, for 100 years, the Preservation Society of Charleston has provided leadership for women's leadership, boasting exemplary leaders such as—

(1) Elizabeth O'Neill Verner;

(2) Dorothy Legge;

(3) Elizabeth Jenkins Young; and

(4) Jane Thornhill;

Whereas, in the words of an award citation from the American Institute of Architects, the Preservation Society of Charleston is "as much a part of Charleston history as a proponent of a "standard of commitment to community building the beauty and rich legacy of the city it has served";

Whereas, through innovative programs such as the Charleston Justice Journey and the Thomas Mayhew Pinckney Alliance, the Preservation Society of Charleston recognizes the contributions of African Americans to the built environment and history of Charleston; and

Whereas the Preservation Society of Charleston has established itself as the leading voice in advocating for a livable and human city, showing itself consistently and repeatedly to be small but mighty, thoughtful but nimble, principled, professional, and unafraid: Now, therefore, be it

Resolved, That the Senate recognizes 2020 as the centennial of the Preservation Society of Charleston.
that their success can be replicated by others.

SENATE RESOLUTION 735—DESIGNATING SEPTEMBER 29, 2020, AS "NATIONAL URBAN WILDLIFE REFUGE DAY"

Mr. GARDNER (for himself, Mr. BENNET, and Mr. UDALL) submitted the following resolution, which was considered and agreed to:

Whereas over 80 percent of people in the United States live in or near cities, which typically have limited opportunities for residents to access nature and experience outdoor recreation;

Whereas the National Wildlife Refuge System under the United States Fish and Wildlife Service manages 586 national wildlife refuges that constitute a national network of land and water managed for the conservation of fish, wildlife, and plants in the United States;

Whereas national wildlife refuges provide opportunities for people to discover and appreciate nature;

Whereas there is a refuge located within a 1-hour drive of every metropolitan area in the United States;

Whereas the Urban Wildlife Conservation Program focuses on public-private partnerships to:

(1) focus on introducing people living in densely populated areas to the more than 100 national wildlife refuges near urban areas; and

(2) promote wildlife conservation and the enjoyment of hunting, fishing, and other wildlife-dependent recreational activities close to where people live;

Whereas the Urban Wildlife Conservation Program focuses on public-private partnerships to:

(1) improve wildlife conservation; and

(2) to remain in the community of the child;

(3) to promote access to recreation and

and on national wildlife refuges, including recreational activities such as hunting and fishing;

and

Whereas by exploring community-centered approaches to address local needs, engaging the next generation of anglers and hunters, and providing infrastructure and safe access, the Urban Wildlife Conservation Program helps local organizations, cities, and towns across the United States engage in conservation activities.

NOW, THEREFORE, BE IT RESOLVED, That the Senate—

(1) designates September 29, 2020, as "National Urban Wildlife Refuge Day";

(2) encourages the United States Fish and Wildlife Service to increase access to outdoor recreational opportunities for urban communities; and

(3) encourages the people of the United States to visit and experience the more than 100 urban national wildlife refuges of the United States.

SENATE RESOLUTION 736—DESIGNATING SEPTEMBER 29, 2020, AS "NATIONAL KINSHIP CARE MONTH"

Mr. WYDEN (for himself, Mr. GRASSLEY, Mrs. BLACKBURN, Ms. HASSAN, Mr. LANKFORD, Mr. CASEY, Ms. KLOBUCHAR, Mr. SCOTT of South Carolina, Ms. CORTEZ MASTO, Ms. SINEMA, Mr. ROBERTS, Mr. YOUNG, Mr. VAN HOLLEN, Ms. BALDWIN, Mr. BROWN, Mr. SCHUMER, and Mr. BRAUN) submitted the following resolution, which was considered and agreed to:

Whereas, in September 2020, "National Kinship Care Month" is observed;

Whereas, nationally, 2,700,000 children are living in kinship care with grandparents, other relatives, and family friends ("fictive kin");

Whereas, nationally, nearly 1/5 of all foster care placements in kinship foster care with more than 138,000 children placed in kinship foster care;

Whereas more than 2,600,000 kinship children live in in-foster care outside of the foster care system;

Whereas, while kinship care is the most common form of relative caregivers of children, they are also referred to as "fictive kin";

Whereas the number of children placed in foster care continues to increase due to family violence, substance abuse, and child welfare agencies are increasingly reliant on grandparents and other kinship caregivers;

Whereas, during the COVID–19 pandemic, kinship caregivers provide support to families who are unable to do so;

Whereas kinship caregivers provide services, promote well-being and stability, and establish stable households for vulnerable children;

Whereas kinship care homes offer a refuge for traumatized children;

Whereas kinship caregivers enable a child—

(1) to maintain family relationships and cultural heritage; and

(2) to remain in the community of the child;

Whereas the wisdom and compassion of kinship caregivers is a source of self-reliance and strength for countless children and for the entire United States;

Whereas children in kinship care experience improved placement stability, higher levels of support and belonging, and decreased behavioral problems;

Whereas kinship caregivers face daunting challenges to keep children from entering the foster care system;

Whereas, because of parental substance abuse disorders and other adverse childhood experiences, children frequently have trauma-related conditions;

Whereas many kinship caregivers give up their retirement years to assume parenting duties for children;

Whereas the Senate wishes to honor the many kinship caregivers, who throughout the history of the United States have provided loving homes for children;

Whereas the first president of the United States, George Washington, and his wife Martha were themselves kinship caregivers, as were many other great people of the United States;

Whereas the Senate is proud to recognize the many kinship care families in which a child is raised by grandparents, other relatives, and fictive kin;

Whereas National Kinship Care Month provides an opportunity to urge people in every State to join in recognizing and celebrating kinship caregiving families and the tradition of families in the United States to help kin;

Whereas, in 2018, Congress provided for kinship navigation programs and services in the Family First Prevention Services Act enacted under title VII of division B of the Bipartisan Budget Act of 2018 (Public Law 115–123; 132 Stat. 318;)

Whereas, in 2018, Congress provided for the formation of the Advisory Council to Support Grandparents Raising Grandchildren to examine supports for grandparents and other kinship caregivers in the Supporting Grandparents Raising Grandchildren Act (Public Law 115–196; 132 Stat. 1511); and

Whereas more remains to be done to support kinship caregiving and to ensure that all children have a safe, loving, nurturing, and permanent family, regardless of age or special needs; Now, therefore, be it

RESOLVED, That the Senate—

(1) designates September 2020 as "National Kinship Care Month";

(2) encourages Congress, States, local governments, and community organizations to continue to work to improve the lives of vulnerable children and families and to support the communities working together to lift them up; and

(3) honors the commitment and dedication of kinship caregivers and the advocates and allies who work tirelessly to provide assistance and services to kinship caregiving families.
Whereas September 30, 2020, is an appropriate day to designate as "National Veterans Suicide Prevention Day"; Now, therefore, be it
Resolved That the Senate supports the designation of September 30, 2020, as "National Veterans Suicide Prevention Day".

SENATE RESOLUTION 738—RECOGNIZING SUICIDE AS A SERIOUS PUBLIC HEALTH PROBLEM AND EXPRESSING SUPPORT FOR THE DESIGNATION OF SEPTEMBER AS "NATIONAL SUICIDE PREVENTION MONTH"

Mr. CASSIDY (for himself and Mr. MURPHY) submitted the following resolution; which was considered and agreed to:

S. Res. 738

Whereas suicide is the 10th leading cause of death in the United States and the second leading cause of death among individuals between 10 and 34 years of age;

Whereas, according to the Centers for Disease Control and Prevention (referred to in this preamble as the "CDC"), 1 individual in the United States dies by suicide every 11 minutes, resulting in around 48,000 deaths each year in the United States;

Whereas, according to the Department of Veterans Affairs, 20 members of the Armed Forces on active duty, members of the reserve components of the Armed Forces who are not on active duty, or veterans die by suicide each day, resulting in more than 7,000 deaths each year;

Whereas, between 1999 and 2018, the suicide rate in the United States increased by 35 percent from 10.5 suicides for every 100,000 individuals to 14.2 suicides for every 100,000 individuals;

Whereas it is estimated that there are approximately 1,400,000 suicide attempts each year in the United States;

Whereas more than half of individuals who die by suicide did not have a known mental health condition;

Whereas, according to the CDC, many factors contribute to suicide among individuals with and without known mental health conditions, including challenges related to relationships, academic or work-related stress, physical health, and stress regarding work, money, legal problems, or housing;

Whereas, according to the CDC, suicide results in $70,000,000,000 each year in combined medical and work-loss costs in the United States;

Whereas the stigma associated with mental health conditions and suicidality hinders suicide prevention by discouraging at-risk individuals from seeking life-saving help and can further traumatize survivors of suicide loss and individuals with lived experience of suicide;

Whereas the COVID-19 pandemic has caused many individuals to experience emotional distress and anxiety;

Whereas, according to the Morbidity and Mortality Weekly Report of the CDC, risk factors for suicide, such as anxiety and depression, have increased considerably since the onset of restrictions to help slow the spread of COVID-19; and

Whereas September is an appropriate month to designate as "National Suicide Prevention Month" because September 10th is World Suicide Prevention Day, a day recognized internationally and supported by the World Health Organization: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes suicide as a serious and preventable public health problem of the United States and each State;

(2) supports the designation of September as "National Suicide Prevention Month";

(3) declares suicide prevention as a priority;

(4) acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

(5) promotes awareness that there is no single cause of suicide; and

(6) supports strategies to increase access to high-quality mental health and suicide prevention services and substance-use disorder treatments.

SENATE RESOLUTION 739—EXPRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF SEPTEMBER 21 THROUGH SEPTEMBER 25, 2020, AS "NATIONAL FAMILY SERVICE LEARNING WEEK"

Mr. CORNYN (for himself, Mr. BORKER, Mr. BRAUN, Mr. WHITEHOUSE, Mr. WICKER, Mr. REED, Mr. RUBIO, and Ms. LPOLOUCHA) submitted the following resolution; which was considered and agrees to:

S. Res. 739

Whereas family service learning is a method under which children and families learn and solve problems together in a multi-generational approach with active participation in thoughtfully organized service that—

(1) is conducted in, and meets the needs of, their communities;

(2) is focused on children and families solving community issues together;

(3) requires the application of college and career readiness skills by children and relevant workforce training skills by adults; and

(4) is coordinated between the community and an elementary school, a secondary school, an institution of higher education, or a family community service program;

Whereas family service learning—

(1) is multi-generational learning that involves parents, children, caregivers, and extended family members in shared learning experiences in physical and digital environments;

(2) is integrated into and enhances the academic achievement of children or the educational components of a family service program in which they are enrolled; and

(3) promotes skills (such as investigation, planning, and preparation), action, reflection, the demonstration of results, and sustainability;

Whereas family service learning has been shown to have positive 2-generational effects and encourages families to invest in their communities to improve economic and societal well-being;

Whereas, through family service learning, children and families have the opportunity to solve community issues and learn together, thereby enabling the development of life and career skills, such as flexibility and adaptability, initiative and self-direction, social and cross-cultural skills, productivity and accountability, and leadership and responsibility;

Whereas family service learning activities provide opportunities for families to improve essential skills, such as organization, research, planning, reading and writing, technological literacy, teamwork, and sharing; and

Whereas families participating together in service are afforded quality time learning about their communities;

Whereas adults engaged in family service learning serve as positive role models for their children;

Whereas family service learning projects enable families to build substantive connections with their communities, develop a stronger sense of self-worth, experience a reduction in social isolation, and improve parenting skills;

Whereas family service learning has added benefits for English language learners by helping individuals and families to—

(1) feel more connected with their communities; and

(2) practice language skills; and

Whereas family service learning is particularly important for at-risk families because family service learning—

(1) provides opportunities for leadership and civic engagement;

(2) helps build the capacity to advocate for the needs of children and families; and

Whereas family service learning programs are equipped to face the unique challenges brought on by the COVID-19 pandemic through community engagement via video teleconferencing or in a socially distanced manner;

Whereas family service learning will remain relevant throughout the pandemic as families face new challenges such as navigating remote learning, technological literacy, and building and maintaining new relationships within communities; and

Whereas the value that parents place on civic engagement and relationships within the community has been shown to transfer to children who, in turn, replicate important values, such as responsibility, empathy, and caring for others: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week of September 21 through September 25, 2020, as "National Family Service Learning Week" to raise public awareness about the importance of family service learning, family literacy, community service, and 2-generational learning experiences;

(2) encourages people across the United States to support family service learning and community development programs;

(3) recognizes the importance that family service learning plays in cultivating family literacy, civic engagement, and community investment; and

(4) calls upon public, private, and nonprofit entities to support family service learning opportunities to aid in the advancement of families.

SENATE RESOLUTION 740—DESIGNATING OCTOBER 7, 2020, AS "ENERGY EFFICIENCY DAY" IN CELEBRATION OF THE ECONOMIC AND ENVIRONMENTAL BENEFITS THAT HAVE BEEN DRIVEN BY PRIVATE SECTOR INNOVATION AND FEDERAL ENERGY EFFICIENCY POLICIES

Mrs. SHAHEEN (for herself, Mr. PORTMAN, Ms. HASSAN, Mr. WHITEHOUSE, Ms. CANTWELL, Ms. SMITH, Ms. CORTES MASTO, Ms. COONS, Mr. PETERS, Mr. WARNER, Mr. GARDNER, Mr. BENNIs, Mr. MARKEY, Ms. HIRONO, Mr. WYDEN, Mr. MANCHIN, Mr. CARPER, Mr. VAN HOLLEN, Mr. MERKLEY, Ms. STABENOW, Mr. CARDIN, Mr. HEINRICH, and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. Res. 740

Whereas October has been designated as "National Energy Awareness Month";
Mr. ROBERTS, Ms. CANTWELL, Mrs. BLACKBURN, Mr. MANCHIN, Mr. MARKEY, Ms. ROSEN submitted the following:

To observe Energy Efficiency Day with appropriate ceremonies, programs, and other activities to commemorate October 30, 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.

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 300,000,000,000,000 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 1980 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);


(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


Whereas energy efficiency has long been supported by a coalition of businesses (including manufacturers, utilities, energy service companies, and technology firms), public-interest organizations, environmental preservation 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 reducing 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 30, 2020, as “Energy Efficiency Day”;

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

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 our 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 633, 111th Congress, agreed to September 29, 2011;

(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 23, 2015;

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

(9) Senate Resolution 314, 115th Congress, agreed to September 11, 2018;

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

(11) Senate Resolution 477, 116th Congress, agreed to October 10, 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 contributions 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.

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 with responsibilities that include emergency response, Fire and Rescue Services, Emergency Medical Services, Emergency Management, and Public Works.” The 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 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. 2657, to support innovation in advance geothermal research and development, and for other purposes.

SA 2674. Mr. PORTMAN (for Mr. WICKER) proposed an amendment to the bill S. 919, 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. 2657, 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 construe a joint task force on air travel during and after the COVID-19 Public Health Emergency, and for other purposes.

SA 2674. Mr. PORTMAN (for Mr. MCCONNELL) 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.

SA 2675. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 2657, to support innovation in advance 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. 2657, 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. 2657, to support innovation in advance geothermal research and development, and for other purposes.

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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. 2657, to require a joint task force on air travel during and after the COVID-19 Public Health Emergency, and for other purposes.
SECT. 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.—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, the date on which an individual is enrolled in a group 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.

"(3) WAITING PERIOD.—The term 'waiting period', means, with respect to a group health 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 a group health insurance coverage in the case of a group health insurance issuer described in subsection (a) shall, in accordance with the regulations promulgated under paragraph (3), establish special enrollment periods under paragraphs (1) and (2).

"(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 (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) establish network terms and conditions that apply for such coverage to those with eligible individuals who live, work, or reside in the service area for such network plan; and

"(B) establish a minimum area for 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 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, employers, and dependents.

"(2) 180-DAY SUSPENSION UPON DENIAL OF COVERAGE.—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 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 any rating area for programs or initiatives to reduce adverse selection and promote 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.

"(3) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or in paragraphs (1) and (2) of subsection (d) shall be construed to limit the availability 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 if the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further use the increase 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 an individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall 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 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 2791 of the Public Health Service Act).
“(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, from a participant or beneficiary undergoing a genetic test if each of the following conditions is met:

“(A) The request is made pursuant to research conducted under section 468 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—

“(1) compliance with the request is voluntary; and

“(2) noncompliance will have no effect on enrollment status or premium or contribution amounts.

“(C) No genetic information collected or acquired in connection with 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.

“(5) DISCLOSURE 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) A program that reimburses or pays for smoking cessation programs without regard to whether the individual quits smoking.

“(B) A program that provides a reward to an individual for attending a periodic health education seminar.

“(3) WELLNESS PROGRAMS SUBJECT TO REQUIREMENTS.—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 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 participation in the program is made available to all similarly situated individuals.

“(D) The plan or issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this subparagraph to up to 50 percent of the cost of coverage if the Secretary determines that such an increase is appropriate.

“(E) 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 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 for the individual to satisfy or attempt to satisfy the otherwise applicable standard.

“(F) The 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 medically inadvisable to attempt to satisfy the otherwise applicable standard.

“(ii) for a reasonable alternative standard (or waiver of the otherwise applicable standard) for obtaining the reward for any individual for whom it is medically inadvisable due to a medical condition to satisfy the otherwise applicable standard; and

“(iii) for a reasonable alternative standard (or waiver of the otherwise applicable standard) for obtaining the reward for any individual for whom it is medically inadvisable due to a medical condition to satisfy or attempt to satisfy the otherwise applicable standard.

“(G) 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:

“Sec. 196. Prohibition of pre-existing condition exclusions.

“Sec. 197. Guaranteed Availability of Coverage.

“Sec. 198. Prohibiting Discrimination against Individual Participants and Beneficiaries based on Health Status.”
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. KAUNSS (D) MARINE POLICY FELLOWSHIP.

(a) In General.—Section 208(b) (33 U.S.C. 1127(b)) is amended by striking “may” and inserting “shall”.

(b) Placement in Congress.—Such section is further amended—

(1) in the first sentence, by striking “The Secretary” and inserting the following: “(1) In general;”;

(2) in paragraph (1), as designated by paragraph (1), in the second sentence, by striking “A fellowship” and inserting the following: “(2) Placement in Congress.—Such fellowship shall be considered to include an evaluation and justification for the workforce positions appropriate for the education and development of fellows under this subsection, when considering the extent to which the qualifications of fellowship awardees are 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 FELLOWSHIPS.—In placing fellows in offices described in subparagraphs (A) and (B), the Secretary shall ensure that placements are equitably distributed among the political parties.

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. 1125(c)(4)(E)) is amended to read as follows:

“(E) accept donations of money and, notwithstanding section 1342 of title 31, United States Code, any Federal agency may appoint, without regard to the provisions of subparagraph (A), a joint 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) PRIORITIES.—The Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, should encourage and consider opportunities for fellowship awardees at the conclusion of their fellowships for workforce positions appropriate for their education and development.

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

Section 209(b)(2) (33 U.S.C. 1126(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 address any of significant changes to the state of the program not later than two years after the submission of such a report.”

(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 DESIGNER” and inserting “ADDITIONAL DESIGNATIONS”;

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

“(1) NOTIFICATION TO CONGRESS OF DESIGNATION.—

“(A) IN GENERAL.—Not less than 30 days before designating an institution or 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 DESIGNER.—Any institution.”

SEC. 8. DIRECT HIRE AUTHORITY; DEAN JOHN A. KAUNSS 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, the Director of the National Sea Grant College Program, 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).
Federal agency for which the candidate meets Office of Personnel Management qualification standards.

(b) DEAN JOHN A. KAUNSS MARINE POLICY FELLOWSHIP—Subsection (a) applies with respect to a former recipient of a Dean John A. Kaunss Marine Policy Fellowship under section 208(b) of the National Sea Grant College Program Act of 1988 (33 U.S.C. 1123(b)(2)).

SEC. 5. 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 paragraph (2) $87,520,000 for fiscal year 2020; $91,900,000 for fiscal year 2021; $95,500,000 for fiscal year 2022; $101,25,000 for fiscal year 2023; and $105,700,000 for fiscal year 2024.'';

(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 for each of fiscal years 2020 through 2024 for competitive grants for—

(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 issues.

(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 priorities identified in the strategic plan under section 290(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, interstate and intrastate 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 authorized number of personnel specified in 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 activities described in clause (i) shall not be considered an amount used for administration of programs under this title in a fiscal year.

(c) ALLOCATION.—

(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 paragraph (2); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (f), 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. 1197-20) is repealed.

SEC. 11. TECHNICAL CORRECTIONS.

(A) IN GENERAL.—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(b)(3)(B)), by moving clause (vi) 2 ems to the right, as amended by section 9 of the National Sea Grant College Program Act Amendments of 2002 (33 U.S.C. 1197-20), and by striking clause (v) as so amended;

(2) in section 209(b)(2) (33 U.S.C. 1129(b)(2)), as amended by section 5, in the third sentence, by striking "The Secretary shall" and inserting "The Secretary may";

(3) in subsection (d), by striking "The availability of resources of the Department of Commerce" and inserting "The Secretary shall";

(4) by striking "The National Sea Grant College Program Act Amendments of 2002 (33 U.S.C. 1197-20)");

(b) IN GENERAL.—The Director shall use the authorized number of personnel specified in 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.

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

(2) ALLOCATION.—

(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 paragraph (2); and

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

(c) L IMITATION.—The direct hire authority is limited to the lesser of—

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

(2) the amount appropriated under subsection (b)(5)(A).

(d) ENERGY TECHNOLOGY COMMERCIALIZATION FOUNDATION.—

(1) ESTABLISHMENT.—The term "Energy Technology Commercialization Foundation" means the Energy Technology Commercialization Foundation established under section 2(b)."
(II) Initial Members.—Of the initial members of the Board appointed under subparagraph (B)(1)(D), 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 shall not—

(I) be filled in accordance with the bylaws of the Foundation by a person who is not a member of the Board; and

(ii) be filled by an individual selected by the Board.

(3) 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) determine the 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)(1) 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 otherwise, 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 or the activities 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, any member or employee of the Board may be reimbursed for travel expenses, including per diem in lieu of subsistence, and other necessary expenses incurred in carrying out duties of the Board.

(iii) 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; and

(B) 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;

(iii) formulating new product development that supports job creation;

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

(v) supporting programs that advance technologies from the research stage to a commercial stage.

(4) Activities.—

(A) Studies, Competitions, and Projects.—The Foundation may conduct studies and support 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 merit of the proposal submitted by the potential recipient; and

(II) may consult with a potential recipient regarding the ability of the potential recipient to carry out the activities described in clause (i) and determine that it would advance the purpose of the Foundation further described in paragraph (3).

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

(v) 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.

(vi) 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.

(vii) Maturation Funding.—The Foundation shall develop an expertise in the provision of seed funding to researchers to advance the technology of those researchers for the purpose of moving projects 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 that further 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 purposes 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 stage, and ending in the market stage; and

(ii) policies that make regulation more effective and efficient by leveraging the translation of 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 the provision of communications to promote the work of grants and fellowships 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.

(6) 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, 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 challenges, opportunities, including short- and long-term objectives, identified by the Board in consultation with communities representing the entities and areas, as applicable, in paragraph (2)(B)(i)(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) award grants including selection, review, and notification;

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

(III) fund response to public input on the opportunities identified under clause (i); 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) specifies specific accounting of the source and use of all funds made available to the Foundation to carry out those activities; and

(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 during 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 purposes 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, audit, and direction of the 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.—

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

(2) 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.));

(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 United States extend to any obligations of the Foundation.

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

(L) 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 establish endowed positions at National Laboratories;

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

(I) to perform work for the Foundation, consistent with provided resources, notwithstanding any other provision of law governing the administration, mission, use, or operation 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 with the Foundation pursuant to section 12 of the Stevenson-Wyden Technology Innovation Act of 1980 (15 U.S.C. 3710).

(B) DEPARTMENT LIASONS.—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 direction of the audit to develop and operate the processes developed under subparagraph (A).

(D) NATIONAL SECURITY.—Nothing in this section exempts the Foundation from any national security policies or procedures.

(E) 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.

(F) 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.

(G) 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 $30,000,000 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 of Energy, acting through the Chief Commercialization Officer appointed under subsection (a) of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391).

3. Establishment.—The Secretary shall establish a program, to be known as the "Energy Innovation Corps Program" (referred to in this section as "Energy I-Corps"), to support entrepreneurial and commercialization, training, professional development, and mentorship.

4. Purposes.—The purposes of Energy I-Corps are—
(a) to help eligible participants develop entrepreneurial skills; and
(b) to accelerate the commercial application of clean energy technologies.

5. Activities.—In carrying out Energy I-Corps, the Secretary shall—
(a) conduct outreach to and engage with relevant public and private sector entities; 
(b) identify and disseminate best practices for strengthening connections between the National Laboratories and public and private sector entities; and
(c) develop a website to disseminate information on—
(i) different partnering mechanisms for working with the National Laboratories; 
(ii) National Laboratory experts and research areas; and
(iii) National Laboratory facilities and user facilities.

SEC. 4102. CLEAN ENERGY TECHNOLOGY TRANSFER COORDINATION.

1. 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.

2. Activities.—In carrying out subsection (a), the Secretary may—
(a) facilitate the sharing of information on best practices for successful operation of clean energy technology transfer programs; 
(b) coordinate resources and improve cooperation among clean energy technology transfer programs; 
(c) access additional platforms or events for showcasing innovative companies and entrepreneurs and promoting networking with prospective investors and partners; 
(d) facilitate matchmaking between entrepreneurs and startup companies and Department programs related to clean energy technology transfer; and
(e) develop a metric to measure the impact of clean energy technology transfer programs on—
(i) advancing the development, demonstration, and commercial application of clean energy technologies; 
(ii) job creation and workforce development; and 
(iii) increasing the competitiveness of the United States in the clean energy sector, including in manufacturing; and

SEC. 4201. LAB PARTNERING SERVICE PILOT PROGRAM.

1. Definitions.—In this section:

(a) Pilot Program.—The term "pilot program" means the Lab Partnering Service Pilot Program established under subsection (b).

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

2. Establishment.—The Secretary shall—
(a) establish a pilot program, to be known as the "Lab Partnering Service Pilot Program", under which the Secretary shall—
(i) provide services that encourage and support partnerships between the National Laboratories and public and private sector entities; 
(ii) provide services that encourage and support partnerships between the National Laboratories and public and private sector entities; and
(iii) provide services that encourage and support partnerships between the National Laboratories and public and private sector entities; and

3. Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section—
(a) $1,700,000 each fiscal year for each of fiscal years 2021 through 2025.

4. Duration.—Subject to the availability of appropriations, the pilot program shall operate for not less than 3 years.

SEC. 4202. LAB-EMBEDDED ENTREPRENEURSHIP PROGRAM.

1. Definitions.—In this section:

(a) Covered Program.—The term "covered program" means the Lab-Embedded Entrepreneurship Program authorized under subsection (b).

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).

5. Pilot Program.—The term "pilot program" means the Lab-Embedded Entrepreneurship Program established under section 4201.

6. Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section—
(a) $1,700,000 each fiscal year for each of fiscal years 2021 through 2025, of which $1,700,000 each fiscal year shall be used to carry out subsection (g).

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

8. 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, the Committee on Science, Space, and Technology of the House of Representatives a report that—
(i) evaluates the success of the pilot program in achieving the purposes of the pilot program; and
(ii) includes an analysis of the performance of the pilot program based on the metrics developed under subsection (f).

9. Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section—
(a) $1,700,000 each fiscal year for each of fiscal years 2021 through 2025.

10. Goals.—Subject to the availability of appropriations, the pilot program shall—
(a) improve communication of research, development, demonstration, and commercialization opportunities at the National Laboratories to potential partners.

11. Existing Program.—The pilot program may be established within or as an expansion of, an existing Department program.

12. Activities.—In carrying out the pilot program, the Secretary shall—
(a) conduct outreach to and engage with relevant public and private sector entities; 
(b) identify and disseminate best practices for strengthening connections between the National Laboratories and public and private sector entities; and
(c) include in the Secretary's annual report on the program a description of—
(i) the effectiveness of the pilot program in achieving the purposes described in subsection (a); 
(ii) the number and types of partnerships established between public and private sector entities; and
(iii) any other resources determined appropriate by the Secretary.

13. Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section—
(a) $1,700,000 each fiscal year for each of fiscal years 2021 through 2025.

14. Duration.—Subject to the availability of appropriations, the pilot program shall operate for not less than 3 years.

15. 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, the Committee on Science, Space, and Technology of the House of Representatives a report that—
(i) evaluates the success of the pilot program in achieving the purposes of the pilot program; and
(ii) includes an analysis of the performance of the pilot program based on the metrics developed under subsection (f).

16. Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section—
(a) $1,700,000 each fiscal year for each of fiscal years 2021 through 2025.

17. Goals.—Subject to the availability of appropriations, the pilot program shall—
(a) improve communication of research, development, demonstration, and commercialization opportunities at the National Laboratories to potential partners.

18. Existing Program.—The pilot program may be established within or as an expansion of, an existing Department program.

19. Activities.—In carrying out the pilot program, the Secretary shall—
(a) conduct outreach to and engage with relevant public and private sector entities; 
(b) identify and disseminate best practices for strengthening connections between the National Laboratories and public and private sector entities; and
(c) include in the Secretary's annual report on the program a description of—
(i) the effectiveness of the pilot program in achieving the purposes described in subsection (a); 
(ii) the number and types of partnerships established between public and private sector entities; and
(iii) any other resources determined appropriate by the Secretary.

20. Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section—
(a) $1,700,000 each fiscal year for each of fiscal years 2021 through 2025.
(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—

(i) oversee the planning and coordination of grants awarded under this section, and programs described in this section;

(ii) 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. 4202. 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”;

(ii) by striking “and the Director” and inserting “the Director of each covered facility”;

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

(A) by striking “Laboratory or single-purpose research facility” and inserting “Laboratory, single-purpose research facility, or covered facility”;

(B) by striking “Laboratory, single-purpose research facility” and inserting “Laboratory, single-purpose research facility, or covered facility”; and

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

(i) by striking “in subparagraph (A)” and inserting “in paragraphs (A) and (B)”; and

(ii) by striking “Laboratory or single-purpose research facility” and inserting “Laboratory, single-purpose research facility, or covered facility”;

(2) by striking “(5) COST-SHARING REQUIREMENT. In carrying out the program, the Secretary shall” and inserting “(5) ANNUAL REPORT. The Secretary shall include in the annual report required under section 1001(f)(2) a description of the implementation plan submitted under subsection (f)(2) of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) on the operation of the National Nuclear Security Administration determines is within the mission of the program.”

(3) by striking “(6) ANNUAL REPORT. The Secretary shall include in the annual report required under section 1001(f)(2) a description of the implementation plan submitted under subsection (f)(2) of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) on the operation of the National Nuclear Security Administration determines is within the mission of the program.”

SEC. 4204. ENTREPRENEURIAL LEAVE PROGRAM.

(a) In General.—The Secretary shall delegate to each Director of a National Laboratory the authority to grant 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 of Energy, the following:

(i) a full leave of absence, with the option on which the full leave of absence begins;

(ii) an unpaid partial leave of absence or a paid partial leave of absence.

(b) Termination Authority.—Notwithstanding any provision of title 5, United States Code, or any regulation issued under this 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, each Director of a National Laboratory shall require each Director of a National Laboratory to establish streamlined mechanisms for facilitating the licensing of technologies developed at that National Laboratory for use by employees of the National Laboratory who participate 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 this title, each Director of a National Laboratory may—

(i) 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;

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

(iii) in the course of that outside employment or activity, to access the National Laboratory equipment, including conflict of interest protocols.

(b) Costs.—If a Director of a National Laboratory elects to use the authority delegated under subsection (a), the Director, or a designee, shall require employees to obtain approval from the Director or the designee prior to engaging in 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 described in 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 contract, or any regulation issued under that title—
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—

(1) 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 proposals as 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, with the approval of the 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) COST-SHARING.—Each milestone-based demonstration project shall—

(1) be responsible for the costs of the milestone-based demonstration project until—

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

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

(f) REPORT.—The Secretary shall include in the annual report required under section 646(g)(10) of the Department of Energy Organization Act of 2005 (42 U.S.C. 7256(g)), the Secretary shall establish a program under which the Secretary shall award funds to new or existing milestone-based demonstration projects that receive a score under subsection (c)(5) of the process of the Secretary, but not ranked below the percentile number of:.

SEC. 4302. STREAMLINING PRIZE COMPETITIONS.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) (as amended by section 1901(f)) is amended by—

(1) redesignating subsections (e), (f), and (g) as subsections (1), (e), and (f), respectively, and moving those subsections so as to appear in the order in which they are redesignated;

(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.

(2) REPORT.—The Secretary shall include in the annual report required under section 1001(f) 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 number of prizes awarded for demonstration projects.

SEC. 4303. EXTENSION OF OTHER TRANSACTION AUTHORITY.

Section 646(g)(10) of the Department of Energy Organization Act (42 U.S.C. 7256(g)) 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) ELIGIBILITY.—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;

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

(c) AWARDS.—

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

(2) FOR PROJECTS THAT SUCCESSFULLY MEET MILESTONES.—

(A) The Secretary shall award funds to new or existing milestone-based demonstration projects, and

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

(3) 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) reimbursement expenses are reviewed and verified by the Department.

(4) 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 section (a), the Secretary, in accordance with terms negotiated for the award of funds, shall—

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

(2) 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. 16392).

(f) REPORT.—The Secretary shall include in the annual report required under subsection (c)(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) of the Energy Policy Act of 2005
(42 U.S.C. 16332(b)(4)(B)) is amended by striking “this paragraph” and inserting “the
Energy Policy Transfer Act of 2020.”
(b) REPORTS.—Section 108(b) of the Depart-
ment of Energy Research and Innovation Act
(Public Law 115–246; 132 Stat. 3134) is amend-
ed by striking “the term of such an employee
shall be the shorter 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 cal-
endar year under section 5307(a)(1) of title 5,
United States Code; and
(2) fix the basic pay of an employee ap-
pointed under paragraph (1) at a rate to be
determined by the Secretary, but not in ex-
cess of the rate of pay for level II of the Ex-
cutive Schedule under section 5313 of title 5,
United States Code; and
(3) the amount of such pay shall be
by striking “this Act” each place it ap-
pears and inserting “the Energizing Tech-
nology Transfer Act of 2020”.
SEC. 4306. SPECIAL HIRING AUTHORITY FOR SCI-
ENCE, ENGINEERING, AND PROJECT MANAGEMENT
PERSONNEL.
(a) In General.—Without regard to the civil
service laws, the Secretary may—
(1) make appointments of scientific, engi-
nering, and professional personnel to assist
the Department in meeting specific project
or research needs;
(2) fix the basic pay of an employee ap-
pointed under paragraph (1) at a rate to be
determined by the Secretary, but not in ex-
cess of the rate of pay for level II of the Ex-
cutive Schedule under section 5313 of title 5,
United States Code; and
(3) in an employment 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 cal-
endar year under section 5307(a)(1) of title 5,
United States Code.
(b) Upon Appointments.—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.
(a) IN GENERAL.—Not later than 30 days
after the date of enactment of this Act, the Secretary of the
Department of Energy, the Secretary of
Health and Human Services, the Secretary
of Homeland Security, and the Secretary
of Transportation shall develop the
Joint Task Force on Air Travel During and After the COVID–19 Public Health Emergency
established under section 4(a).
(b) 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 4(a).
SEC. 4402. REPORTS ON SHORT- AND LONG-TERM
METRICS.
(a) IN GENERAL.—Not later than 3 years after the date of en-
actment of this Act, and every 3 years there-
after, the Secretary shall submit to the Com-
mitee on Energy and Natural Resources of the Senate and the Committee on Science,
Space, and Technology of the House of Rep-
resentatives a report that, with respect to
each program established under sections 4101 and 4202—
(i) includes an evaluation of the program;
and
(ii) describes the extent to which the program is achieving the purposes of the pro-
gram, in relevant, short-term and long-
term metrics, including any metrics devel-
oped under the program, if applicable.
(b) 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 4(a).
SEC. 4403. REPORT ON TECHNOLOGY TRANSFER
GAPS.
(a) IN GENERAL.—Not later than 3 years after the date of en-
actment of this Act, the Secretary shall—
(1) seek to enter into an agreement with the National Academies of Sciences, Engi-
nearing, and Medicine to study existing pro-
grammatic gaps in the commercial applica-
tion of technologies among National Labora-
tories under programs supported by the De-
partment; and
(2) submit to the Committee on Energy and
Natural Resources of the Senate and the Com-
mitee on Science, Space, and Techn-
ology of the House of Representatives a re-
port on the findings of the study under para-
graph (1).
(b) 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 4(a).
SEC. 4404. MODIFIED AIR TRAVEL AUTHORITY.
(a) IN GENERAL.—The Secretary of Transportation, the Secretary of
Homeland Security, and the Secretary of
Transportation shall serve as the Joint Task
Force on Air Travel During and After the COVID–19 Public Health Emergency.
(b) REPORTS.—Not later than 3 years after the date of en-
actment of this Act, the Secretary shall—
(1) seek to enter into an agreement with the National Academies of Sciences, Engi-
nearing, and Medicine to study existing pro-
grammatic gaps in the commercial applica-
tion of technologies among National Labora-
tories under programs supported by the De-
partment; and
(2) submit to the Committee on Energy and
Natural Resources of the Senate and the Com-
mitee on Science, Space, and Techn-
ology of the House of Representatives a re-
port on the findings of the study under para-
graph (1).
SEC. 4405. MODIFIED AIR TRAVEL AUTHORITY.
(a) IN GENERAL.—Not later than 3 years after the date of en-
actment of this Act, the Secretary shall—
(1) seek to enter into an agreement with the National Academies of Sciences, Engi-
nearing, and Medicine to study existing pro-
grammatic gaps in the commercial applica-
tion of technologies among National Labora-
tories under programs supported by the De-
partment; and
(2) submit to the Committee on Energy and
Natural Resources of the Senate and the Com-
mitee on Science, Space, and Techn-
ology of the House of Representatives a re-
port on the findings of the study under para-
graph (1).
SEC. 4406. MODIFIED AIR TRAVEL AUTHORITY.
(a) IN GENERAL.—Not later than 3 years after the date of en-
actment of this Act, the Secretary shall—
(1) seek to enter into an agreement with the National Academies of Sciences, Engi-
nearing, and Medicine to study existing pro-
grammatic gaps in the commercial applica-
tion of technologies among National Labora-
tories under programs supported by the De-
partment; and
(2) submit to the Committee on Energy and
Natural Resources of the Senate and the Com-
mitee on Science, Space, and Techn-
ology of the House of Representatives a re-
port on the findings of the study under para-
graph (1).
SEC. 4407. MODIFIED AIR TRAVEL AUTHORITY.
(a) IN GENERAL.—Not later than 3 years after the date of en-
actment of this Act, the Secretary shall—
(1) seek to enter into an agreement with the National Academies of Sciences, Engi-
near
SEC. 4. JOINT FEDERAL ADVISORY COMMITTEE.

(a) Establishment.—Not later than 15 days after publication in the Federal Register of the Joint Task Force (as defined in section 2(a)) is established under section 3(a), the Secretary of Transportation 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) pilots, flight attendants, engineers, mechanics, navigators, 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—

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

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

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

(8) Manufacturers and integrators of passenger 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 validity 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) Placement on Authorization.—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 (as defined in section 3(a)) 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 Recommendations.—

(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, plan, 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 KNOTSON

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.
The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 694) recognizing 100 years of service by chief petty officers in the United States Coast Guard.

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

Mr. PORTMAN. I ask unanimous consent that the resolution be agreed to, as amended, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 694) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in the RECORD of September 15, 2020, under “Submitted Resolutions.”

NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2019

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 426, S. 910.

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

The senior assistant legislative clerk read as follows:

A bill (S. 910) to reauthorize and amend the National Sea Grant College Program Act, 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 “National Sea Grant College Program Amendments Act of 2019.”

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

Except as 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. KAUNSS MARINE POLICY FELLOWSHIP.

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

(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 3 percent of amounts made available for fellowships under subsection (b) may be used by a sea grant college or sea grant institute for fringe or other necessary costs of administering the fellowships.

(c) USE OF DONATIONS.—Amounts provided to a fellow under subsection (b) may be used by the fellow for travel costs relating to returning to the home institution of higher education of the fellow to complete degree requirements.

(2) 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.

(3) ANNUAL REPORT.—The Secretary shall provide an annual report to Congress at least once every four years on the State Sea Grant Programs.

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 Ocean 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. Kaunss Marine Policy Fellowship’s placement of additional fellows in relevant legislatively designated states, including any sea grant college or sea grant institute under subsection (a), the Secretary shall notify Congress in writing of the proposed designation.

(c) DURATION.—Section 204(c)(4)(E) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(4)(E)) shall expire on December 31, 2024.

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 Sea Grant Programs.”

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

Section 204(b) (33 U.S.C. 1123(b)) is amended, in the paragraph 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 DESIGNEES”;

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

“(A) NOTIFICATION TO CONGRESS OF DESIGNATION.—

(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 (B), a joint resolution disapproving the designation is enacted.

(2) EXISTING DESIGNEES.—Any institution.

SEC. 8. DIRECT HIRE AUTHORITY; DEAN JOHN A. KAUNSS 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 chapter 3 of title 5, United States Code, other than sections 3303 and 3324, as 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. KAUNSS MARINE POLICY FELLOWSHIP.—Subsection (a) applies with respect to the former recipient of a Dean John A. Kaunss Marine Policy Fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)) whose—

(1) earned a graduate or postgraduate 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.
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.

(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(f)(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 institutions 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 29 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, 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”.

(d) REPEAL OF REQUIREMENTS CONCERNING DISPOSITION 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) is amended—

(1) by striking subsection (c); and

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

“(2) MODIFICATION OF LIMITATIONS ON AMOUNTS FOR ADMINISTRATION.—Paragraph (1) of section 204(d)(3) (33 U.S.C. 1123(d)(3)(B)), by moving clause (vi) 2 ens to the right; and

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

“(B) IN GENERAL.—Section 212 (33 U.S.C. 1131(b)), 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”.

Mr. PORTMAN. I ask unanimous consent that the committee-reported substitute be withdrawn; that the Wicker amendment at the desk be agreed to; and that the bill, as amended, be considered read a third time.

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

The committee-reported amendment, in the nature of a substitute, was withdrawn.

The amendment (No. 2674), in the nature of a substitute, was agreed to.

The amendment is printed in today’s Record under “Text of Amendments.”

Mr. PORTMAN. 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.

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 H.R. 3399 and the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 3399) 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. 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 a third reading and was read the third time.

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

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1069) was passed.

Mr. PORTMAN. 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.

DIGITAL COAST ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of S. 1099 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. 1099) to amend the Digital Coast 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. 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 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 (H.R. 3399) was passed.

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.

geo spatial data to inform and improve local, State, regional, and Federal capacities to manage the coastal region, 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.

Mr. PORTMAN. 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 the bill.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1099) was passed.

Mr. PORTMAN. 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.
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 motion to reconsider be 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 motion to reconsider be made and laid upon the table.

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

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 agency prime contractor and does not 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.

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. PORTMAN. 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) JOINT TASK FORCE.—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 as appropriate, with respect to each of the applicable periods described in paragraph (2) for—

(A) reforming airport, air carrier, security, and other passenger and 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)(1), 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, the World Health Organization, the International Air Transport Association, the International Airports Association, the International Civil Aviation Organization, the International Airports Association, and representatives of the International Maritime Organization.

(b) DUTIES. (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 the 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 workers, 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 the 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 the Secretary of Homeland Security.

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

(K) 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 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, and 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 plans, and guidelines under subsection (b). The preliminary briefings shall include interim versions,
A bill (S. 4775) to provide continued emergency assistance, educational support, and health care response for individuals, families, and businesses affected by the 2020 coronavirus pandemic.

Mr. PORTMAN. I now ask for a second reading, and I object to my own request, all en bloc.

The PRESIDING OFFICER. Any objection having been heard, the bill will receive a second reading on the next legislative day.

ORDERS FOR THURSDAY, OCTOBER 1, 2020

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate complete its business today, it adjourn until 12 noon, Thursday, October 1; further, that following the prayers and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session for the consideration of the Newman nomination.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

DIGITAL COAST ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 481, S. 1069.

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

UNANIMOUS CONSENT AGREEMENT—S. 1069

Mr. PORTMAN. Mr. President, I ask unanimous consent that the previous order with respect to S. 1069 be vitiated.

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

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation.

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

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

The PRESIDING OFFICER. If there is no further debate on the bill, the question is, Shall the bill pass?

The bill (S. 1069) was passed as follows:

S. 1069

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Digital Coast Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Digital Coast is a model approach for effective Federal partnerships with State and local government, nongovernmental organizations, and the private sector.

(2) Access to current, accurate, uniform, and standards-based geospatial information, tools, and training to characterize the United States coastal region is critical for public safety and for the environment, infrastructure, and economy of the United States.

(3) More than half of all people of the United States (153,000,000) currently live on or near a coast and an additional 12,000,000 acres expected in the next decade.

(4) Coastal counties in the United States average 300 persons per square mile, compared with the national average of 96.

(5) On a typical day, more than 1,540 permits for construction of single-family homes are issued in coastal counties, combined with other commercial, retail, and institutional construction to support the population.

(6) Over half of the economic productivity of the United States is located within coastal regions.

(7) Highly accurate, high-resolution remote sensing and other geospatial data play an increasingly important role in decision making and management of the coastal zone and economy, including for:

(A) flood and coastal storm surge prediction;

(B) hazard risk and vulnerability assessment;

(C) emergency response and recovery planning;

(D) community resilience to longer range coastal change;

(E) local planning and permitting;

(F) habitat and ecosystem health assessments; and

(G) landscape change detection.

SEC. 3. DEFINITIONS.

In this Act:

(1) COASTAL REGION.—The term “coastal region” means the area of United States waters extending inland from the shoreline to include coastal watersheds and seaward to the territorial sea.

(2) COASTAL STATE.—The term “coastal State” has the meaning given the term “coastal state” in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) FEDERAL GEOGRAPHIC DATA COMMITTEE.—The term “Federal Geographic Data Committee” means the Committee established by the Digital Coast Act.
Data Committee” means the interagency committee that promotes the coordinated development, use, sharing, and dissemination of geospatial data on a national basis.

(4) ‘‘REMOTE SENSING and OTHER GEOGRAPHICAL.—The term ‘remote sensing and other geographical’ means collecting, storing, retrieving, or disseminating graphical or digital information depicting natural or manmade physical features, phenomena, or boundaries of the Earth and any information related thereto, including surveys, maps, charts, satellite images, airborne remote sensing data, images, LiDAR, and services performed by professionals such as surveyors, photogrammetrists, hydrographers, cartographers, and other such services.

(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 4. ESTABLISHMENT of the DIGITAL COAST.

(a) ESTABLISHMENT.—The Secretary shall establish a program for the provision of an enabling platform that integrates geospatial data, decision-support tools, training, and best practices to address coastal management issues and needs. Under the program, the Secretary shall strive to enhance resilient communities, ecosystem values, and coastal research and development by helping communities address their issues, needs, and challenges through cost-effective and participatory solutions.

(b) PROGRAM REQUIREMENTS.—In carrying out the program, the Secretary shall ensure that the program provides data integration, tool development, training, documentation, dissemination, and archive by—

(1) making data and resulting integrated products developed under this section readily accessible via the Digital Coast internet website of the National Oceanic and Atmospheric Administration, the GeoPlatform.gov and data.gov internet websites, and such other information distribution technologies as the Secretary considers appropriate;

(2) developing decision-support tools that use and display resulting integrated data and provide training on use of such tools;

(3) documenting such data to Federal Geographic Data Committee standards; and

(4) archiving all raw data acquired under this Act in the National Geographic and Atmospheric Administration data center or such other Federal data center as the Secretary considers appropriate.

(c) COORDINATION.—The Secretary shall coordinate the activities carried out under the program to optimize data collection, sharing, and integration, and to minimize duplication by—

(1) consulting with coastal managers and decision makers concerning coastal issues, and sharing tool development and best practices, as the Secretary considers appropriate, with—

(A) coastal States;

(B) local governments; and

(C) representatives of academia, the private sector, and nongovernmental organizations;

(2) consulting with other Federal agencies, including interagency committees, on relevant Federal activities, including activities carried out under the Ocean and Coastal Mapping Act (33 U.S.C. 3501 et seq.), the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the Integrated Coastal and Ocean Observation System Act of 2006 (33 U.S.C. 4001 et seq.), and the National Geospatial Services Improvement Act of 1998 (33 U.S.C. 882 et seq.); and

(3) participating, pursuant to section 216 of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note), in the establishment of such standards and common protocols as the Secretary considers necessary to assure the interoperability of remote sensing and other geospatial data with all users of such information within—

(A) the National Oceanic and Atmospheric Administration;

(B) other Federal agencies;

(C) State and local government; and

(D) the private sector.

(4) coordinating with, seeking assistance and cooperation of, and providing liaison to the National Geographic Data Committee pursuant to Office of Management and Budget Circular A–16 and Executive Order 12906 of April 11, 1994 (59 Fed. Reg. 17671), as amended by Executive Order 13296 of February 28, 2003 (68 Fed. Reg. 10619); and

(5) developing and maintaining a best practices dataset that sets out the best practices used by the Secretary in carrying out the program and providing such document to the United States Geological Survey, the Corps of Engineers, and other relevant Federal agencies.

(d) FILLING NEEDS AND GAPS.—In carrying out the program, the Secretary shall—

(1) maximize the use of remote sensing and other geospatial data collection activities conducted for other purposes and under other authorities;

(2) focus on filling data needs and gaps for coastal management issues, including with respect to areas that, as of the date of the enactment of this Act, were underserved by coastal data and the areas of the Arctic that are under the jurisdiction of the United States;

(3) pursuant to the Ocean and Coastal Mapping Act, provide remote sensing data and products developed under this program.

(e) FEDERAL AGENCIES and CONTRACTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary—

(A) may enter into financial agreements to carry out the program, including—

(i) support to non-Federal entities that participate in implementing the program; and

(ii) grants, cooperative agreements, interagency agreements, contracts, or any other agreement on a reimbursable or non-reimbursable basis, with other Federal, tribal, State, and local governmental and nongovernmental entities; and

(B) may, to the maximum extent practicable, enter into such contracts with private sector entities for products and services as the Secretary determines may be necessary to collect, process, and provide remote sensing and other geospatial data and products for purposes of the program.

(f) FEES.—

(1) ASSESSMENT and COLLECTION.—The Secretary may assess and collect fees for the conduct of any training, workshop, or conference that advances the purposes of the program.

(2) AMOUNTS.—The amount of a fee under this paragraph may not exceed the sum of costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the training, workshop, or conference, including for subsistence expenses incidental to the training, workshop, or conference, as applicable.

(3) USE of FEES.—Amounts collected by the Secretary in the form of fees under this paragraph may be used for—

(i) the costs incurred for conducting an activity described in subparagraph (A); or

(ii) the expenses described in subparagraph (B).

(g) SURVEY and MAPping.—Contracts entered into under paragraph (1)(B) shall be considered “surveying and mapping” services as such term is used in and as such contracts are awarded by the Secretary in accordance with the selection procedures in chapter 11 of title 40, United States Code.

(h) AUTHORIZATION of APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $4,000,000 for each fiscal year 2020 through 2024 to carry out the program.

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.

ADJOURNMENT UNTIL TOMORROW

Mr. PORTMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:39 p.m., adjourned until Thursday, October 1, 2020, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

BRIAN E. DAVIS, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY of DEFENSE, VICE JAMES N. STEWART.

IN THE ARMY

The following named officers for appointment in the reserve of the Army to the grades as indicated under Title 10, United States Code, Section 1230:

To be major general
BRIG. GEN. MATTHEW V. BAKER,
BRIG. GEN. VINCENT S. WILLS,
BRIG. GEN. BOWMAN T. HOWLES III,
BRIG. GEN. MIGUEL A. CASTELLANOS,
BRIG. GEN. MALCOLM A. DAVIS,
BRIG. GEN. MATTHEW P. EARLEY,
BRIG. GEN. JOHN R. HASKIN,
BRIG. GEN. JOSEPH J. HERR,
BRIG. GEN. SUSAN E. HEIDESTRON,
BRIG. GEN. JAMIELLE C. SHAWLEY,
BRIG. GEN. TRACY L. SMITH,
BRIG. GEN. LAWRENCE P. THOMAS,

To be brigadier general
COL. HARVEY A. CUTFINCH,
COL. JOHN M. DEKKER,
COL. CHARLES A. GAMBARO, JR.,
COL. MICHAEL M. GREEN,
COL. ANDREW R. HARRWOOD,
COL. DANIEL H. HIRSHHOWITZ,
COL. STEPHANIE Q. HOWARD,
COL. MARIA A. JAVIER,
COL. THOM KRAMER,
COL. JOCIELLYN A. LEVENTHAL,
COL. ERWIN P. MEISLER,
COL. EDGAR G. NADEAU,
COL. ROBERT S. POWELL, JR.,
COL. JEFFREY D. PRICE,
COL. DAVID M. SAMURSKIEN

S6004  CONGRESSIONAL RECORD — SENATE  September 30, 2020
The following named officers for appointment to the grade indicated in the United States Army under Title 10, U.S.C., Section 624:

- To be colonel
  - JOHN J. AGNELLO
  - ADONIS ATERI
  - REBECCA L. BARNES
  - DEAN J. CASE II
  - DAVID P. T. DAVI
  - MATTHEW D. GIOVANNI
  - MICHAEL K. GOOCH
  - BRIAN E. LAMARCHE
  - CHRISTOPHER M. HILL
  - JONATHAN W. MEISEL

The following named officers for appointment to the grade indicated in the United States Army under Title 10, U.S.C., Section 601:

- To be general
  - LT. GEN. DAVID D. THOMPSON
  - LT. GEN. ANDREW P. POPPAS

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., Section 601:

- LT. GEN. CHRISTOPHER G. CAVOLI

Executive nominations confirmed by the Senate September 30, 2020:

**IN THE ARMY**

- LT. GEN. CHRISTOPHER G. CAVOLI

**SPACE FORCE**

- LT. GEN. DAVID D. THOMPSON


ARMY NOMINATIONS BEGINNING WITH JAMES O. BOWEN AND ENDING WITH PHILIP A. WINN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 13, 2020.

ARMY NOMINATIONS BEGINNING WITH ANDREW T. CONANT AND ENDING WITH RAVINDRA V. WAGH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 13, 2020.

ARMY NOMINATION OF FRED J. GROSPIN, TO BE COLONEL.

ARMY NOMINATION OF MATTHEW E. TULLIA, TO BE MAJOR.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF ANTHONY J. BERTOLGIO, TO BE MAJOR.

MARINE CORPS NOMINATION OF JOHN STEPHENS, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF ANGELA M. NELSON, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF LUKE D. ZUMBUSCH, TO BE MAJOR.

MARINE CORPS NOMINATION OF RICHARD M. RUSSOK, TO BE COLONEL.

MARINE CORPS NOMINATION OF DAMON K. BURROWS, TO BE COLONEL.

IN THE NAVY

NAVY NOMINATION OF RHIAN F. O’BANNON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF INARAQUEL MIRANDAVARGAS, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF KRISTEN L. KINNER, TO BE CAPTAIN.

NAVY NOMINATION OF JEFFREY B. PARKS, TO BE COMMANDER.

NAVY NOMINATION OF WILLIAM F. BLANTON, TO BE COMMANDER.

NAVY NOMINATION OF MICHAEL J. ARMSTRONG, TO BE COMMANDER.

NAVY NOMINATION OF CHADWICK G. SHEROT, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF TERRANCE L. LEIGHTON III, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF TODD D. STRONG, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF NATAN D. HUFFAKER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF EMILY M. BENZER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF DAVID M. LALANN, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JEAN E. KNOWLES, TO BE CAPTAIN.

NAVY NOMINATION OF KEVIN M. RAY, TO BE COMMANDER.

SPACE FORCE

SPACE FORCE NOMINATIONS BEGINNING WITH DAVID L. RANSOM AND ENDING WITH JAMES C. KUNDERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2020.

SPACE FORCE NOMINATIONS BEGINNING WITH DAVID R. ANDERSON AND ENDING WITH DEVIN L. ZUFELT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2020.
HIGHLIGHTS

Senate passed H.R. 8337, Continuing Appropriations Act and Other Extensions Act.

Senate

Chamber Action

Routine Proceedings, pages S5899–S6007

Measures Introduced: Nineteen bills and sixteen resolutions were introduced, as follows: S. 4759–4777, S. Res. 727–741, and S. Con. Res. 48.

Pages S5948–50

Measures Reported:

S. 2730, to establish and ensure an inclusive transparent Drone Advisory Committee, with an amendment in the nature of a substitute. (S. Rept. No. 116–272)

S. 2981, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, with an amendment. (S. Rept. No. 116–273)

Page S5948

Measures Passed:

Intercountry Adoption Information Act: Committee on Foreign Relations was discharged from further consideration of H.R. 1952, to amend the Intercountry Adoption Act of 2000 to require the Secretary of State to report on intercountry adoptions from countries which have significantly reduced adoption rates involving immigration to the United States, and the bill was then passed.

Page S5918

Senator Kay Hagan Airport Traffic Control Tower: Senate passed S. 4762, to designate the airport traffic control tower located at Piedmont Triad International Airport in Greensboro, North Carolina, as the “Senator Kay Hagan Airport Traffic Control Tower”.

Pages S5918–23

Continuing Appropriations Act and Other Extensions Act: By 84 yeas to 10 nays (Vote No. 197), Senate passed H.R. 8337, making continuing appropriations for fiscal year 2021, after taking action on the following amendments proposed thereto:

Pages S5902–06, S5906–18, S5923

Rejected:

McConnell Amendment No. 2663, to change the enactment date. (Senate tabled the amendment.)

Page S5923

During consideration of this measure today, Senate also took the following action:

McConnell Amendment No. 2664, of a perfecting nature, fell when McConnell Amendment No. 2663 was tabled.

Page S5923

National Small Business Week: Senate agreed to S. Res. 730, supporting the designation of the week beginning September 20, 2020, as “National Small Business Week” and commending the entrepreneurial spirit of the small business owners of the United States and their impact on their communities.

Page S5983

Lights On Afterschool: Senate agreed to S. Res. 731, supporting Lights On Afterschool, a national celebration of afterschool programs held on October 22, 2020.

Page S5983

National Bison Day: Senate agreed to S. Res. 732, designating November 7, 2020, as “National Bison Day”.

Pages S5983–84

Preservation Society of Charleston Centennial: Senate agreed to S. Res. 733, recognizing 2020 as the centennial of the Preservation Society of Charleston.

Page S5984

National Falls Prevention Awareness Week: Senate agreed to S. Res. 734, designating the week of September 21 through September 25, 2020, as “National Falls Prevention Awareness Week” to raise awareness and encourage the prevention of falls among older adults.

Pages S5984–85

National Urban Wildlife Refuge Day: Senate agreed to S. Res. 735, designating September 29, 2020, as “National Urban Wildlife Refuge Day”.

Page S5985
National Kinship Care Month: Senate agreed to S. Res. 736, designating September 2020 as “National Kinship Care Month”.  

National Veterans Suicide Prevention Day: Senate agreed to S. Res. 737, expressing support for the designation of September 30, 2020, as “National Veterans Suicide Prevention Day”.  

National Suicide Prevention Month: Senate agreed to S. Res. 738, recognizing suicide as a serious public health problem and expressing support for the designation of September as “National Suicide Prevention Month”.  

National Family Service Learning Week: Senate agreed to S. Res. 739, expressing support for the designation of the week of September 21 through September 25, 2020, as “National Family Service Learning Week”.  

Energy Efficiency Day: Senate agreed to S. Res. 740, designating October 7, 2020, as “Energy Efficiency Day” in celebration of the economic and environmental benefits that have been driven by private sector innovation and Federal energy efficiency policies.  

Nuclear weapons program workers remembrance day: Senate agreed to S. Res. 741, designating October 30, 2020, as a national day of remembrance for the workers of the nuclear weapons program of the United States.  

Honoring Coya Knutson: Committee on the Judiciary was discharged from further consideration of S. Res. 687, honoring the life and legacy of Coya Knutson, and the resolution was then agreed to.  

Chief petty officers 100 years of service: Committee on Commerce, Science, and Transportation was discharged from further consideration of S. Res. 694, recognizing 100 years of service by chief petty officers in the United States Coast Guard, and the resolution was then agreed to.  

National Sea Grant College Program Amendments Act: Senate passed S. 910, to reauthorize and amend the National Sea Grant College Program Act, after withdrawing the committee amendment in the nature of a substitute, and agreeing to the following amendment proposed thereto: Pages S5998–99  

Portman (for Wicker) Amendment No. 2674, in the nature of a substitute.  

Digital Coast Act: Senate passed S. 1069, to require the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to establish a constituent-driven program to provide a digital information platform capable of efficiently integrating coastal data with decision-support tools, training, and best practices and to support collection of priority coastal geospatial data to inform and improve local, State, regional, and Federal capacities to manage the coastal region.  

Nutria Eradication and Control Act of 2003: Committee on Environment and Public Works was discharged from further consideration of H.R. 3399, to amend the Nutria Eradication and Control Act of 2003 to include California in the program, and the bill was then passed.  

Nutria Eradication and Control Act of 2003: Committee on Environment and Public Works was discharged from further consideration of S. 4403, to amend the Nutria Eradication and Control Act of 2003 to include California in the program, and the bill was then passed.  

Extension of the Caribbean Basin Economic Recovery Act: Committee on Finance was discharged from further consideration of H.R. 991, to extend certain provisions of the Caribbean Basin Economic Recovery Act until September 30, 2030, and the bill was then passed.  

Protecting Business Opportunities for Veterans Act: Committee on Veterans’ Affairs was discharged from further consideration of 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 the bill was then passed.  

Ensuring Health Safety in the Skies Act: Senate passed S. 3681, to require a joint task force on air travel during and after the COVID–19 Public Health Emergency, after withdrawing the committee amendment in the nature of a substitute, and agreeing to the following amendment proposed thereto: Pages S6001–02  

Portman (for Markey) Amendment No. 2677, in the nature of a substitute.  

House Messages:  

Uyghur Human Rights Policy Act: Senate resumed consideration of the amendment of the House of Representatives to 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, taking action on the following motion and amendment proposed thereto: Pages S6002–03  

Pending:  

McConnell motion to concur in the amendment of the House of Representatives to the bill, with
McConnell Amendment No. 2652, in the nature of a substitute.  

McConnell (for Tillis) Amendment No. 2673 (to Amendment No. 2652), to amend the Health Insurance Portability and Accountability Act to prohibit pre-existing condition exclusions. (By 47 yeas to 47 nays (Vote No. 199), Senate failed to table the amendment.)  

During consideration of this measure today, Senate also took the following action:  

By 48 yeas to 46 nays (Vote No. 198), Senate agreed to the motion to proceed to consideration of the amendment of the House of Representatives to S. 178 (listed above).  

Message from the President: Senate received the following message from the President of the United States:  

Transmitting, pursuant to law, a report relative to the issuance of an Executive Order declaring a national emergency to deal with the threat posed by our Nation’s undue reliance on critical minerals, in processed or unprocessed form, from foreign adversaries; which was referred to the Committee on Energy and Natural Resources. (PM–59)  

Cannon Nomination—Cloture: Senate began consideration of the nomination of Aileen Mercedes Cannon, of Florida, to be United States District Judge for the Southern District of Florida.  

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Toby Crouse, of Kansas, to be United States District Judge for the District of Kansas.  

Prior to the consideration of this nomination, Senate took the following action:  

Senate agreed to the motion to proceed to Legislative Session.  

Senate agreed to the motion to proceed to Executive Session to consider the nomination.  

Calabrese Nomination—Cloture: Senate began consideration of the nomination of J. Philip Calabrese, of Ohio, to be United States District Judge for the Northern District of Ohio.  

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Toby Crouse, of Kansas, to be United States District Judge for the District of Kansas.  

Prior to the consideration of this nomination, Senate took the following action:  

Senate agreed to the motion to proceed to Legislative Session.  

Senate agreed to the motion to proceed to Executive Session to consider the nomination.  

Knepp II Nomination—Cloture: Senate began consideration of the nomination of James Ray Knepp II, of Ohio, to be United States District Judge for the Northern District of Ohio.  

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of J. Philip Calabrese, of Ohio, to be United States District Judge for the Northern District of Ohio.  

Prior to the consideration of this nomination, Senate took the following action:  

Senate agreed to the motion to proceed to Legislative Session.  

Senate agreed to the motion to proceed to Executive Session to consider the nomination.  


A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of James Ray Knepp II, of Ohio, to be United States District Judge for the Northern District of Ohio.  

Prior to the consideration of this nomination, Senate took the following action:  

Senate agreed to the motion to proceed to Legislative Session.  

Senate agreed to the motion to proceed to Executive Session to consider the nomination.
A unanimous-consent agreement was reached providing for further consideration of the nomination at approximately 12:00 noon, on Thursday, October 1, 2020.

Nominations Confirmed: Senate confirmed the following nominations:
- 2 Air Force nominations in the rank of general.
- 6 Army nominations in the rank of general.
- 1 Marine Corps nomination in the rank of general.
- 1 Navy nomination in the rank of admiral.
- 2 Space Force nominations in the rank of general.


Nominations Received: Senate received the following nominations:
- Brian S. Davis, of North Carolina, to be an Assistant Secretary of Defense.
- 33 Army nominations in the rank of general.
- 5 Coast Guard nominations in the rank of admiral.
- 2 Space Force nominations in the rank of general.

Routine lists in the Air Force, Army, Coast Guard, and Navy.

Messages from the House:

Measures Referred:

Measures Placed on the Calendar:

Measures Read the First Time:

Enrolled Bills Presented:

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Authorities for Committees to Meet:

Record Votes: Three record votes were taken today. (Total—199)

Adjournment: Senate convened at 12 noon and adjourned at 8:39 p.m., until 12 noon on Thursday, October 1, 2020. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S6004.)

Committee Meetings

(Committees not listed did not meet)

NASA
Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine NASA missions and programs, focusing on update and future plans, after receiving testimony from James Bridenstine, Administrator, National Aeronautics and Space Administration.

BUSINESS MEETING
Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the nomination of Chad F. Wolf, of Virginia, to be Secretary of Homeland Security.

CROSSFIRE HURRICANE OVERSIGHT
Committee on the Judiciary: Committee concluded an oversight hearing to examine the Crossfire Hurricane Investigation, after receiving testimony from James Comey, former Director of the Federal Bureau of Investigation, Department of Justice.

House of Representatives

Chamber Action
Public Bills and Resolutions Introduced: 37 public bills, H.R. 8406–8442; and 7 resolutions, H.J. Res. 96–97 and H. Res. 1155–1159, were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:
- H.R. 8132, to require the Federal Trade Commission and the Secretary of Commerce to conduct studies and submit reports on the impact of artificial intelligence and other technologies on United States businesses conducting interstate commerce, and for other purposes (H. Rept. 116–539);
- H.R. 3539, to amend the Public Health Service Act to direct the Secretary of Health and Human Services to develop best practices for the establishment and use of behavioral intervention teams at schools, and for other purposes, with an amendment (H. Rept. 116–540);
- H.R. 1289, to amend the Communications Act of 1934 to provide for a moratorium on number reassignment after a disaster declaration, and for other purposes, with an amendment (H. Rept. 116–541);
H.R. 7293, to amend the Public Health Service Act to provide best practices on student suicide awareness and prevention training and condition State educational agencies, local educational agencies, and tribal educational agencies receiving funds under section 520A of such Act to establish and implement a school-based student suicide awareness and prevention training policy, with an amendment (H. Rept. 116–542);

H.R. 4861, to amend the Public Health Service Act to establish a program to improve the identification, assessment, and treatment of patients in the emergency department who are at risk of suicide, and for other purposes (H. Rept. 116–543);

H.R. 2519, to authorize the Secretary of Health and Human Services, acting through the Director of the Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration, to award grants to implement innovative approaches to securing prompt access to appropriate follow-on care for individuals who experience an acute mental health episode and present for care in an emergency department, and for other purposes, with an amendment (H. Rept. 116–544);

H.R. 8128, to direct the Consumer Product Safety Commission to establish a pilot program to explore the use of artificial intelligence in support of the consumer product safety mission of the Commission, with amendments (H. Rept. 116–545);

H.R. 7948, to amend the Public Health Service Act with respect to the collection and availability of health data with respect to Indian Tribes, and for other purposes, with an amendment (H. Rept. 116–546);

H.R. 5572, to establish a grant program for family community organizations that provide support for individuals struggling with substance use disorder and their families, with an amendment (H. Rept. 116–547);

H.R. 5573, to reauthorize the United States Anti-Doping Agency, and for other purposes, with an amendment (H. Rept. 116–548);

H.R. 4764, to reauthorize the Stem Cell Therapeutic and Research Act of 2005, and for other purposes (H. Rept. 116–549);

H.R. 3131, to amend the Public Health Service Act to provide for research and improvement of cardiovascular health among the South Asian population of the United States, and for other purposes, with an amendment (H. Rept. 116–550);

H.R. 4439, to amend the Federal Food, Drug, and Cosmetic Act to make permanent the authority of the Secretary of Health and Human Services to issue priority review vouchers to encourage treatments for rare pediatric diseases, with amendments (H. Rept. 116–551);

H.R. 5469, to address mental health issues for youth, particularly youth of color, and for other purposes, with an amendment (H. Rept. 116–552);

H.R. 1109, to amend the Public Health Service Act to revise and extend projects relating to children and to provide access to school-based comprehensive mental health programs, with an amendment (H. Rept. 116–553);

H.R. 1754, to improve the integrity and safety of horseracing by requiring a uniform anti-doping and medication control program to be developed and enforced by an independent Horseracing Anti-Doping and Medication Control Authority, with an amendment (H. Rept. 116–554); and

H.R. 8161, to authorize implementation grants to community-based nonprofits to operate one-stop re-entry centers, with an amendment (H. Rept. 116–555).

Page H5050

Suspensions: The House agreed to suspend the rules and pass the following measures:

Energy Emergency Leadership Act: H.R. 362, amended, to amend the Department of Energy Organization Act with respect to functions assigned to Assistant Secretaries;

Cyber Sense Act: H.R. 360, amended, to require the Secretary of Energy to establish a voluntary Cyber Sense program to test the cybersecurity of products and technologies intended for use in the bulk-power system;

Enhancing Grid Security through Public-Private Partnerships Act: H.R. 359, amended, to provide for certain programs and developments in the Department of Energy concerning the cybersecurity and vulnerabilities of, and physical threats to, the electric grid;

Preserving Home and Office Numbers in Emergencies Act: H.R. 1289, amended, to amend the Communications Act of 1934 to provide for a moratorium on number reassignment after a disaster declaration;

Horseracing Integrity Act: H.R. 1754, amended, to improve the integrity and safety of horseracing by requiring a uniform anti-doping and medication control program to be developed and enforced by an independent Horseracing Anti-Doping and Medication Control Authority;
Consumer Product Safety Inspection Enhancement Act: H.R. 8134, amended, to support the Consumer Product Safety Commission’s capability to protect consumers from unsafe consumer products; Pages H4983–88

AI for Consumer Product Safety Act: H.R. 8128, amended, to direct the Consumer Product Safety Commission to establish a pilot program to explore the use of artificial intelligence in support of the consumer product safety mission of the Commission; Pages H4988–90

Agreed to amend the title so as to read: “To direct the Consumer Product Safety Commission to establish a pilot program to explore the use of artificial intelligence in support of the mission of the Commission and direct the Secretary of Commerce and the Federal Trade Commission to study and report on the use of blockchain technology and digital tokens, respectively.”; Page H4990

American Competitiveness Of a More Productive Emerging Tech Economy Act: H.R. 8132, amended, to require the Federal Trade Commission and the Secretary of Commerce to conduct studies and submit reports on the impact of artificial intelligence and other technologies on United States businesses conducting interstate commerce; Pages H4990–96

United States Anti-Doping Agency Reauthorization Act: H.R. 5373, amended, to reauthorize the United States Anti-Doping Agency; Pages H4998–99

EARLY Act Reauthorization: H.R. 4078, amended, to reauthorize the Young Women’s Breast Health Education and Awareness Requires Learning Young Act of 2009; Pages H4999–H5000

Helping Medicaid Offer Maternity Services Act: H.R. 4996, amended, to amend title XIX of the Social Security Act to provide for a State option under the Medicaid program to provide for and extend continuous coverage for certain individuals; Pages H5000–03

South Asian Heart Health Awareness and Research Act: H.R. 3131, amended, to amend the Public Health Service Act to provide for research and improvement of cardiovascular health among the South Asian population of the United States; Pages H5003–04

School-Based Allergies and Asthma Management Program Act: H.R. 2468, amended, to amend the Public Health Service Act to increase the preference given, in awarding certain allergies and asthma-related grants, to States that require certain public schools to have allergies and asthma management programs; Pages H5004–06

School-Based Health Centers Reauthorization Act: H.R. 2075, amended, to amend the Public Health Service Act to reauthorize school-based health centers; Pages H5008–10

Tribal Health Data Improvement Act of 2020: H.R. 7948, amended, to amend the Public Health Service Act with respect to the collection and availability of health data with respect to Indian Tribes; Pages H5010–12

Pursuing Equity in Mental Health Act: H.R. 5469, amended, to address mental health issues for youth, particularly youth of color; Pages H5012–14

Mental Health Services for Students Act: H.R. 1109, amended, to amend the Public Health Service Act to revise and extend projects relating to children and to provide access to school-based comprehensive mental health programs; Pages H5014–16

Improving Mental Health Access from the Emergency Department Act: H.R. 2519, amended, to authorize the Secretary of Health and Human Services, acting through the Director of the Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration, to award grants to implement innovative approaches to securing prompt access to appropriate follow-on care for individuals who experience an acute mental health episode and present for care in an emergency department; Pages H5016–17

Effective Suicide Screening and Assessment in the Emergency Department Act: H.R. 4861, amended, to amend the Public Health Service Act to establish a program to improve the identification, assessment, and treatment of patients in the emergency department who are at risk of suicide; Pages H5017–19

Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2020: H.R. 7293, amended, to amend the Public Health Service Act to provide best practices on student suicide awareness and prevention training and condition State educational agencies, local educational agencies, and tribal educational agencies receiving funds under section 520A of such Act to establish and implement a school-based student suicide awareness and prevention training policy; Pages H5019–21

Behavioral Intervention Guidelines Act: H.R. 3539, amended, to amend the Public Health Service Act to direct the Secretary of Health and Human Services to develop best practices for the establishment and use of behavioral intervention teams at schools; Pages H5021–23

Creating Hope Reauthorization Act: H.R. 4439, amended, to amend the Federal Food, Drug, and Cosmetic Act to make permanent the authority of
the Secretary of Health and Human Services to issue priority review vouchers to encourage treatments for rare pediatric diseases;  

Agreed to amend the title so as to read: “To amend the Federal Food, Drug, and Cosmetic Act to extend the authority of the Secretary of Health and Human Services to issue priority review vouchers to encourage treatments for rare pediatric diseases.”;  

Grid Security Research and Development Act:  
H.R. 5760, amended, to provide for a comprehensive interdisciplinary research, development, and demonstration initiative to strengthen the capacity of the energy sector to prepare for and withstand cyber and physical attacks; and  

Reaffirming the House of Representatives' commitment to the orderly and peaceful transfer of power called for in the Constitution of the United States: H. Res. 1155, reaffirming the House of Representatives' commitment to the orderly and peaceful transfer of power called for in the Constitution of the United States, by a 2/3 yea-and-nay vote of 397 yeas to 5 nays, Roll No. 208. Pages H5030–35, H5037  

Recess: The House recessed at 5:42 p.m. and reconvened at 6:25 p.m.  

Recess: The House recessed at 7:28 p.m. and reconvened at 7:34 p.m.  

Question of Privilege: Representative Gohmert rose to a question of the privileges of the House and submitted a resolution. Upon examination of the resolution, the Chair determined that the resolution qualified. Subsequently, the House agreed to the Clyburn motion to table H. Res. 1148, raising a question of the privileges of the House, by a yea-and-nay vote of 223 yeas to 176 nays, Roll No. 207. Pages H5035–36  

Suspensions—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed.  

Timely ReAuthorization of Necessary Stem-cell Programs Lends Access to Needed Therapies Act:  
H.R. 4764, amended, to reauthorize the Stem Cell Therapeutic and Research Act of 2005; and  

Family Support Services for Addiction Act of 2020:  
H.R. 5572, amended, to establish a grant program for family community organizations that provide support for individuals struggling with substance use disorder and their families. Pages H5006–08  

Senate Referral: S. 2693 was held at the desk.  

Senate Message: Message received from the Senate today appears on page H5008.  

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H5036 and H5037.  

Adjournment: The House met at 12 noon and adjourned at 9:46 p.m.  

Committee Meetings  
LICENSE TO BANK: EXAMINING THE LEGAL FRAMEWORK GOVERNING WHO CAN LEND AND PROCESS PAYMENTS IN THE FINTECH AGE  
Committee on Financial Services: Task Force on Financial Technology held a hearing entitled “License to Bank: Examining the Legal Framework Governing Who Can Lend and Process Payments in the Fintech Age”. Testimony was heard from public witnesses.  

MISCELLANEOUS MEASURES  
Committee on the Judiciary: Full Committee held a markup on H.R. 7370, the “Protecting Employees and Retirees in Business Bankruptcies Act of 2020”; H.R. 2648, the “Student Borrower Bankruptcy Relief Act of 2019”; H.R. 8366, the “Protecting Homeowners in Bankruptcy Act of 2020”; and H.R. 8354, the “Servicemembers and Veterans Initiative Act of 2020”. H.R. 7370, H.R. 2648, and H.R. 8366 were ordered reported, as amended. H.R. 8354 was ordered reported, without amendment.  

POLICE CAMERAS AT THE DEPARTMENT OF THE INTERIOR: INCONSISTENCIES, FAILURES, AND CONSEQUENCES  
Committee on Natural Resources: Subcommittee on Oversight and Investigations held a hearing entitled “Police Cameras at the Department of the Interior: Inconsistencies, Failures, and Consequences”. Testimony was heard from public witnesses.  

CONFRONTING VIOLENT WHITE SUPREMACY (PART IV): WHITE SUPREMACY IN BLUE—THE INFILTRATION OF LOCAL POLICE DEPARTMENTS  
Committee on Oversight and Reform: Subcommittee on Civil Rights and Civil Liberties held a hearing entitled “Confronting Violent White Supremacy (Part IV): White Supremacy in Blue—The Infiltration of Local Police Departments”. Testimony was heard from Mark Napier, Sheriff, Pima County, Arizona; and public witnesses.  

Joint Meetings  
No joint committee meetings were held.
COMMITTEE MEETINGS FOR THURSDAY,
OCTOBER 1, 2020

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: Subcommittee on Readiness and Management Support, to hold hearings to examine supply chain integrity, 9:15 a.m., SD–G50.

Committee on Commerce, Science, and Transportation: business meeting to consider an authorization to subpoena the attendance of a witness for purpose of a hearing to Jack Dorsey, Chief Executive Officer, Twitter; an authorization to subpoena the attendance of a witness for purpose of a hearing to Sundar Pichai, Chief Executive Officer, Alphabet Inc., Google; and an authorization to subpoena the attendance of a witness for purpose of a hearing to Mark Zuckerberg, Chief Executive Officer, Facebook, 9:30 a.m., SD–106.

Committee on the Judiciary: business meeting to consider S. 4652, to amend title 17, United States Code, to establish an alternative dispute resolution program for copyright small claims, to amend the Communications Act of 1934 to modify the scope of protection from civil liability for ‘good Samaritan’ blocking and screening of offensive material, and the nominations of Benjamin Joel Beaton, to be United States District Judge for the Western District of Kentucky, Kristi Haskins Johnson, and Taylor B. McNeel, both to be a United States District Judge for the Southern District of Mississippi, Kathryn Kimball Mizelle, to be United States District Judge for the Middle District of Florida, and Thompson Michael Dietz, of New Jersey, to be a Judge of the United States Court of Federal Claims, 10 a.m., SR–325.

House

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, hearing entitled “Indian Country COVID–19 Response and Update”, 1 p.m., 2118 Rayburn.


Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled “Pathway to a Vaccine: Ensuring a Safe and Effective Vaccine People Will Trust”, 11:30 a.m., Webex.


Committee on Natural Resources, Full Committee, markup on H.R. 244, the “Advancing Conservation and Education Act”; H.R. 733, the “Leech Lake Band of Ojibwe Reservation Restoration Act”; H.R. 970, the “Robert E. Lee Statue Removal Act”; H.R. 1248 the “York River Wild and Scenic River Act of 2019”; H.R. 1964, the “Lumbee Recognition Act”; H.R. 3225, the “Restoring Community Input and Public Protections in Oil and Gas Leasing Act of 2019”; H.R. 3651, to facilitate the use of certain land in Nebraska for public outdoor recreational opportunities, and for other purposes; H.R. 4135, to direct the Secretary of the Interior to remove the statue to the memory and in honor of Albert Pike erected near Judiciary Square in the District of Columbia, and for other purposes; H.R. 4139, to provide for the boundary of the Palo Alto Battlefield National Historic Park to be adjusted, to authorize the donation of land to the United States for addition to that historic park, and for other purposes; H.R. 4840, the “Casa Grande Ruins National Monument Boundary Modification Act of 2019”; H.R. 5153, the “Indian Buffalo Management Act”; H.R. 5458, the “Rocky Mountain National Park Boundary Modification Act”; H.R. 5459, the “Rocky Mountain National Park Ownership Correction Act”; H.R. 5472, the “Jimmy Carter National Historical Park Redesignation Act”; H.R. 5598, the “Boundary Waters Wilderness Protection and Pollution Prevention Act”; H.R. 5852, the “Weir Farm National Historical Park Redesignation Act”; H.R. 7098, the “Saguaro National Park Boundary Expansion and Study Act of 2020”; H.R. 7099, to provide for the conveyance of a small parcel of Coconino National Forest land in the State of Arizona; and S. 212, the “Indian Community Economic Enhancement Act of 2019”, 12 p.m., Webex.

Committee on Oversight and Reform, Full Committee, hearing entitled “Unsustainable Drug Prices: Testimony from the CEOs”, 10 a.m., 2154 Rayburn and Webex.

Committee on Rules, Full Committee, hearing on Senate Amendments to H.R. 925, the “America’s Conservation Enhancement Act” [The Heroes Act], 9 a.m., Webex.

Committee on Science, Space, and Technology, Subcommittee on Environment, hearing entitled “Coping with Compound Crises: Extreme Weather, Social Injustice, and a Global Pandemic”, 11:30 a.m., Webex.

Committee on Small Business, Full Committee, hearing entitled “How COVID–19 is Impacting Small Businesses Across the Food System”, 10 a.m., 2175 Rayburn and Webex.

Committee on Transportation and Infrastructure, Full Committee, markup on legislation on the Aircraft Certification Reform and Accountability Act; H.R. 8266, the “FEMA Assistance Relief Act of 2020”; H.R. 4358, the “Preliminary Damage Assessment Improvement Act of 2019”; H.R. 8326, the “CED Act”; H.R. 4611, the “Ocean Pollution Reduction Act II”; H.R. 7705, the “River Basin Commission Transfer Act”; H.R. 5919, the “National Children’s Museum Act”; and General Service Administration’s Capital Investment and Leasing Program Resolutions, 10 a.m., 2167 Rayburn and Webex.
Committee on Veterans’ Affairs, Subcommittee on Health, hearing entitled “MISSION Critical: Assessing Community Care Wait Times”, 10 a.m., HVC–210 and Webex.

Subcommittee on Technology Modernization, hearing entitled “Examining VA’s Ongoing Efforts in the Electronic Health Record Modernization Program”, 2:30 p.m., HVC–210 and Webex.

Permanent Select Committee on Intelligence, Full Committee, business meeting on approval of the China Deep Dive Report and the STAR Emerging Technologies Report, 10 a.m., HVC–304. This meeting is closed.
Next Meeting of the SENATE

12 noon, Thursday, October 1

Senate Chamber

Program for Thursday: Senate will continue consideration of the nomination of Michael Jay Newman, of Ohio, to be United States District Judge for the Southern District of Ohio.

Senate will vote on the motion to invoke cloture on the motion to proceed to consideration of S. 4653, Healthcare Protections at 1 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, October 1

House Chamber


Extensions of Remarks, as inserted in this issue

HOUSE

Crenshaw, Dan, Tex., E894
Crow, Jason, Col., E896, E893, E894
Davis, Sharice, Kans., E885, E892
Davis, Danny K., Ill., E896
Doggett, Lloyd, Tex., E886
Dunn, Neal P., Fla., E885
Eshoo, Anna G., Calif., E892
Gomez, Jimmy, Calif., E885, E891, E894
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