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## Senate

(Legislative day of Tuesday, September 29, 2020)

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.”

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.



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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 rights. David Souter 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 moot because, whatever you want to 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 is moot.

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 Obama left office. This is just a backdoor attempt to impugn Judge Barrett's integrity.

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 showered on 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 Democrats who 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 that is what they intend to do. Numerous of our colleagues have refused to rule out this radical institution-shattering step.

Now Senate Democrats are trying to make Judge Barrett precommit to handle 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 were half as concerned as they say about America's family healthcare, they would not have filibustered a multihundred-billion-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 would 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, money for testing, 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 every single Democrat who showed up voted to filibuster it dead.

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 multi-trillion-dollar far-left wish list with virtually all the same non-COVID-related poison pills as their last unserious bill.

Speaker PELOSI's latest offering still does not 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 and 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 decided 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.

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 injured 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 are who were celebrating President Trump's debate performance—White supremacists. Within minutes of the President's comments, the Proud Boys were online, re-

joining 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, utterly, 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 suffers if the 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 "terminate 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 should 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.

## LEGISLATIVE SESSION

CONTINUING APPROPRIATIONS  
ACT, 2021 AND OTHER EXTEN-  
SIONS 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 per-fecting nature.

The PRESIDING OFFICER. The Sen-ator from South Dakota.

## NOMINATION OF AMY CONEY BARRETT

Mr. THUNE. Mr. President, on Satur-day the President announced his nomi-nee to fill the Supreme Court seat left vacant by Justice Ginsburg. As the Na-tion mourns the death of this trail-blazing Justice, it is fitting that the President chose an outstanding woman to replace her.

I had the pleasure of sitting down with Judge Amy Coney Barrett yester-day, and I can say with confidence that she is everything you would want in a Supreme Court Justice.

She is supremely qualified. Like Jus-tice 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 Pro-fessor of the Year by the law school's graduating class three times.

She also served as a visiting asso-ciate 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 Senate confirmation in a bi-partisan 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 Bar-rett during her clerkship with Justice Scalia wrote a letter to the then-chair-man and ranking member of the Judi-

ciary Committee expressing their sup-port for her confirmation. This in-cluded 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 inde-pendents, and we have diverse points of view on politics, judicial philosophy, and much else. Yet we all write to support the nomi-nation 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 char-acter. She is eminently 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 commu-nity, we have a wide range of political views, as well as commitments to different ap-proaches to judicial methodology and judi-cial craft. We are united, however, in our judgment about Amy. She is a brilliant teacher and scholar, and a warm and gen-erous colleague. She possess in abundance all of the other qualities that shape extraor-dinary jurists: discipline, intellect, wisdom, impeccable temperament, and above all, fun-damental decency and humanity.

That letter was signed by every full-time member of the Notre Dame Law School faculty—every full-time mem-ber.

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 reli-gious, cultural, and political views span a wide spectrum. Despite the many and gen-uine 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 federal bench the same in-telligence, fairness, decency, generosity, and hard work she has demonstrated at Notre Dame Law School. She will treat each liti-gant with respect and care, 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 Bar-rett 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 "exceptionally well quali-fied" or the recent tribute from Har-vard law professor Noah Feldman, one of the House Democrats' star impeach-ment witnesses, who stated: "Barrett is highly qualified to serve on the Su-preme Court." But I will stop here be-cause I think 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-

what wary of attacking her religion, as they did during her confirmation hear-ing to the Seventh Circuit, when mul-tiple Democrats suggested that Judge Barrett was unqualified because she happened to be a practicing Catholic. I think Democrats may be realizing that their bias against religious people doesn't play well with the millions of Americans who take their faith seri-ously.

They may also be remembering that the Constitution explicitly forbids—forbids—religious tests for public of-fice, although I will note that that didn't stop one of the Democratic Pres-idential candidate's advisers from say-ing just this week that she doesn't think that orthodox Catholics, Mus-lims, or Jews should sit on the Su-preme Court. That is right—in this Biden adviser's world, taking your reli-gious faith seriously should disqualify you from sitting on the Supreme Court.

Apparently Democrats still don't think that people of faith are capable of upholding the Constitution or dis-charging the duties of their office. But, again, it seems the Democrats realize that offending millions of religious Americans may not be their best strat-egy, so they have turned to healthcare scare tactics.

Judge Barrett, Democrats say, will take away Americans' healthcare if she is confirmed to the Supreme Court. It is actually a very old Democratic line—something that they always use in their playbook.

It was deployed, if you can believe this, against Justice Kennedy when he was a Supreme Court nominee back in 1986.

It was deployed against Justice Souter, a Republican nominee, who be-came known for siding with the liberal wing of the Court. There were lots of posters at the time that said things like "Stop Souter or women will die." "He will jeopardize the health and lives of Americans," it was said by the left at the time.

It was deployed against Justice Rob-erts—the very same man who cast the deciding vote upholding the Affordable Care Act—when he was Chief Justice on the Supreme Court. They said at the time that there would literally be mil-lions of American consumers and fami-lies at risk of losing their coverage. That statement was made by a Member of the current leadership here in the U.S. Senate about Chief Justice Rob-erts.

Now it is being deployed against Judge Barrett in an attempt to derail her nomination, while promulgating one of the liberals' favorite myths—that Republicans are eagerly waiting to rip away Americans' healthcare.

Democrats are particularly focused on suggesting that Republicans would like to take away protections for pre-existing conditions, despite the fact, I might add, that every single Senate Republican supports protecting people with preexisting conditions—every single Senate Republican. In fact, just a

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 mom of seven children—more than one of whom 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. What 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 help put 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.

The PRESIDING OFFICER. 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 fulfilling their constitutional duties and 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 with favorable Justices just because the other side won fair and square and simply followed 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 1937–1938. 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 ever. 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 not 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, Senator McConnell instructed 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—will not dignify—the nomination of Merrick Garland to fill the Supreme Court vacancy, because—Senator McConnell told us 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 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 after the election.

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, as 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 two exceptions, march before 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 see, 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 nearly every American will lose the protections it gives for people with pre-existing 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 the fate of this lawsuit if they didn't sit in on the oral argument. So there is a mad dash—a mad dash—by the Senate Judiciary Committee to bring up the nomination of Amy Coney Barrett from Notre Dame University Law School. They want 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*.

That is what it is all about. It is all about 600,000 people 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 50 percent. It is all about a protection that we 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 get it done. He is going to get it done by pushing through a nominee before November 10 who can vote to eliminate this Affordable Care Act.

How do I know that this Supreme Court nominee is going to eliminate the Affordable Care Act? Because she wrote it down. She wrote down her opinion as to whether or not this was constitutional. She has already let us know, and she obviously let President Trump know, and that is why he named her.

And there is one other reason. You see, this President, for the first time in the history of the United States of America, will not pledge if he will accept the results of this election on November 3. It is the first time it has ever, ever happened in our history, and it is a constitutional outrage.

I commend the Presiding Officer, the only Republican Senator on the floor who has spoken out against it, that I know of. Others should have joined him. The Governor of Massachusetts, a Republican, joined him, saying it is the wrong thing to say, the wrong thing to do, and both parties should condemn it

when either a Presidential candidate or an incoming President says it.

But this President is pretty obvious. He wants to fill that Supreme Court vacancy because he says: There may be an election contest after November 3; I want 9 people on the Court.

What he didn't say, which is obvious, is that he wants that ninth person to be his nominee. So that is what we face with this situation and what we have ahead of us in the next week and a half.

PRESIDENTIAL DEBATE

Mr. President, I watched what was supposedly called a debate last night. It was painful. It was painful as this President showed so little respect when it came to the rules of the debate.

Chris Wallace, the FOX Television newsman who moderated was beside himself. He didn't know how to get the President to stop interrupting, to follow the rules of the debate. This President doesn't follow anybody's rules but his own. That was very obvious last night.

There was one moment, though, that I want to highlight. It was a moment when Chris Wallace basically said: Will both of you, the Democrat, Biden, and the Republican, President Trump—both of you—condemn violence, White nationalism, and White supremacists? Well, Biden did. Biden said: There is no place for violence in the name of political protests—none. Unequivocal.

Then came the turn of the President, who, if you remember, had difficulty parsing out the good guys and bad guys in Charlottesville—those who went down to Charlottesville to march for civil rights and those who went down to march, frankly, chanting what was used during the time of the German rise of Nazism, their anti-Semitic chant. They grabbed their torches and marched. When asked later, President Trump struggled with it and said that there were good folks on both sides, the White nationalist side, as well as those for civil rights. That was an outrage. Last night, Chris Wallace served up an opportunity for the President to clear it up.

I came to the floor today to speak about the President's response, to speak also about the most significant domestic terrorism threat facing our Nation today: the threat of violent White supremacists. Like most Americans, I was stunned by the President's refusal last night to condemn White supremacists during the course of last night's Presidential debate.

Moderator Chris Wallace gave President Trump an uninterrupted opportunity to condemn the Nation's biggest domestic terrorist group, White supremacists. Instead, Trump said, and I quote: They should "stand back and stand by." "Stand back and stand by."

Trump's comments were quickly embraced by the Proud Boys, an alt-right self-described, "western chauvinist" group that clearly heard it as a call to action. The group immediately turned the President's words in the debate into a logo that has been widely circulated on social media.

From the rightwing social media site—which I am not going to name because I don't want to give any publicity to it, but I will put it in the Record—Proud Boys leader Joe Biggs said he took Trump's words as a directive to "[F] . . . them up."

For years now, in letters, briefings, and hearings, I have repeatedly urged the Department of Justice and the Federal Bureau of Investigation and the Department of Homeland Security to take a strong stand against the ongoing threat of violent White supremacy and other far rightwing extremists. Unfortunately, instead of following up with a comprehensive, coordinated effort—to no surprise—the Trump administration has repeatedly chosen to downplay this deadly threat—a law-and-order President who looks the other way, winks, nods, and says "stand by" to militia groups and White supremacists.

Last year, several of us wrote to Attorney General Barr and FBI Director Wray to inquire about the Trump administration's inexplicable, irresponsible decision to stop tracking White supremacist incidents as a separate category of domestic terrorism. The Trump administration has yet to respond to our many letters asking what the Department of Justice and the FBI are doing to combat the ongoing threat of White supremacist violence targeting religious minorities and communities of color.

Since then, our concern has obviously grown. 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 everything 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

assessment report to make the threat of White supremacists “appear less severe” and add information on violent “leftwing groups.”

The efforts of officials within the Trump administration to obscure this threat posed by violent White supremacists and other far-rightwing extremists are misguided and dangerous. We know the significance of this threat.

An unclassified May 2017 FBI-DHS joint intelligence bulletin found that “White supremacist extremism poses a persistent threat of lethal violence” and that White supremacists were responsible for more homicides from 2000 to 2016 than any other domestic extremist group. FBI Director Wray admitted, when questioned before a Senate Judiciary Committee at a hearing last year, that the majority of domestic terrorism threats in America involve White supremacists.

Thankfully, there is something in the Senate we can do to respond to this threat. I have introduced the Domestic Terrorism Prevention Act, a bill that would enhance the Federal Government’s efforts to prevent domestic terrorism by requiring Federal law enforcement agencies to regularly assess domestic terrorism threats, focus their limited resources on the most significant domestic terrorism threat, and provide training and resources to assist State, local, and Tribal law enforcement.

Good news: Last week, the House of Representatives passed the House companion to my bill on a unanimous voice vote. The Democrats and Republicans all agreed. Senator MCCONNELL has a chance take it up. Are we going to stand together, as the House did, on a bipartisan basis, condemning White supremacists who resort to violence and terrorism or are we going to say to them: Stand back and stand by?

It is time for us to step up together on a bipartisan basis. Condemn violent conduct on both political spectrums—on the right, on the left, and everything in between. You can use our Constitution responsibly. You don’t have to resort to violence. You don’t have to resort to vandalism or looting, the use of guns and threats, or the killing of innocent people. It is never ever acceptable, right or left.

The dominant group, when it comes to this activity, is White supremacists. Our opportunity now to keep track of them and their activities is before us. All it takes is for Senator MCCONNELL to agree to take up this unanimously passed bill from the House of Representatives and to say to President Trump, once and for all, join us in condemning all violence across the political spectrum.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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 programs that Americans rely on 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 those 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 keep 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, but it was not a silver bullet 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.

Republicans know how important Medicare is to the over 60 million Americans who rely on the program for their healthcare, but we also realize that Medicare is on an unsustainable course. I have already said that we need to work in a bipartisan way to protect Medicare, particularly here in the U.S. Senate, where it takes 60 votes to get anything done. That work requires an honest assessment and a very serious discussion.

Sadly, it seems that Democrats are only willing to take their heads out of the sand long enough to point fingers. So let’s set the record straight. Earlier

this year, the trustees of Medicare projected that that program would be bankrupt in 2026. Then, of course, we have this unprecedented public health emergency to deal with, the pandemic, as we always call it, which dealt a crippling blow to our Nation. The sacrifices and efforts made to stop the spread of the coronavirus effectively shut down the U.S. economy and altered life as we all know it.

Congress stepped in to provide Federal relief. The COVID response bills were passed on an overwhelming bipartisan majority, specifically the CARES Act—better known as the Coronavirus Aid Relief and Economic Security Act—passed the House by a vote of 419 to 6, and the U.S. Senate, 96 to 0.

CARES gives extra Medicare funding to hospitals and other healthcare providers to keep them in business in the face of an unexpected drop in demand for medical services. Additionally, because of Medicare Part A, as financed by payroll taxes that are split between employers and employees, unemployment caused by the pandemic has resulted in less money coming into the trust fund. So it, then, is not surprising that the Congressional Budget Office estimated earlier this month that the Medicare trust fund could run out of money in 2024, 2 years earlier than the Medicare trustees had projected, without taking into account the impact of COVID because they didn’t know about it and couldn’t take that into consideration.

It is important to note that during the Trump Presidency and prior to the pandemic, the projected insolvency date of the Medicare health insurance trust fund remained pretty steady. No one could have anticipated this current crisis.

Instead of taking it as a reminder of the need to shore up Medicare for the long haul, Democrats have opted to create a false narrative that the current administration is the problem. Every recent President, Republican and Democratic, has offered Medicare reform ideas in budget requests submitted to the Congress. Many of those budgets contained identical policy ideas, whether from a Republican President or a Democratic President.

Putting aside that Congress, and not the President, makes laws, the notion that proposals aimed at making Medicare more efficient is equivalent to sabotaging the program is absurd. Yet, whenever a Republican occupies the White House, we repeatedly hear from Democrats that proposals for program integrity represent cuts or efforts to weaken or destroy Medicare, even when some of those same proposals were put forward by Democratic administrations.

Because 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.

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 brandnew 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 unthinkable 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 10-year period. This Democratic 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 mischaracterize 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, Sen-

ate 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 construed as a benefit cut 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 and, of course, scare tactics about Republicans trying to destroy the program. Now they are applying the same wornout, baseless scare tactics to this Supreme Court confirmation process.

Democrats want 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 confirmation hearing, he said: "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 they are 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 hard-working 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 the case 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 of their choice 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 shameful 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.

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#### RECESS

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

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

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

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#### CONTINUING APPROPRIATIONS ACT, 2020 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 certain positions in 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 said, when asked a question about her faith:

Senator, I see no conflict between having a sincerely held faith and duties as a judge. In fact, we have many judges, both State and Federal, across the country who have sincerely held religious views and still impartially and honestly discharge their obligations as a judge. And were I confirmed as a judge, I would decide cases according to rule of law, beginning to end, and in the rare circumstances that might ever arise—I can’t imagine one sitting here now—where I felt I had some conscientious objection to the law, I would recuse.

Three years ago, like today, Judge Barrett’s faith—not her judicial philosophy or her temperament—seemed to be front and center. Three years ago, my colleague from California, Senator DIANNE FEINSTEIN, said this during Amy Coney Barrett’s confirmation hearing:

Why is it that so many of us on this side have this very uncomfortable feeling that, you know, dogma and law are two different things, and I think whatever religion is, it has its own dogma. The law is totally different. And I think in your case, Professor, when you read your speeches, the conclusion one draws is that the dogma lives loudly within you.

Senator DURBIN from Illinois just asked her 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 dogma lives in you 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 is being 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. However, Justice Ginsburg 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? It is 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 questioningly: 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 unlikeliest of friends. She was a Jewish liberal. 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 own mentor. Justices 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, 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 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 temperament, 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 constructive.

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 ninth justice, and as it happens I am used to being in a group of nine—my family. Our 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, our youngest, is that his brothers and sisters unreservedly identify him as their favorite sibling.

Our children obviously make our life very full. While I am a judge, I’m better known back home as a [room] parent, 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. 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 in her family.

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 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 though 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 class, recognized by the faculty as superior, 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 legitimate 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 antithetical 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 against whom the finger of suspicion is pointed, in other years it has been, and may someday be again, a Jew—or a Quaker or a Unitarian or a Baptist. It was Virginia's harassment of Baptist preachers, for example, that helped lead to Jefferson's statute of religious freedom.

Today I may be the victim, but tomorrow it may be you—until the whole fabric of our harmonious society is ripped at a time of great national peril.

JFK said this:

Finally, I believe in an America where religious intolerance will someday end; where all men and all churches are treated as equal; where every man has the same right to attend or not attend the church of his choice; where there is no Catholic vote, no anti-Catholic vote, no bloc voting of any kind; and where Catholics, Protestants, and Jews, at both the lay and pastoral level, will refrain from those attitudes of disdain and division which have so often marred their works in the past, and promote instead the American ideal of brotherhood.

[This] is the kind of America . . . I believe [in]. And it represents the kind of presidency in which I believe—a great office that must neither be humbled by making it the instrument of any one religious group, nor tarnished by arbitrarily withholding its occupancy from the members of any one religious group. I believe in a president whose reli-

gious 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 guarantees of religious liberty. Nor would our system of checks and balances permit 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 religious test—even by indirection—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—nor 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. It is not a jersey that we wear on the outside; it is the core of who we are on 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 your 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 Buddhist or a Hindu, you 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.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

UNANIMOUS CONSENT REQUEST—S. 4117

Mr. CRAMER. Mr. President, 6 months ago, our Nation's small businesses faced an existential crisis and unprecedented threat. Like the rest of us, they didn't truly know what this virus was, 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 created 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 use 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 program, 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 time consuming 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 Government, spent weeks—months—telling our hurting, fragile small businesses: Take this money. Take this money. Just use it correctly, and it will be forgiven.

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 this bipartisan program. Over the summer, Senator MENENDEZ and I brought together a bipartisan coalition and introduced the Paycheck Protection Small Business Forgiveness Act. Here is what it does. Of those 5 million 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 money, and said that if borrowers—small businesses—complete a simple, one-page forgiveness document to the lender—our banks, our credit unions—the loan will be forgiven. It is that simple.

It 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 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 all 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; further, that the Johnson amendment at the desk 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. I take great pride in working with Senator RUBIO—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 within the range between what 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 hardest hit, 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 as CDFIs 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 not included. 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 CORNYN, Senator ROSEN—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 Program, and 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.

I could 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 businesses.

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 and so 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 the 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, or any other Federal, State 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 RUBIO in a bipartisan manner 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, tax credits 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 incremental way to help small businesses in a significant way that, frankly, wouldn't cost the 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 RUBIO 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 can soon.

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 an hour, spending 55 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 Small Business Administration 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 over 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 need to 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. Yet, in doing this 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 have gotten 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 going to result 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. ROUNDS. Mr. President, first of all, let me thank my colleague from North Dakota for making this presentation to begin with 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 not affect just 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 burdensome process—that could only have been done with the common sense 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.

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 become responsible 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 will 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, basically, 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 busted 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—is now in jeopardy. Time is running out.

I appreciate the opportunity, once again, to support the legislation that

Senator CRAMER 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.

The senior assistant legislative clerk proceeded to 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 I was visiting 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 upend the core institutions of our Nation.

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

One Senator tweeted about it this weekend. That is, of course, what they plan to do if they win the White House, the House, and the Senate in 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. And, 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 were adopted from Haiti. 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.

We will not accept the dirty tricks that the far left is going to continue to try to pull.

Chairman LINDSEY GRAHAM has promised a fair process in the Judiciary Committee. The majority leader has indicated full and fair consideration on the Senate floor. We will not yield an inch to the mob.

Let me be even clearer. If Democrats continue to smear this outstanding nominee, this mother of seven, this woman of faith, it is going to backfire on them again. They continue such stunts at their own peril.

After the Kavanaugh confirmation devolved into a circus, Democrats lost seats in the Senate, and they lost credibility with the public.

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 heard.

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 the role to which she is 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.

#### HEALTHCARE

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 had its 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 again.

We don't have sufficient contact tracing or clear guidance to schools and businesses of 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 mute and unmute button.

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, at the same time that he knew, 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, this 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 on 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 fluke—it is 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 other 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 to go halfway, 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 President has claimed to be trying to do something about in the last month of his administration.

Well, another challenge to the Affordable Care Act is going to be back up before the Supreme Court just 1 week after the election on November 10. Do you think that has anything to do with this rush to a Justice? Is that what it is? Because it is right after the election.

Otherwise, why wouldn't you wait? See who wins the election. That is what Abraham Lincoln did—the only time in history a Justice died this close to an election. He waited to see who won.

But, no, we are told this has to happen now, despite the fact that only a few years ago a completely different precedent was set by the majority of people who are serving in this Senate right now on the Republican side of the aisle.

But what is coming up November 10? The case. The Affordable Care Act or, as they like to call it, ObamaCare. I always love that President Obama was more than happy to adopt the name for the bill, given that the bill has become more and more popular, given that it has helped hundreds of thousands of people to get insurance, given that it has helped, more than that, millions of people to not be kicked off their insurance.

You don't have to be in one of those exchanges to be protected by the Affordable Care Act, which basically says that if you have a preexisting condition, whether it is diabetes, Alzheimer's, or cancer, that you cannot be kicked off of your health insurance. That applies to everyone in America, with that bill.

There are people in the Senate, right here, who have been trying to repeal the Affordable Care Act—trying to do it for years. They had a big debate over it. That didn't work. That didn't work because John McCain walked in. I can still picture him right now walking in that door and saying no. All he would say was that he wasn't going to deny healthcare coverage to people because he had it himself.

So then they tried again—went down to Texas and found a court down there maybe that they thought would be helpful. And guess what. Then it gets struck down there—not just a part of it. They said no, no, no. They made it the whole thing. That is what is coming up to the Supreme Court on November 10. So if you can't get your way one way, the administration decided they were going to try it in court. It is their lawyers—their lawyers—who argued this, Donald Trump's lawyers.

They have been trying to get rid of the Affordable Care Act and the protections it provides for people with preexisting conditions for years, but have we seen an alternative plan from this President? No, we have not.

That last time, when we saw that effort by my colleagues to repeal the healthcare law, it would have kicked 11 million people off of Medicaid, it would have let insurance companies charge

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 you trust when it comes to your healthcare, 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 that is not 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, with Americans already voting, 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 10, 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. To start, protection for people with preexisting conditions like diabetes or asthma would be gone. More than 100 million Americans have a preexisting condition, and the Affordable Care Act makes sure they cannot be denied insurance coverage or charged significantly higher premiums.

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, as Dr. Fauci has 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 see through 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—it was 2 months after she graduated from 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 when that will no longer be possible. Although 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 as an option should she 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 healthcare 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 come 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 stop at nothing in order to repeal 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 that turned out. They couldn't 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 democratic process—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 premise 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 done 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—if 23 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.

Don't think that 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 pre-existing 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 changes to the heart, the vascular system, the lungs, 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 the HELP Committee recently that shows 70 to 80 percent of people who have had COVID have some lasting damage to their heart. COVID is a pre-existing condition.

Now, you may think, I haven't had COVID, so I am not at risk of that pre-existing 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. If they are allowed 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 increased or be denied healthcare 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 this 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 employer's healthcare 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.

It has been a decade since any American has had to face that kind of financial ruin because of a diagnosis for them or their child. It is hard for us to remember those days, but they are coming back. They are coming back—I tell you this now—if this Supreme Court Justice is rammed through over 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 doing a disservice to 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 439 Granite Staters who have died from COVID-19, we are still experiencing 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 fewer workers employed since the pandemic began, and many are unable to go back to work because the majority of our childcare centers remain closed out of safety concerns. We still have so many schools, at least in New Hampshire, where the students are working from home. If they are lucky, they are going to school part time and working from home part time, but most of them are not back in school full time.

Treatment and recovery centers are reporting that the overdose crisis has worsened because of the pandemic. In New Hampshire, where we saw in 2019 for the first time in a number of years the overdose death rate began to fall, we are now seeing an increase again. We are also facing a looming eviction crisis and housing shortage that has been exacerbated by COVID-19.

Yet, given this reality, what we are seeing in the Senate is not an effort to pass a bipartisan COVID-19 relief package that is actually going to help the millions who have been impacted by this pandemic. Instead, what we are seeing from the Republican leadership here is a focus on quickly ramming through a nominee to serve on the Supreme Court in just a few short weeks.

While that is going on, we have seen Republican leadership in the Senate blocking bipartisan negotiations on a COVID-19 relief bill. That has been going on since May, when we received the House bill called the Heroes Act. During those last 4 months, businesses have been shuttered in New Hampshire and across this country; families have been evicted; hospitals have laid off staff. All of this is going on while the pandemic continues—more than 40,000 new cases a day.

Yesterday, I was in Nashua, the second largest city in New Hampshire, and I met with leadership from St. Joseph Hospital there. It is one of two hospitals in Nashua, and it is one of the four hospitals that has treated the most COVID cases of any of the hospitals in New Hampshire. Nashua is one of the communities in New Hampshire that has been hardest hit by the coronavirus.

What I heard at the hospital was that COVID-19 has had a huge impact on their facility. Despite the very much needed injection of funds from the CARES Act and assistance from the Medicare advance payments loan program, they are still forecasting significant losses. They have had to furlough employees, many of whom rely on their jobs at St. Joseph not just for their

healthcare but also for their childcare benefits.

They shared that they have concerns with the lack of availability of testing capability. They have had orders that never arrived at their facility, despite commitments from the companies who are selling the tests.

But the leadership and the staff at St. Joseph remain committed to serving their community, as do all of the hospitals across New Hampshire, so many of whom are facing similar financial difficulties and need additional help from the Federal Government.

I am hearing from people across my State who urgently need Federal help. I have had letters from people all across New Hampshire, representing different industries in the State and different segments of our communities. I want to read an excerpt from a letter that I received from Pamela Keilig, who works with the New Hampshire Coalition Against Domestic Violence. She says:

The pandemic has had grave consequences on the health and safety of survivors as they encounter ongoing barriers to accessing the support they need. . . . Overall, the statewide hotlines have seen a 7 percent increase in call volume compared to this time last year.

Pamela's letter goes on to highlight what is at stake if Congress refuses to act. She says:

[P]rolonged inaction in providing additional funding places survivors and their families in increased jeopardy. . . . [T]he time to intervene is now.

They need help now.

I also want to read a letter from Chris Coates, who is the county administrator for Cheshire County in New Hampshire over in the western part of our State that borders Vermont. Chris's letter describes the important role local governments are playing in mitigating the spread of COVID-19. He says:

We are providing essential support and guidance to small businesses, record numbers of unemployed individuals, and those suffering from mental illness and substance abuse disorders.

State and local leaders like Chris are facing severe budgetary shortfalls. They desperately need help from Congress. The State of New Hampshire alone expects to experience a budget shortfall of nearly \$540 million if Congress doesn't provide additional support.

In his letter Chris Coates goes on to say:

Cheshire County is not looking for a special handout. My request reflects the simple reality that county governments, along with our state and local partners, are dealing with immense challenges at the community level.

Then I also heard from the Seacoast Chamber Alliance, which represents chambers of commerce in the communities of Hampton, Exeter, Portsmouth, Dover, Somersworth, and Rochester. The Chamber Alliance says:

The Seacoast Chamber Alliance respectfully requests you and your colleagues in the Senate work together in a bipartisan effort

to approve a comprehensive funding relief package to support our businesses.

They go on to say:

Although we—and 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.

They finally conclude by saying:

It is clear that without another round of assistance, many businesses will not survive into 2021.

I ask unanimous consent that these letters, including the ones I just quoted from, be printed in the RECORD.

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

NEW HAMPSHIRE COALITION AGAINST  
DOMESTIC & SEXUAL VIOLENCE,  
September 18, 2020.

Hon. JEANNE SHAHEEN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR SHAHEEN: On behalf of the New Hampshire Coalition Against Domestic and Sexual Violence and our 13 member programs, we are writing with the urgent request for additional COVID-19 relief funding to meet the continued and escalated needs of survivors of domestic and sexual violence in our state. Such funding is imperative to further the life-saving work of our crisis centers, keep the lights on in our shelters, and help prevent violence in our communities.

Over the last 6 months we have witnessed the full impact and extent of the pandemic unfold before us, and it is increasingly evident that we have transitioned into a sustained crisis in New Hampshire, where every intersection of our work has been interrupted. Annually, our member programs serve more than 15,000 survivors through prevention education, court and hospital accompaniment, crisis counseling, and housing support. Crisis centers have worked tirelessly to adapt service delivery and transform their advocacy efforts under incredible circumstances. Despite the resilience and innovation of crisis centers, long-term support is needed to maintain the work and respond effectively to the needs of survivors and their families.

The pandemic has had grave consequences on the health and safety of survivors as they encounter ongoing barriers to accessing the support they need, while simultaneously experiencing more severe and lethal cases of violence and abuse. Crisis centers remain inundated with service demands as abusers continue to utilize new ways to leverage power and control, noting an increase in calls from Child Advocacy Centers, male survivors of domestic violence, and individuals experiencing mental health crises. Overall, the statewide hotlines have seen a 7 percent increase in call volume compared to last year. Moreover, victims of domestic violence and sexual assault have a higher vulnerability to homelessness, substance abuse, and poverty compared to the general population, requiring a greater number of interventions.

New Hampshire's housing crisis has made it increasingly difficult to place survivors in transitional or permanent housing, and this has been exacerbated since March. In 2019, well before a global pandemic was on our radar, crisis centers provided shelter for over 400 survivors, accounting for more than 40,000 bed nights, and even then, had to turn away more than 3,000 adult and child survivors due to the lack of available services.

Advocates have reported an increased need for housing support, as survivors experience

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, especially as we move into winter.

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 nearly half of all homicides, there is an essential need to ensure that survivors are able to access every resource available to them, and receive the support needed 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, crisis centers 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 13 member 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 and needs 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 six months and 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 exceedingly grateful for further federal funding to help us weather this storm. Centering the needs and experiences of survivors in future relief packages would be instrumental to the individuals that crisis centers serve throughout the country. Survivors will feel the impact of this pandemic on their lives for months to come; the time to intervene is now.

Thank you for your continued dedication to supporting survivors in New Hampshire, and throughout the United States.

Sincerely,

PAMELA KEILIG,  
*Public Policy Specialist.*

SEPTEMBER 22, 2020.

Senator JEANNE SHAHEEN,  
*U.S. Senate,  
Washington, DC.*

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 we—and 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 over concerns about a surge in coronavirus cases during what is typically the season for flu and other illnesses.

Our restaurants and hospitality industry in particular are seeing a lack of consumer confidence in dining indoors. Restaurants are often 'destination businesses' that attract patrons not just to their own business but serve as an attraction for other businesses located nearby. Downtown business districts rely heavily on restaurants to bring

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 mail and shipping services and lower customer spending are resulting in businesses seeing lower revenues and higher costs for materials across all sectors. A great many of our businesses are not able to operate 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.

JOHN NYHAN,  
*President, Hampton  
Area Chamber of  
Commerce.*

JENNIFER WHEELER,  
*President, Exeter Area  
Chamber of Com-  
merce.*

VALERIE ROCHON,  
*Chief Collaborator,  
Chamber Collaborative of Greater  
Portsmouth.*

MARGARET JOYCE,  
*President, Greater  
Dover Chamber of  
Commerce.*

ALLISON ST. LAURENT,  
*Executive Director,  
The Falls Chamber  
of Commerce.*

LAURA RING,  
*President, Greater  
Rochester Chamber  
of Commerce.*

#### FEEDBACK FROM MEMBERS

From a small independent restaurant: Most people are getting to a point that even if congress needs to piecemeal a deal, we need to get some funding. Those parts of the package that everyone agrees upon should be funded, leaving aside that which is contentious. MUST be funded now. To hold up the funding to small business, while the other funding is being debated, isn't helping anyone at all. Could help many small businesses by getting the funding out as quickly as possible. At the end of the day, stop holding out for everything, agree on common ground, get it done, and get the funds out to those who desperately need it.

From a downtown Retail & Commercial Real Estate: I'm concerned that the level of additional funding that Sen. Shaheen is supporting may be more than necessary for most circumstances and, more importantly, 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 holding out to get everything, but get SOMETHING—those things they agree upon now—so our businesses can stay in business. They can argue about the contentious items later, which may or may not happen.

From a Historic Museum: By our interactions, based here at the historic museum, on common interests in our past and our 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 our payroll costs this summer, and our prospects are looking increasingly dim if the federal government does not provide additional funding to ensure the sustainability of essential community organizations like ours. Cultural and historic nonprofits are key to the local tourism economy, and to the economy of the region. We urge New Hampshire's legislators to support additional federal support for our community, and our economy.

From a Catering Company: Our challenges lie in people not being able to gather. Limits on indoor get-togethers and events are our main difficulty. Our corporate catering accounts have all but dried up due to people working remotely and not going into their offices. Our wedding business is about half of what it was last year and that will all end in early November. Previous events that we had scheduled, like being in house caterer for a private club in Portsmouth, will not be gathering and thus a loss of over \$45,000 for the winter season. We have come up with some creative ways to bring in revenue but we will likely fall far short of the \$20,000 we need monthly for occupancy and to pay our full-time staff. When we discuss our outlook for the next 6 months, it's looking for ways to survive that next 6 months. It will be very challenging and will likely cause us to go further into debt to maintain everything. catering service and function hall.

From a History Museum/Attraction: The museum's fiscal year ends on March 31st—we project a \$180,000 operating deficit. Up to this point we have been able to keep year-round staff [27] fully employed and a reasonable amount of programming, mostly focused on serving the schools. To reduce costs we hired far fewer seasonal employees [last year we had about 65 part-time seasonal staff, this year a dozen.] Looking to 2021—I anticipate that we will continue to run a significant deficit. This may result in some furloughing of some staff and reduction in programs, especially special events that draw such large crowds to the city. No matter if the pandemic is under control with a vaccine or better treatments, tourism will be down and philanthropy will be depleted for the most part because of donor fatigue and significantly reduced funds. I think 2021 will be much harder for tourist-based businesses and cultural organizations. Unless there is a significant change, older and middle age people [a major part of our audience] will not travel in great numbers because of reduced funds or their reluctance to spend because of the fluctuating economy.

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 grants and do other fund raising because much of the money available in grants, (other than the governor's main street funds), 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 nonprofits 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 costs, and software expenditures so things remain a challenge for us.

From an Amusement Attraction: Thank you for spearheading this. I have to tell you, this may be the most important battle we have had to wage collectively. This is the first time I've stopped and put what we are

dealing with and what it could very well mean for my family and our business into words. The result? I cried for an hour. Please fight for us.

From a Cultural/Tourist destination: We were closed for our 2020 season (this weekend would have been our closing weekend!). This resulted in the loss of over \$3 million in income, and while we were able to reduce our expenses by \$1.7 million, we still face a massive challenge this year, and uncertainty about the status of our 2021 season. We did receive both a PPP loan (which we anticipate will be fully forgiven) and a NERF grant, which made a big difference for us—but even this amazing support (totaling over \$800K!) didn't cover our losses for this fiscal year. However, nobody knows what is going to happen next year. We are in the process of considering benefit reductions, furloughs, and possibly even layoffs for early 2021, depending on what happens. If an effective vaccine is widely available and administered by May or June (which is seeming less and less likely, we will be able to open safely. Having said that, we can't wait till June to make tough decisions—so even if we can open, we need additional support in the winter months. And if we can't open, we need even more support. I can't imagine where we would be without 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 year. 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 this important NH resource would be in jeopardy. Senator Shaheen has been an effective advocate for our nonprofit organization (and many others), and I am happy she is continuing this fight.

COUNTY OF CHESHIRE,  
September 25, 2020.

Hon. JEANNE SHAHEEN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR SHAHEEN: I write to you today in my position as County Administrator for Cheshire County to first and foremost thank you for your leadership, guidance and advocacy on this seemingly never-ending COVID-19 journey.

In the early days of COVID-19 your voice of calm reassurance allowed us to know that we had a friend in Washington and you and your staff provided us valuable guidance in the early days of this virus. That guidance helped us deal with this tsunami of a pandemic that came down upon our communities and up-ended our lives.

Your leadership in Washington has helped Cheshire County receive funding for PPE, stipends for our nursing home, sheriff's deputies and Department of Corrections. We have received funding to cover for lost revenues at our nursing home and unemployment benefits for those in-need 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 needed you, you were there, and continue to be today. As the impact of the pandemic endures, the residents of Cheshire County continue to feel the devastating impact on our health and economic structures. The Delivering Immediate Relief to America's Families, Schools and Small Businesses 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 left out 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 the White House and leaders of both parties in the House and Senate to resume negotiations on a bipartisan relief package that provides this missing direct, flexible aid to counties, cities and towns. With national numbers showing that last week that 1.7 million Americans filed new jobless and unemployment claims, we now stand with 30 million Americans out of work.

If a new stimulus agreement is not reached prior to the seating of the new congress the fiscal ramification could be devastating. Counties could be looking at tax payments from towns and cities that may be substantial short of normal revenues and services that are dictated by state statute may need to be immediately reduced. A stimulus package that allows municipalities to utilize federal funding to offset lost revenue could avert what may be a pending catastrophe for not just Cheshire County but the country.

Cheshire County is not looking for a special handout. My request reflects the simple reality that county governments, along with our state and local partners, are dealing with immense challenges at the community level.

Local governmental bodies are playing a significant role in mitigating the spread of the COVID-19 virus. We are providing essential support and guidance to small businesses, record numbers of unemployed individuals, and those suffering from mental illnesses and substance use disorders. We remain steadfast in our focus to protect our most vulnerable residents such as at-risk children and seniors.

We understand the need for appropriate public accountability standards, and the oversight guardrails that are in place for the existing 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 and advocate to 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 funding that allows municipal bodies to address revenue shortfalls will strengthen all of our communities, but especially Cheshire County.

Again, thank you for your voice in Washington, you make a difference.

CHRISTOPHER C. COATES,  
County Administrator.

Mrs. SHAHEEN. So in the middle of this pandemic, the likes of which we haven't seen in more than 100 years, what we see here in the Senate is that Majority Leader McCONNELL has prioritized moving a nominee who would enable the Court to strip away critical health protections that keep Americans safe.

Instead of providing more resources for the businesses, the hospitals, the healthcare providers, and the people

who have lost their jobs—instead of providing more resources for them, the majority is hoping to confirm a nominee who would strike down healthcare coverage for people, including those with preexisting conditions.

My colleague from Connecticut, Senator MURPHY, was very eloquent in talking about what the impact of striking down the Affordable Care Act will be. But the fundamental concern is that, instead of working together here to help Americans who are struggling with this pandemic, what the majority has chosen to do, what the Republicans in this Chamber have chosen to do, is to ram through a nominee who threatens to erode these fundamental rights while in the Court.

Right now, Granite Staters and all Americans need the Senate to work for them, not for a partisan agenda to radicalize the Supreme Court.

I urge my colleagues on the other side of the aisle to set aside this effort and to work together for the American people to get people the help they so desperately need.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

PRESIDENTIAL DEBATE

Ms. 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 here in the United States and around 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. He gave the order for 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.

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, violent chaos 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 last month, 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 cofounded 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 anti-Semitism wherever we see it—left, right, or center. I am proud of the work that we have done so far to push back on anti-Semitism right here in the United States, in Europe, in the Middle East, and around the world.

But the President's silence and his disturbing call to arms to White supremacist groups like the Proud Boys make our work that much harder.

Some of the President's defenders often write off his most troubling statements, claiming the President misspoke or that we just don't understand what he is trying to say or that is his speaking style or that he is just joking.

Let me be clear. He didn't misspeak last night. He didn't make a joke last night. And regardless of what others say, words matter. His words matter. He is the President of the United States.

Let me say today, as the President should have said last night—and I invite all of my colleagues here in this Chamber to join me in repeating this statement: I condemn White nationalism; I condemn racism; I condemn anti-Semitism; and I condemn and denounce the groups that promote these vile ideologies, the Proud Boys among them.

We must speak out, and we must take action. I urge my colleagues, again, on both sides of the aisle, not to be complicit in their silence. I want them all to join me. I want you all to join me in denouncing White supremacy, as President Trump failed to do, clearly and explicitly, in last night's debate.

This is not a partisan issue. It never will be a partisan issue.

I hope all my colleagues join me in denouncing hatred in all forms.

I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURR. Mr. President, 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 and pass the 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, BLUNT, 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 me 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 policymakers informed about the state of adoption. The report is publicly available, and it includes, among other things, the number of inter-

country 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.

I ask unanimous consent, at this time, to call up and pass H.R. 1952, to further transparency accountability 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 Committee on Foreign Relations be discharged from further consideration of H.R. 1952 and the House proceed to its immediate consideration.

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

The bill clerk read as follows:

A bill (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 for other purposes.

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

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

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

The bill (H.R. 1952) was ordered to a third reading, was read the third time, and passed.

#### SENATOR KAY HAGAN AIRPORT TRAFFIC CONTROL TOWER

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 Piedmont 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 traffic 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 BUDD with a majority of the delegation supporting, including Representatives PRICE, BUTTERFIELD, and ADAMS.

This is a testament to Senator Hagan and shows how 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 read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 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, 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".

SENATE BIPARTISANSHIP

Mr. BURR. Madam President, that is all the unanimous consent requests I

have today, but since the floor is vacant, let me take this opportunity to say that the American people have just seen that the Senate can function, the Senate can pass legislation, the Senate can find legislation that both sides agree on.

Yes, we, quite frankly, have issues on which we disagree, but why not spend the balance of this week, the balance of this year, focused on the things that we can find agreement on and come to this floor and debate them and pass them. There are many more things that we agree upon, on both sides of the aisle, than we disagree upon.

There are some hot-button issues that we will probably never find unanimity on, but there are many, many things that affect thousands, if not millions, of people's lives in this country that we can do by simple unanimous consent. It just takes a willingness of 100 members of the U.S. Senate to agree to take it up.

So I urge my colleagues on both sides of the aisle: Don't be the one or don't be part of the contingent that objects to something. If it is in the best interest of this institution, of this country, of the American people, let it come up. Let it have a debate, and let it have a vote—hopefully, a unanimous consent request like we have just seen.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CENSUS BUREAU

Mrs. SHAHEEN. Madam President, there is a lot going on in America right now. We are in the middle of a pandemic where we have lost over 200,000 people. We have millions who are unemployed. We are only 34 days away from a Presidential election. It is easy to see that a lot of Americans could have missed the fact that we are also in the middle of a decennial census.

Under article I, section 2 of the Constitution, since 1790, the United States has conducted a census every 10 years. The U.S. Census Bureau is currently executing the 2020 decennial census. As we speak, census workers are conducting interviews and filling out survey forms in every community in our country despite the tremendous obstacles that have been posed by COVID-19. Their work is of utmost importance. I want to take this opportunity to thank them for their very challenging efforts.

The 2020 census will dictate apportionment of the House of Representatives for the next decade. In addition, Federal programs rely on census data to distribute more than \$1.5 trillion in funding every year to States, localities, individuals, and businesses. So the stakes are high for the census, and we have only one chance to get it right—one chance every 10 years.

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 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 will 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. Those 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 in the gulf. 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 2020 Census 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. I am 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 made other attempts 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 red State or a blue State 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, last month, 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 had 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?

Without objection, it is so ordered.

CLEAN WATER

Mr. DAINES. Madam President, water is the most basic element of human life. In Montana, we depend on a steady supply of water to drink, to irrigate our crops, to water our livestock, and to provide energy through hydropower. Water is a precious resource, but there are still rural communities in Montana that face challenges to access and that are in dire need of Federal assistance. The health and economic risks associated with the lack of reliable water have increased because of the current pandemic.

I stand here today to highlight three bills that would ensure rural Montana communities have access to water.

S. 1882 would allow the 130 family farms in the Kinsey Irrigation Company and Sidney Water Users Irrigation District to continue the use of Pick-Sloan power, which they have reasonably relied on for more than 74 years. Thankfully, this bill has been passed out of the U.S. Senate and now awaits House consideration. I thank both Senate and House leadership for getting this bill to the finish line, and I urge my colleagues in the House to pass it.

Another Montana water priority is the bipartisan St. Mary's Reinvestment Act, which supports the St. Mary and Milk River Project by allowing the reconstruction and restoration of the over 100-year-old infrastructure. I am proud to be working with the entire Montana delegation on this important bill that supplies over 18,000 water users and municipalities along the Hi-Line, including the Blackfeet Reservation and Fort Belknap.

The catastrophic failure of a drop structure this past summer is proof that Congress must pass this bipartisan legislation. I spent time out there in July and saw firsthand the catastrophic failure of that drop and why it is so important to get this legislation passed. This bill is critical for Montana's families and Montana's farmers and ranchers along the Hi-Line.

I would also like to highlight my bipartisan bill, the Clean Water for Rural Communities Act. It is hard to believe that there are approximately 40,000 Americans across 12 counties in both Montana and North Dakota who currently do not have access to water that is safe to drink. In fact, I have brought with me today some examples of the drinking water that Montanans in the central and eastern parts of our State have shared with me.

Here is a sample that literally came from the tap of the Arnesons. It is hard to believe we are in 2020 and that a Montanan can open up a tap and see water like this.

This example came from the Good family. Again, it is yellow water, and this is black water. This is water that has literally come from the taps of Montanans who live in the eastern part of our State.

You see, iron content in these impacted areas is nearly five times the

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 bill would allow two regional, 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.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

GREG KELLY

Mr. WICKER. Madam President, I have a serious matter to discuss with the Senators 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 because of 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 within the company and in June of 2012 became 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 troubling halt to his career and to fundamental fairness.

A company executive lured him to Tokyo for what was supposed to be an urgent business meeting. Mr. Kelly was 2 weeks away from having badly needed neck surgery and was hesitant to travel internationally, but the Nissan executive assured him he would be home within a week, so Mr. Kelly boarded a Nissan corporate jet to Tokyo. In fact,

Greg Kelly had been lied to and was walking into a trap that had been designed by Nissan executives and Japanese authorities.

According to emails obtained by Bloomberg News, that Nissan executive was working in collusion with Japanese prosecutors to disrupt a merger between Nissan and the French auto company, Renault. Greg Kelly was involved in negotiating that merger. Their plan required framing him for bogus financial crimes and throwing him under the bus.

While he was en route to Tokyo, Nissan executives launched a "boardroom coup" to strip Mr. Kelly of his position. Government prosecutors seized his boss, Carlos Ghosn, chairman of the board of Nissan, for allegedly underreporting his income—another bogus charge.

Hours later, upon his arrival at the airport, Mr. Kelly was arrested on these trumped-up charges. Mr. Kelly was treated with cruelty by 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, in a celebrated escapade, 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.

Japanese leaders 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 harder 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 appall-

ing. 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. He has 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 for him 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. It should be an embarrassment for any modern democracy.

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 American business community: 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.

The newly installed Prime Minister of Japan, Prime Minister Suga, needs to intervene in this matter. Japan needs to right this wrong and end this highly visible stain on its international reputation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

H.R. 8337

Mr. LEAHY. Madam President, today, we in the Senate will vote on a continuing resolution to keep the government funded through December 11, 2020. It is the last day we can do that.

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 for the government 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 are dedicated Federal employees. They 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 longer term solution.

I am also glad the bill includes nearly \$8 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 to 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 should 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 allow that 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 so.

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 who can access online 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 are at a historic level 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 they don't know where their 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 economy, 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.

States don't have the money they need to safely carry out an election that is only 34 days away and in the middle of a pandemic.

Without a legislative change extending critical deadlines, our ability to achieve a fair and accurate count in the 2020 census remains a risk—a census that is required under the Constitution of the United States, a Constitution we all have taken an oath to uphold.

American people are suffering, and politics are being played to keep that suffering continuing. But it is infuriating that the Republican leadership refuses to acknowledge this reality. In-

stead of doing their job and considering and passing full-year appropriations bills and a desperately need a COVID relief bill, Senate Republicans have focused this year almost entirely on packing the courts with rightwing, extreme judges. Faced with an unprecedented health and economic crisis, does this spur Republicans to action? No. But what does? Aha. A Supreme Court vacancy in an election year that under their own precedent—under Republican precedent—should not be filled until the American people have their say in November. All of a sudden, they are ready to go to work. That is shameful. At least on that, wait until the election. Let the American people speak.

You know, it is frustrating because we could have passed every one of those appropriations bills and not be faced with this. And I bet they would have passed overwhelmingly.

So if Senate Republicans want to keep the Senate in session during October, I say do it. There is plenty of work left undone. The Senate could act on the fiscal year 2021 appropriations bills, a COVID relief bill, or any one of the hundreds of bills the House has passed that are currently bottled up in Senator MCCONNELL's legislative graveyard.

But these pressing needs—pressing needs of people going hungry, being thrown out of their homes, not getting the medical care they need, facing the danger of COVID, something the President said would go away in the spring—their needs are being ignored while Republicans focus on filling a vacancy to the Supreme Court that should rightfully remain vacant until a month from now when the people have spoken at the polls.

Congress is failing the American people because Republicans, led by President Trump, care more about securing a hyperpartisan Supreme Court than the health and safety of the American people—all people. It doesn't matter their politics in this country. It is that simple.

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 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 Fischer Peters
Barrasso Gardner Portman
Bennet Gillibrand Reed
Blumenthal Graham Risch
Blunt Grassley Roberts
Booker Hassan Romney
Boozman Heinrich Rosen
Brown Hirono Rounds
Burr Hoeven Sasse
Cantwell Hyde-Smith Schatz
Capito Inhofe Schumer
Cardin Jones Scott (SC)
Carper Kaine Shaheen
Casey Kennedy Shelby
Cassidy King Sinema
Collins Klobuchar Smith
Coons Lankford Stabenow
Cornyn Leahy Sullivan
Cortez Masto Manchin Thune
Cotton Markey Tillis
Cramer McConnell Udall
Crapo McSally Van Hollen
Daines Menendez Warner
Duckworth Merkley Warren
Durbin Murkowski Whitehouse
Enzi Murphy Wicker
Ernst Murray Wyden
Feinstein Perdue Young

NAYS—10

Blackburn Johnson Scott (FL)
Braun Lee Toomey
Cruz Loeffler
Hawley Paul

NOT VOTING—6

Alexander Moran Sanders
Harris Rubio Tester

The bill (H.R. 8337) was passed.
The PRESIDING OFFICER. The majority leader.

NAYS—46

Baldwin Heinrich Reed
Bennet Hirono Rosen
Blumenthal Jones Schatz
Booker Kaine Schumer
Brown King Shaheen
Cantwell Klobuchar Sinema
Cardin Leahy Smith
Carper Lee Stabenow
Casey Manchin Udall
Coons Markey Van Hollen
Cortez Masto Menendez Warner
Duckworth Merkley Warren
Durbin Murphy Whitehouse
Feinstein Murray Wyden
Gillibrand Paul
Hassan Peters

NOT VOTING—6

Alexander Moran Sanders
Harris Rubio Tester

The motion was agreed to.

UIGHUR INTERVENTION AND GLOBAL HUMANITARIAN UNIFIED RESPONSE ACT OF 2019—LAYING DOWN HOUSE MESSAGE

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the House message to accompany S. 178.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 178) entitled "An Act 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.", do pass with an amendment.

Mr. MCCONNELL. 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 bill clerk proceeded to call 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 Kansas (Mr. MORAN) 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 48, nays 46, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—48

Barrasso Ernst Perdue
Blackburn Fischer Portman
Blunt Gardner Risch
Boozman Graham Roberts
Braun Grassley Romney
Burr Hawley Rounds
Capito Hoeven Sasse
Cassidy Hyde-Smith Scott (FL)
Collins Inhofe Scott (SC)
Cornyn Johnson Shelby
Cotton Kennedy Sullivan
Cramer Lankford Thune
Crapo Loeffler Tillis
Cruz McConnell Toomey
Daines McSally Wicker
Enzi Murkowski Young

UIGHUR INTERVENTION AND GLOBAL HUMANITARIAN UNIFIED RESPONSE ACT OF 2019

The PRESIDING OFFICER. The Chair lays before the Senate the following message from the House.

The senior assistant legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 178) entitled "An Act 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.", do pass with an amendment.

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.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays on the pending motion to concur with amendment No. 2652.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2673 TO AMENDMENT NO. 2652

Mr. MCCONNELL. Mr. President, I have a second-degree amendment to the motion to concur with amendment No. 2673.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. TILLIS, proposes an amendment numbered 2673 to amendment No. 2652.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

MOTION TO TABLE

Mr. MCCONNELL. Mr. President, I move to table amendment No. 2673, and 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 senior assistant 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 "nay" and the Senator from Kansas (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:

[Rollcall Vote No. 199 Leg.]

YEAS—47

Baldwin	Hassan	Peters
Bennet	Heinrich	Reed
Blumenthal	Hirono	Rosen
Booker	Jones	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Leahy	Smith
Casey	Lee	Stabenow
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Cruz	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Gillibrand	Paul	

NAYS—47

Barrasso	Fischer	Portman
Blackburn	Gardner	Risch
Blunt	Graham	Roberts
Boozman	Grassley	Romney
Braun	Hawley	Rounds
Burr	Hoeben	Sasse
Capito	Hyde-Smith	Scott (FL)
Cassidy	Inhofe	Scott (SC)
Collins	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Loeffler	Tillis
Crapo	McConnell	Toomey
Daines	McSally	Wicker
Enzi	Murkowski	Young
Ernst	Perdue	

NOT VOTING—6

Alexander	Moran	Sanders
Harris	Rubio	Tester

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.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Aileen Mercedes Cannon, of Florida, to be United

States District Judge for the Southern District of Florida.

CLOTURE MOTION

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 Aileen Mercedes Cannon, of Florida, to be United States District Judge for the Southern District of Florida.

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, Marsha 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. 862.

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 Toby Crouse, of Kansas, to be United States District Judge for the District of Kansas.

CLOTURE MOTION

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.

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, Marsha 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. 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.

CLOTURE MOTION

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 J. Philip Calabrese, 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, Marsha 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. 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.

CLOTURE MOTION

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 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, Marsha 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.

The PRESIDING OFFICER. The clerk will report the nomination.

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

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 Michael Jay Newman, of Ohio, to be United States District Judge for the Southern 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, Marsha 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 around the world—values that 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 goal of Olympism is to place 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 was 56 years ago that 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 was also excluded for the 1968 Mexico City games, and in 1970, the IOC indefinitely expelled South Africa from Olympic competition.

Germany and Japan were banned from participating in the 1948 Olympic Games for their roles in World War II. Afghanistan was banned in 2000 because of the Taliban's discrimination against women, and South Korea was pressured by the IOC to enact democratic reforms before it hosted the 1988 games.

Should Communist China, which places no value on human life or freedom, be allowed to host the 2022 games? Absolutely not. Doing so will threaten the safety of athletes and attendees and financially reward the dictatorship responsible for its genocide against its Muslim population.

My colleague from Massachusetts, Senator MARKEY, and I introduced a bi-

partisan resolution calling on the International Olympic Committee to rebid the 2022 games to a country that recognizes and respects human rights. This isn't about a boycott. I am absolutely opposed to a boycott, and it is not about politics. This is a fight about human rights, which transcends politics.

Moving the Olympic Games out of Communist China doesn't hurt athletes. It keeps them safe from Communist China's oppression. Last year, the world watched while Communist China pressured the NBA to censor themselves over one tweet supporting Hong Kong citizens who were fighting for their freedom. We saw the NBA cower to Communist China's wishes. They even prohibited athletes who were in China at the time from speaking with reporters.

If Communist China has the ability to censor the NBA, an American organization, from speaking anything about anything that may offend General Secretary Xi, what will they do to athletes around the world? Will this regime start censoring or restricting participating athletes? What about the press? Will their broadcasts be censored to appease General Secretary Xi?

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 Hongkongers. 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 journalists and political dissidents in China. I hope that all of my colleagues will join me in demanding that the IOC rebid the 2022 Olympic Games should China fail to abandon its indefensible course.

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, 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, reserving 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 dissidents, 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 and crushing any thoughts and ideas that deviate from the dictates of the party. China’s rise, bringing hundreds of millions out of poverty during the last century, is something the Chinese people can be justly proud of. 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 legislation. However, I believe these issues merit serious discussion in drafting of the appropriate language before the Senate Foreign Relations Committee. I have been urging Chairman RISCHE 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.

UNANIMOUS CONSENT REQUEST—H.R. 549

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 up legislation the House has 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.

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. I believe 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.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

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. Since this will not be going through committee, we ought to, like you say, examine the legislation and think about what it involves. I think having a few commonsense amendments would make sense.

It is about 200,000 or 270,000 Venezuelans. I think we can accommodate them. We are a big, great country, and America has room for them. We should make sure, though, that they don’t overburden the welfare system, and there should be rules that people, as part of this program, do not come to the country to receive welfare. That is my first amendment.

My second amendment would say that at the end of the 18-month period, Congress should vote on whether or not to extend the period. In the past, we have granted this temporary status, and it has been renewed decade after decade and become just sort of this lost zone for people for whom we can’t figure out a permanent solution.

My third amendment would actually create an ability to absorb more people in our country and would be more of a permanent solution. My third amendment is called the BELIEVE Act, and it is a bill that I have had out there for several years. What it would do is to take the merit-based employment in our country, employment-based visas, and double these visas. So, if you want to accommodate the 200-some-odd thousand Venezuelans, we need more green cards, ultimately, for permanent status. This would be increased employment-based visas.

So, my unanimous consent request would be to pass your bill with these three amendments: One, to prohibit welfare; two, to make it Congress’s prerogative to decide that this term needs to be extended and it would have to be a vote by this body; and then the third thing would be that we expand our employment-based visas in order to accommodate folks like this in our country.

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 SCOTT’S question about 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 Senator from Kentucky.

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

The PRESIDING OFFICER. Objection is heard to the request.

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, first, as you would expect, I am disappointed in two ways.

No. 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, but we ought 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.

No. 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 commonsense reform 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 the Venezuelans are dealing with. It is very disappointing to me.

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 you 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.

This 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 either to get 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—protected 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 that attacks them. So we don't even need legislation.

The only reason the House of Representatives, with Democratic majori-

ties, 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 death of TPS. 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 Senator SCOTT's 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 the committee of the whole, 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 that you have to urge us; 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 see in a timely fashion. From the reading of several motions the majority leader made for nominations, it sounds like we are going to be here next week. Well, the chairman of the Foreign Relations Committee could call a business markup for next week. We could get your resolution on; we could get it passed; and then we could get it to the floor. Why not? Why not?

Then, the last thing: I don't know what the Senator is referring to in terms of stopping moneys going to Maduro. My VERDAD Act, which became law—along 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 spent elsewhere.

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.

I think he should. 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.

No. 1, I still have not heard what the issue is with a resolution that sounds like 99 other Senators are OK with, with regard to holding General Secretary Xi accountable. I haven't heard my colleague say what the concern is with it.

It seems to me that we have the opportunity right now, between the two of us, if we need to make a change, maybe we can make a change. But I would like to get something done today.

No. 2, as we know, the TPS program is a temporary program. It is not operated as a temporary program, and it has to be reformed.

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 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. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I won't stay the whole night debating my colleague, although I would enjoy that. But let me just say, No. 1, he has the power, as a colleague in the majority, to go to the chairman of the Foreign Relations Committee and say: I really think this resolution is timely and needs to be done.

We are going to be in session next week. The chairman of the Foreign Relations Committee can call a markup next week. For his resolution, I will give him my word that I will support asking the chairman to put his resolution on the business meeting, and, probably, with some modifications, I would support it. But he needs to ask the chairman to hold a markup, No. 1.

No. 2, the reality is that the concern about TPS not being "temporary"—well, that concern was vitiated. I don't know if it was the Ninth or Eleventh Circuit Court of Appeals that recently held a decision that said the President of the United States can give TPS, and he can end TPS, in his judgment. I don't necessarily agree with that judicial decision, but, nonetheless, that is, right now, the law of the land, so that concern is over.

The suggestion that we have to end TPS as we know it in order to make sure that it only remains a temporary protected status—the courts have determined that. They have said that the President can give TPS and can take it away. So, as far as I learned in my civics lessons, the court is the final law of the land in interpreting what it is that the law is.

Lastly, I am going to look at—I would like the gentleman to get in contact with—I don't know what legislation he keeps referring to that somehow we blocked, but before the gentleman even arrived here, I have been pursuing the Castro regime for 20-something years—since I was in the House of Representatives, passing the LIBERTAD Act and so many others—and, certainly, the Maduro regime as well. So I am happy to look at that.

But let's get the chairman of the Foreign Relations Committee to hold a markup, and I think we can solve a lot of these problems.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, may I inquire if the Senators are concluded with their discussion?

The PRESIDING OFFICER. They have both yielded. It appears they are.

#### CLIMATE CHANGE

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 cry out for action.

Powerful players outside this Chamber hear that cry, including, recently, over 200 CEOs of major American cor-

porations 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 science-based climate policy to 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 corporate 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. It is basic economic theory that polluters ought to bear those costs, called negative 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—not million but billion 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 cheating on that rule, then a price on carbon pollution, as the Business Roundtable recommends, is a correction to that market failure.

The CEOs also read the same warnings as the rest of us. Dozens of central banks, economists, and other financial experts warn of massive economic risks caused by our failure to address climate change—risks one recent estimate put at triple the 2008 great recession; risks that are commonly called systemic, meaning they take down the whole financial system, not just fossil fuel. Business executives tend to take that kind of warning seriously.

So this is a good-news story if you look at the business voice coming through the Business Roundtable. Here is the problem: 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.

The very same 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 denominated one of the worst climate obstructers 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 the 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 the chamber. 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 brief supporting 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 would result in up to about 600 million metric tons of additional CO<sub>2</sub> 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—through 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. Coca-Cola says in its own 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 \$34,000. 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 this climate problem, notwithstanding those multiple impacts on Coca-Cola's value chain. That trade association knows how to lobby when it wants to. On climate, it just doesn't want to.

Let's have a look at AT&T, another one here on the board. I am not seeing it right now, so I am going to keep looking as I talk. It is another iconic American brand like Coca-Cola, and, like United, AT&T sits on the chamber's board. Presumably sitting on the chamber's board, it is influential within the organization. In the first 6 months of 2019, AT&T reported giving the chamber at least \$144,000.

Now, AT&T wants Congress to adopt a very specific climate policy. First, of course, through the Business Roundtable, AT&T says that climate change is serious and that Congress should enact a carbon price. Also, AT&T is a founding member of the Climate Leadership Council, and AT&T supports the CLC's detailed carbon price proposal.

Well, that is through their Business Roundtable and Climate Leadership Council voice. What do we hear through their chamber voice? Well, I could tell you something about where

the chamber is on carbon pricing because, with Senators Schatz and Gillibrand and Heinrich, I have introduced carbon pricing legislation that is not all that different from the CLC proposal. Senators COONS and FEINSTEIN have a carbon pricing bill. So does Senator VAN HOLLEN. Senator DURBIN, our deputy minority leader, just announced one. Over in the House, there are multiple carbon pricing bills, including one with over 80 cosponsors. Has the chamber supported any of these bills? Nope. Not a one. Has it even engaged on any of them? Not with me. Not on ours. Not that I can tell on any of the others.

When election season rolls around, 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—which just said they support carbon pricing, are funding a group that is opposing climate action and specifically carbon pricing at every turn—in Congress, in court, in elections, in regulatory agencies.

I have called out just a few. There is AT&T right here. I called out just a few companies today to make the point, but every one of these companies—every one of them—is in the same position. The climate policy they support through the Business Roundtable is opposed by the entity they support: the chamber.

They have to straighten that out. Whether you are UPS, Home Depot, American Express, Marathon, MetLife, Northrop Grumman, Sales Force, Marriott, Abbott, Morgan Stanley, Microsoft, Exelon, Sempra, 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—their own organization—became a worst climate obstructionist. I think this is beginning to change.

Last week, I spoke at a CERES, C-ER-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 policy. Get 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 know that stuff. Changing that behemoth—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 I ask: Why, if this is as important as you say it is, do you not speak with a clear voice? Why do you let corporate America's most powerful political mouthpiece oppose you? Look at these companies. Why do you tolerate that, and why do you fund it and sit on its board while it opposes you? Climate change is not an issue you want to be on both sides of, so why are you on both sides of it? Whom do you expect Congress to listen to? Which voice of yours are we to take as the real one? If you want us to listen to your Business Roundtable voice, you better make sure it is not drowned out by the massive business lobby that you fund that has been our worst enemy against climate action. You all need to wake up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

#### NOMINATION OF AMY CONEY BARRETT

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 people 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 beliefs, 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. The character she will demonstrate, 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.

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's Law School, where she was named Distinguished Professor of the Year three times.

In 2017, she was nominated to fill a vacancy in the U.S. Circuit Court of Appeals for the Seventh 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 spoke of 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 precedence. 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 clear not just from those words but from simply spending a few moments with this beautiful 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 anti-healthcare. It is the opposite, 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 Amy Coney Barrett's resume, they rummaged 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—if properly read, rather than quickly mined for 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 believers, the lies grow more reckless. This is a dangerous game to play right now—doubly so for the party that is blocking 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 a different, 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 repeat 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 Jerusalem Church of Baltimore, MD. 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, 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, 114 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? Come on. 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. GARDNER). 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.

## SIGNING AUTHORITY

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 vacant 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 majority in the U.S. 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 founders 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 Senates 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. I thought 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 three times 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 said that about her when she was nominated and successfully confirmed here in the U.S. Senate to the circuit court, which, of course, is the second level, right below the Supreme Court. So she has already gone through the process here. She has been confirmed here. 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, I think 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 but not to advance their 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 duty 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 express their views, 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 fairly review 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 nominations be confirmed; 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:

## 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 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

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*

Lt. Gen. Andrew P. Poppas

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 NAVY

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, and for appointment as a Senior Member of the Military Staff Committee of the United Nations under title 10, U.S.C., Section 711:

*To be vice admiral*

Lisa M. Franchetti

## IN THE ARMY

The following named Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

*To be brigadier general*

Col. William F. McClintock

## IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601:

*To be lieutenant general*

Maj. Gen. Michael S. Groen

Gregory Scott Tabor, of Arkansas, to be United States Marshal for the Western District of Arkansas for the term of four years, vice Harold Michael Oglesby, term expired.

## IN THE AIR FORCE

The following named officer for 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., section 601:

*To be lieutenant general*

Maj. Gen. James C. Dawkins, Jr.

## IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*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.

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.

Kenneth R. Weinstein, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

## IN THE AIR FORCE

PN1 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.

PN2165 AIR FORCE nomination of James E. Key, III, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.

PN2216 AIR FORCE nominations (129) beginning PAUL JEFFREY AFFLECK, and ending JOSEPH F. ZINGARO, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2020.

PN2217 AIR FORCE nomination of Michael B. Parks, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

PN2218 AIR FORCE nomination of Brian P. O'Connor, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

PN2219 AIR FORCE nomination of Samuel P. Baxter, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

PN2220 AIR FORCE nomination of Ryan M. Vanartsdalen, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

## IN THE ARMY

PN1851 ARMY nomination of Mark J. Richardson, which was received by the Senate and appeared in the Congressional Record of May 11, 2020.

PN2166 ARMY nomination of Luis O. Rodriguez, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.

PN2167 ARMY nomination of Kyle C. Furfari, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.

PN2180 ARMY nominations (2) beginning EDWARD J. COLEMAN, and ending MICHAEL E. KELLY, which nominations were received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN2181 ARMY nomination of Renn D. Polk, which was received by the Senate and ap-

peared in the Congressional Record of August 13, 2020.

PN2182 ARMY nominations (8) beginning WILLIAM R. BROWN, and ending PAUL S. WINTERTON, which nominations were received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN2183 ARMY nominations (14) beginning JONATHAN BENDER, and ending CHRISTOPHER J. VITALE, which nominations were received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN2184 ARMY nominations (10) beginning RAYMOND COLSTON, JR., and ending MATTHEW J. RIVAS, which nominations were received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN2185 ARMY nominations (11) beginning JAMES O. BOWEN, and ending PHILIP A. WINN, which nominations were received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN2186 ARMY nominations (10) beginning ANDREW T. CONANT, and ending RAVINDRA V. WAGH, which nominations were received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN2221 ARMY nomination of Fred J. Grosprin, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

PN2222 ARMY nomination of Matthew E. Tullia, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

## IN THE MARINE CORPS

PN2170 MARINE CORPS nomination of Anthony J. Bertoglio, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.

PN2176 MARINE CORPS nomination of John Stephens, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.

PN2192 MARINE CORPS nomination of Angela M. Nelson, which was received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN2230 MARINE CORPS nomination of Luke D. Zumbusch, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

PN2231 MARINE CORPS nomination of Richard M. Rusnok, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

PN2232 MARINE CORPS nomination of Damon K. Burrows, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

## IN THE NAVY

PN2168 NAVY nomination of Brian F. O'Bannon, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.

PN2169 NAVY nomination of Inaraquel Mirandavargas, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.

PN2187 NAVY nomination of Kristen L. Kinner, which was received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN2188 NAVY nomination of Jeffrey B. Parks, which was received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN2189 NAVY nomination of William F. Blanton, which was received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN2190 NAVY nomination of Michael J. Armstrong, which was received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN2191 NAVY nomination of Chadwick G. Shroy, which was received by the Senate and

appeared 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 C. KUNDELT, 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. ZUFELT, 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. They are among 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 inspired in part by Rev. 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 Louise, MS., 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 police 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 understood that just the 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 TWO, 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 Chicago. In 1967, he became TWO's executive director. In 1969, TWO created a nonprofit development organization, WCDC—the Woodlawn Community De-

velopment 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 plans by the University of Chicago to expand its campus south, into Woodlawn, plans that would have driven out longtime Woodlawn residents and businesses. The group also fought against "substandard, segregated housing, high unemployment, 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 models 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 and 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 2015 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—not in our lifetimes." 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 to put 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 sketch a vision for a new 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 on 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 unmatched 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 that he didn't want to be tackled by 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 nondominant 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 six 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 many lines were drawn between 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 rehabilitation 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 became ill. 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 pallbearer at the funeral. The chapter on their friendship in Gale's autobiography, "I Am Third," is the basis of the 1971 movie "Brian's Song," the most-watched TV movie in history at the time.

In 1971, Gale suffered another knee injury, and it was never right again. He retired in 1972 at the age of 29. It is a testament to the extraordinary talent of Gale Sayers, only playing 68 games, that in 1977, he was the 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, one of the toughest, most manhood-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 leaders, new ideas, and a cautious new sense of hope in government and hope in the future in Kane County, IL, 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 job: director 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 or a painter. At Proviso West High School in Hillside, IL, 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 join his union. Mark agreed, but the carpenters weren’t taking new members at that time.

Mark’s uncle, a union painter, suggested he try the painters union. He was hired as an apprentice at the age of 19. As it turned out, Mark had just the personal qualities that a good painter needs: attention to detail, a tenacious work ethic, and an unusual ability to listen to people and understand what they want. He started as an organizer for District Council 30 in 1997. Five years later, he was hired as the district council’s governmental affairs director, the position he held until he retired from the union at the start of this month.

As a labor leader, Mark fought for respect and fair treatment not only for members of his union but for all working people in the State of Illinois. The list of State laws that he has helped enact is long and impressive. It includes increasing Illinois’ minimum wage, protecting overtime pay, strengthening collective bargaining rights and the prevailing wage in our

State, and encouraging better labor-management relations through the use of project-management agreements. Mark has also taken courageous stands on issues including immigrant rights, women’s rights, and marriage equality.

Mark’s commitment to social and economic justice and his nuts-and-bolts understanding 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 yard signs for candidates 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 serving the county. One of those House members, LAUREN UNDERWOOD, is the only nurse now serving in Congress. In the Illinois General Assembly, Kane County is represented by two Democratic senators and four house members, all of them women.

“We run women because we want to win,” is how Mark once described his recruitment strategy. I suspect there is a little more to it. You see, Mark’s mother was a brilliant woman who graduated from the University of Chicago when she was 16 years old, but like so many women of her generation, her career choices were limited because of her gender. She died when Mark was 22 years old, but she inspired in Mark and her other four children a profound belief in what women could achieve if given a fair chance.

Mark Guethle is the embodiment of grassroots democracy. The people of Kane County and all Illinois’ working families owe a lot to Mark and to his mom, Loretta. Mark is also respected by Republicans as a man of principles. One of his close friends, North Aurora mayor Dale Berman, was a lifelong Republican who Mark actually persuaded, by example, to become a Democrat.

Stepping down from the union job will leave Mark more time for his work with his town’s board of trustees and the Kane County Democratic Party. It will mean more time for Mark and Louise, his wife of 31 years, to perform in their church choir. Mark will have more time to watch his beloved Chicago Cubs—on TV for now, rather than in the bleachers, which he prefers. He will have more time for playing keyboards in his cover band and more time to practice on his guitar and ukulele, and he will have more time to spend with his sons, Marcus and Brian, and his four grand-daughters, whom he adores.

Lastly, I am certain that Mark will spend even more time listening to his neighbors in Kane County and finding new ways to make government work for them, regardless of their political

party, because that is what he cares most about. I am proud to call Mark my friend, and Loretta and I wish him and Louise all the best as they begin this new chapter of their lives.

(At the request of Mr. DURBIN, the following statement was ordered to be printed in the RECORD.)

#### 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. 197 on passage of H.R. 8337, a bill making continuing appropriations for fiscal year 2021. On vote No. 197, 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. 198 on the motion to proceed to the Message to accompany S. 178, UIGHUR 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 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. 20-70, concerning the Air Force’s proposed Letter(s) of Offer and Acceptance to the Government of India for defense articles and

services estimated to cost \$90 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. 20-70

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 India.

(ii) Total Estimated Value:

Major Defense Equipment\* \$0 million.

Other \$90 million.

Total \$90 million.

(iii) Description and Quantity or Quantities of Articles or Services under consideration for Purchase: The Government of India has requested to buy items and services to extend follow-on support for its fleet of C-130J Super Hercules aircraft. These items include:

Major Defense Equipment (MDE): None.

Non-MDE: Aircraft consumables spares and repair/return parts; ground support and equipment; Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD) fire extinguisher cartridges; flare cartridges; BBU-35/B cartridge impulse squibs; one spare AN/ALR-56M Advanced Radar Warning Receiver shipset; spare AN/ALE-47 Counter-Measures Dispenser System shipset; ten Lightweight Night Vision Binocular (F5032); ten AN/AVS-9 Night Vision Goggle (NVG)(F4949); GPS; Electronic Warfare; instruments and lab equipment support; Joint Mission Planning System; cryptographic device spares and loaders; software and software support; publications and technical documentation; personnel training and training equipment; U.S. and contractor engineering, technical, and logistical support; and other related elements of program support.

(iv) Military Department: Air Force (IN-D-QAH).

(v) Prior Related Cases, if any: IN-D-SAA, IN-D-SAD, IN-D-QAE.

(vi) Sales Commission, Fee, etc. Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: September 30, 2020.

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

POLICY JUSTIFICATION

India—C-130J Follow-on Support

The Government of India has requested to buy items and services to extend follow-on support for their fleet of C-130J Super Hercules aircraft. These items include aircraft consumables spares and repair/return parts; ground support and equipment; Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD) fire extinguisher cartridges; flare cartridges; BBU-35/B cartridge impulse squibs; one spare AN/ALR-56M Advanced Radar Warning Receiver shipset; spare AN/ALE-47 Counter-Measures Dispenser System shipset; ten Lightweight Night Vision Binocular (F5032); ten AN/AVS-9 Night Vision Goggle (NVG)(F4949); GPS; Electronic Warfare; instruments and lab equipment support; Joint Mission Planning System; cryptographic device spares and loaders; software and software support; publications and technical documentation; personnel training and training equipment; U.S. and contractor engineering, technical, and logistical support; and other related elements of program support. The estimated total case value is \$90 million.

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 defensive 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 ensures the 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 transport. 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 the assignment of any additional U.S. Government or contractor representatives India.

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

TRANSMITTAL NO. 20-70

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 AN/ALR-56M is a computer controlled radar warning receiver (RWR). It monitors the environment in an effort to detect radar signals. Upon detection and identification of a valid radar signal, emitter identification is conveyed to the AN/ALE-47 countermeasures dispenser system. The ALR-56M has thirteen line replaceable units (LRUs): four I/J band DF receivers, an Analysis Processor, a Superhet Controller, a Superhet Receiver, a C/D band Receiver/Power supply, four I/J band antennas, and one C/D band antenna.

2. The AN/ALE-47 Counter-Measures Dispensing System (CMDSD) is an integrated, threat-adaptive, software-programmable dispensing system capable of dispensing chaff, flares, and active radio frequency expendables. The system is internally mounted and may be operated as a stand-alone system or may be integrated with other on-board electronic warfare and avionics systems. The AN/ALE-47 uses data received over the aircraft interfaces to assess the threat situation and to determine a response.

3. The highest level of classification of information included in this potential sale is SECRET.

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 which 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 the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. The sale is necessary in furtherance of the U.S. foreign policy and national security objectives outline in the Policy Justification.

6. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of India.

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. 20-63 concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Japan for defense articles and services estimated to cost \$55.311 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,

(For Heidi H. Grant, Director).

Enclosures.

TRANSMITTAL NO. 20-63

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 Japan.

(ii) Total Estimated Value:

Major Defense Equipment\* \$50.311 million.

Other \$ 5.000 million.

Total \$55.311 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE): Up to fifty-one (51) Rolling Airframe Missiles (RAM) Block 2 Tactical Missiles, RIM-116C.

Non-MDE: 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.

(iv) Military Department: Navy (JA-P-AUF).

(v) Prior Related Cases, if any: JA-P-ATK.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: September 28, 2020.

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

POLICY JUSTIFICATION

Japan—RAM Block 7 Tactical Missiles

The Government of Japan has requested to buy up to fifty-one (51) Rolling Airframe

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 total cost is \$55.311 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 assignment 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 and has been 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. All defense articles and services listed in this transmittal have been authorized for release and export to Japan.

#### 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. 20-59 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.

(ii) Total Estimated Value:  
Major Defense Equipment\* \$194 million.  
Other \$47 million.  
Total \$241 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Thirty-four (34) Patriot Advanced Capability-3 (PAC-3) Missile Segment Enhancement (MSE) Missiles.

Non-MDE: Also included are eight (8) kitted 2-pack PAC-3 MSE Missile Round Trainers (MRT), six (6) kitted 2-pack PAC-3 MSE Empty Round Trainers (ERT), four (4) PAC-3 MSE Skid 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.

(iv) Military Department: Army (NE-B-Y AF).

(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 Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: September 24, 2020.

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

#### POLICY JUSTIFICATION

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

The Government of the Netherlands has requested to buy thirty-four (34) Patriot Advanced Capability-3 (PAC-3) Missile Segment Enhancement (MSE) missiles. Also included are eight (8) kitted 2-pack PAC-3 MSE Missile Round Trainers (MRT), six (6) kitted 2-pack PAC-3 MSE Empty Round Trainers (ERT), four (4) PAC-3 MSE Skid 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. The total estimated program cost is \$241 million.

This proposed sale will support the foreign policy and national security of the United States by helping to improve security of 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 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 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:

1. The Patriot Advanced Capability (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 software elements, the information could be used to develop countermeasures or equivalent systems which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Netherlands can provide substantially the same degree of protection for the technology 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 Letter(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 proposed 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, as amended

(i) Prospective Purchaser: Government of Switzerland.

(ii) Total Estimated Value:

Major Defense Equipment\* \$1.1 billion.

Other \$1.1 billion.

Total \$2.2 billion.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: The Government of Switzerland has requested the possible sale of five (5) Patriot Configuration-3+ Modernized Fire Units, consisting of:

Major Defense Equipment (MDE):

Five (5) AN/MPQ-65 Radar Sets.

Five (5) AN/MSQ-132 Engagement Control Stations.

Seventeen (17) M903 Launching Stations.

Up to seventy (70) Patriot MIM-104E Guidance Enhanced Missile Tactical (GEM-T) Missiles.

Seven (7) Antenna Mast Groups.

Five (5) Electrical Power Plants (EPP) III.

Six (6) Multifunctional Information Distribution System Low Volume Terminal (MIDS-LVT) (11) Block Upgrade Two (BU2).

Non-MDE: Communications equipment; tools and test equipment; range and test programs; support equipment to include associated vehicles; prime movers; generators; publications and technical documentation; training equipment; spare and repair parts; personnel training; Technical Assistance Field Team (TAFT); U.S. Government and contractor technical, engineering, and logistics support services; Systems Integration and Checkout (SICO); field office support; and other related elements of logistics and program support.

(iv) Military Department: Army (SZ-B-UAS).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: September 30, 2020.

\*As defined in Section 47(6) 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 Stations; up to seventy (70) Patriot MIM-104E Guidance Enhanced Missile Tactical (GEM-T) Missiles; seven (7) Antenna Mast Groups; five (5) Electrical Power Plants (EPP) III; and six (6) Multifunctional Information Distribution System Low Volume Terminal (MIDS-LVT) (11) Block Upgrade Two (BU2). Also included are communications equipment; tools and test equipment; range and test programs; support equipment to include associated vehicles; prime movers; generators; publications and technical documentation; training equipment; spare and repair parts; personnel training; Technical Assistance Field Team (TAFT); U.S. Government and contractor technical, engineering, and logistics support services; Systems Integration and Checkout (SICO); field office support; and other related elements of logistics and program support. The total estimated cost is \$2.2 billion.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a friendly European nation which is an important force for political stability and economic progress within Europe.

The proposed sale of the Patriot missile system will improve Switzerland's missile defense capability. Switzerland will use the Patriot to defend its territorial integrity and for regional stability. The proposed sale supports Switzerland's goal of improving national and territorial defense. Switzerland will have no difficulty absorbing this equipment into its armed forces.

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

The prime contractors will be Raytheon Corporation, Tewksbury, Massachusetts and Lockheed-Martin, Dallas, Texas. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will require approximately twenty-five (25) U.S. Government and forty (40) contractor representatives to travel to Switzerland for an extended period for equipment de-processing/fielding, system checkout, training, and technical and logistics support.

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

TRANSMITTAL NO. 20-43

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 lead over other systems in the world. The Patriot Air Defense System contains communication, 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 know-how and inherent 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, select software/software 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. If an adversary were 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 furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

6. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of 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 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. 20-35 concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Switzerland for defense articles and services estimated to cost \$6.58 billion. 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. 20-35

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:  
Major Defense Equipment\* \$4.08 billion.  
Other \$2.50 billion.  
TOTAL \$6.58 billion.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Forty (40) F-35 Joint Strike Fighter Conventional Take Off and Landing (CTOL) Aircraft.

Forty-six (46) Pratt & Whitney F-135 Engines (40 installed and 6 spares).

Forty (40) Sidewinder 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 (NATMS).

Four (4) Sidewinder AIM-9X Block II Tactical Guidance Units.

Ten (10) Sidewinder AIM-9X Block II CATM Guidance Units.

Eighteen (18) KMU-572 JDAM Guidance Kits for GBU-54.

Twelve (12) Bomb MK-82 500LB, General Purpose.

Twelve (12) Bomb MK-82, Inert.

Twelve (12) GBU-53/B Small Diameter Bomb II (SDB II) All-Up Round (AUR).

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/Communications, Navigational, and Identification (C4I/CNI); Autonomic Logistics Global Support System (ALGS); Autonomic Logistics Information System (ALIS); Full Mission Trainer; Weapons Employment Capability 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-572(D-2)/B Trainer (JDAM), 40 inch Wing Release Lanyard; GBU-53/B SDB II Weapon Load Crew Trainers (WLCT); Cartridge, 25 mm PGU-23/U; 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.

(iv) Military Department: Air Force (SZ-D-SAA; SZ-D-YAD), Navy (SZ-P-LAY).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: September 30, 2020.

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

POLICY JUSTIFICATION

Switzerland—F-35 Joint Strike Fighter Aircraft and Weapons

The Government of Switzerland requested to buy up to forty (40) F-35 Joint Strike Fighter Conventional Take Off and Landing (CTOL) aircraft; forty-six (46) Pratt & Whitney F-135 engines; forty (40) Sidewinder 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 (NATMS); four (4) Sidewinder AIM-9X Block II Tactical Guidance Units; ten (10) Sidewinder AIM-9X Block II CATM Guidance Units; eighteen (18) KMU-572 JDAM Guidance Kits for GBU-54; twelve (12) Bomb MK-82 500LB, General Purpose; 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). Also included are Electronic Warfare Systems; Command, Control, Communications, Computer and Intelligence/Communications, Navigational, and Identification (C4I/CNI); Autonomic Logistics Global Support System (ALGS); Autonomic Logistics Information System (ALIS); Full Mission Trainer; Weapons Employment Capability 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-572(D-2)/B Trainer (JDAM), 40 inch Wing Release Lanyard; GBU-53/B SDB II Weapon Load Crew Trainers (WLCT); Cartridge, 25 mm PGU-23/U; 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 by helping to improve the security of a friendly European nation that continues to be an important force for political stability and economic progress in Europe.

This proposed sale of F-35s and associated missiles and munitions will provide the Government of Switzerland with a credible defense capability to deter aggression in the region. The proposed sale will also replace 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 not alter the basic military balance in the region.

The principal contractors will be Lockheed Martin Aeronautics Company, Fort Worth, TX; Pratt & Whitney Military Engines, 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.

Implementation of this proposed sale will require multiple trips to Switzerland involving U.S. Government and contractor rep-

resentatives for technical reviews/support, program management and training over the life of the program. U.S. contractor representatives will be required in Switzerland to conduct Contractor Engineering Technical Services (CETS) and Autonomic Logistics and Global Support (ALGS).

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

TRANSMITTAL NO. 20-35

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 a single-seat, single engine, all-weather, stealth, fifth-generation, multirole aircraft. It contains sensitive technology including the low observable airframe/outer 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 multiple sensor suite, technical data/documentation and associated software. Sensitive elements of the F-35A are also included in operational flight and maintenance trainers. Sensitive and classified elements of the F-35A CTOL aircraft include hardware, accessories, components, and associated software for the following major subsystems:

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

b. The AN/APG-81 Active Electronically Scanned Array (AESA) is a high processing power/high transmission power electronic array capable of detecting air and ground targets from a greater distance than mechanically scanned array radars. It also contains a synthetic aperture radar (SAR), which creates high-resolution ground maps and provides weather data to the pilot, and provides air and ground tracks to the mission system, which uses it as a component to fuse sensor data.

c. The Electro-Optical Targeting System (EOTS) provides long-range detection and tracking as well as an infrared search and track (IRST) and forward-looking infrared (FUR) capability for precision tracking, weapons delivery and bomb damage assessment (BDA). The EOTS replaces multiple separate internal or podded systems typically found on legacy aircraft.

d. The Electro-Optical Distributed Aperture System (EODAS) provides the pilot with full spherical coverage for air-to-air and air-to-ground threat awareness, day/night vision enhancements, a fire control capability and precision tracking of wingmen/friendly aircraft. The EODAS provides data directly to the pilot's helmet as well as the mission system.

e. The Electronic Warfare (EW) system is a reprogrammable, integrated system that provides radar warning and electronic support measures (ESM) along with a fully integrated countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support and self-defense through the search, intercept, location and identification of in-band emitters and to automatically counter IR and RF threats.

f. The Command, Control, Communications, Computers and Intelligence/Communications, Navigation, and Identification (C4I/CNI) system provides the pilot with unmatched connectivity to flight members, coalition forces and the battlefield. It is an integrated subsystem designed to provide a

broad spectrum of secure, anti-jam voice and data communications, precision radio navigation and landing capability, self-identification, beyond visual range target identification and connectivity to off-board sources of information. It also includes an inertial navigation and global positioning system (GPS) for precise location information. The functionality is tightly integrated within the mission system to enhance efficiency.

g. The aircraft C4I/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 for stealthy 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 Global Sustainment (ALGS) provides a fully integrated logistics management solution. ALGS integrates a number of functional areas, including supply chain management, repair, support equipment, engine support and training. The ALGS infrastructure employs a state-of-the-art information system that provides real-time, decision-worthy information for sustainment decisions by flight line personnel. Prognostic health monitoring technology is integrated with the air system and is crucial to predictive maintenance of vital components.

i. The F-35 Autonomic Logistics Information System (ALIS) provides an intelligent information infrastructure that binds all the key concepts of ALGS 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 supporting commercial enterprise systems. Additionally, ALIS provides a comprehensive tool for data collection and analysis, decision support and action tracking.

j. 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 Maintenance Trainer (ESMT), Outer Mold Line (OML) Lab, Flexible Linear Shaped Charge (FLSC) Trainer, F135 Engine Module Trainer and Weapons Loading Trainer (WLT). The F-35 Training System can be 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 air frame, Integrated Core Processor (ICP) Central Computer, Helmet Mounted Display System (HMDS), Pilot Life Support System (PLSS), Off-Board Mission Support (OMS) System, and publications/maintenance manuals. The HMDS provides a fully sun-light readable, biocular 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 (OBOGS); and an escape system that provides additional protection to the pilot. OBOGS takes the Power and Thermal Management System (PTMS) air and enriches it by removing gases (mainly nitrogen) by adsorption, thereby increasing the concentration of oxygen in the prod-

uct 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 increase in missile acquisition and kinematics 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 a helmet mounted cueing system. The software algorithms are the most sensitive portion of the AIM-9X missile. The software continues to be modified via a preplanned product improvement (P<sup>3</sup>I) program to improve counter-countermeasure capabilities. Purchase will include AIM-9X Guidance Sections.

4. The GBU-54 Laser Joint Direct Attack Munition (LJDAM) is a 500 pound JDAM which incorporates all the capabilities of the JDAM guidance tail kit and adds a precision laser guidance set. The LJDAM gives the weapon system an optional semi-active laser guidance in addition to the Inertial Navigation System/Global Positioning System (INS/GPS) guidance. This provides the optional capability to strike moving targets. The GBU-54 consists of a laser guidance set, KMU-572 warhead specific tail kit, and MK-82 bomb body.

5. The GBU-53/B Small Diameter Bomb Increment II (SDB II) is a 250-lb class precision-guided, semi-autonomous, conventional, air-to-ground munition used to defeat moving targets through adverse weather from standoff range. The SDB II has deployable wings and fins and uses GPS/INS guidance, network-enabled datalink (Link-16 and UHF), and a multi-mode seeker (millimeter wave radar, imaging infrared) to autonomously search, acquire, track, and defeat targets. The SDB II employs a multi-effects warhead (Blast, Fragmentation, and Shaped-Charge) for maximum 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 system application.

a. 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 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 II GTV can have either inert or live fuses. All other flight control, guidance, data-link, and seeker 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 and fuze. 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 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, this configuration could be 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.

7. 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 advanced capabilities.

8. 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 furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

9. All defense articles and services listed in this transmittal are authorized for release and export to the Government of 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 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. 20-34 concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Switzerland for defense articles and services estimated to cost \$7.452 billion. 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. 20-34

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:

Major Defense Equipment\* \$4.155 billion.

Other \$3.297 billion.

Total \$7.452 billion.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MOE):

Thirty-six (36) F/A-18E Super Hornet Aircraft.

Seventy-two (72) F414-GE-400 Engines (Installed).

Four (4) F/A-18F Super Hornet Aircraft.

Eight (8) F414-GE-400 Engines (Installed).

Sixteen (16) F414-GE-400 Engines (Spares).

Forty-four (44) M61A2 20MM Gun Systems.

Twenty-five (25) Advanced Targeting Forward-Looking Infrared (ATFLIR).

Fifty-five (55) AN/ALR-67(V)3 Electric Warfare Countermeasures Receiving Sets.

Fifty-five (55) AN/ALQ-214 Integrated Countermeasures Systems.

Forty-eight (48) Multifunctional Information Distribution Systems—Joint Tactical Radio Systems (MIDS JTRS).

Forty-eight (48) Joint Helmet Mounted Cueing Systems (JHMCS).

Two hundred sixty-four (264) LAU-127E/A Guided Missile Launchers.

Forty-eight (48) AN/AYK-29 Distributed Targeting Processor—Networked (DTP-N).

Twenty-seven (27) Infrared Search and Track (IRST) Systems.

Forty (40) AIM-9X Block II Sidewinder Tactical Missiles.

Fifty (50) AIM-9X Block II Sidewinder Captive Air Training Missiles (CATMs).

Six (6) AIM-9X Block II Sidewinder Special Air Training Missiles (NATMs).

Four (4) AIM-9X Block II Sidewinder Tactical Guidance Units.

Ten (10) AIM-9X Block II Sidewinder CATM Guidance Units.

Eighteen (18) KMU-572 JDAM Guidance Kits for GBU-54.

Twelve (12) Bomb MK-82 500LB, General Purpose.

Twelve (12) Bomb MK-82, Inert.

Twelve (12) GBU-53/B Small Diameter Bomb II (SOB II) All-Up Round (AUR).

Eight (8) GBU-53/B SDB II Guided Test Vehicle (GTV).

Non-MdE: Also included are AN/APG-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 Cueing Device (NVCD); AN/ALE-47 Electronic Warfare Countermeasures Systems; AN/ARC-210 Communication System; AN/APX-111 Combined Interrogator Transponder; AN/ALE-55 Towed Decoys; launchers (LAU-1150/A, LAU-116B/A, LAU118A); Training Aids, Devices and Spares; Technical Data Engineering Change Proposals; Avionics Software Support; Joint Mission Planning System (JMPS); Data Transfer Unit (DTU); Accurate Navigation (ANAV) Global Positioning System (GPS) Navigation; KIV-78 Dual Channel Encryptor, Identification Friend or Foe (IFF); Cartridge Actuated Devices/Propellant Actuated Devices (CADs/PADs); Technical Publications; AN/PYQ-10C Simple Key Loader (SKL); Aircraft Spares; other support equipment; Aircraft Armament Equipment (AAE); aircraft ferry; transportation costs; other technical assistance; engineering technical assistance; contractor engineering technical support; logistics technical assistance; Repair of Repairables (RoR); aircrew and maintenance training; contractor logistics support; flight test services; Foreign Liaison Officer (FLO) support; auxiliary fuel tanks, system integration and testing; software development/integration; and other related elements of logistics and program support. For AIM-9X: containers; missile support and test equipment; provisioning; spare and repair parts; personnel training and training equipment; publications and technical data; and U.S. Government and contractor technical assist-

ance and other related logistics support. For GBU-53/B SDB II and GBU-54: Detector Laser DSU-38A/B, Detector Laser DSU-38A(D-2)/B, FMU-1390/B Fuze, KMU-572(D-2)/B Trainer (JDAM), 40-inch Wing Release Lanyard; GBU-53/B SDB II Weapon Load Crew Trainers (WLCT); weapons containers; munitions support and test 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.

(iv) Military Department: Navy (SZ-P-SAZ, SZ-P-LAZ, SZ-P-SBZ); Air Force (SZ-D-YAD).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: September 30, 2020.

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

#### POLICY JUSTIFICATION

##### Switzerland—F1 A-18E/F Super Hornet Aircraft and Weapons

The Government of Switzerland has requested to buy up to thirty-six (36) F/A-18E Super Hornet aircraft; seventy-two (72) F414-GE-400 engines (installed); four (4) F/A-18F Super Hornet aircraft; eight (8) F414-GE-400 engines (installed); sixteen (16) F414-GE-400 engines (spares); forty-four (44) M61A2 20MM gun systems; twenty-five (25) Advanced Targeting Forward-Looking Infrared (ATFLIR)/other targeting pod; fifty-five (55) AN/ALR-67(V)3 Electric Warfare Countermeasures Receiving sets; fifty-five (55) AN/ALQ-214 Integrated Countermeasures systems; forty-eight (48) Multifunctional Information Distribution Systems—Joint Tactical Radio Systems (MIDS-JTRS); forty-eight (48) Joint Helmet Mounted Cueing Systems (JHMCS); two hundred sixty-four (264) LAU-127E/A guided missile launchers; forty-eight (48) AN/AYK-29 Distributed Targeting Processor—Networked (DTP-N); twenty-seven (27) Infrared Search and Track (IRST) systems; forty (40) AIM-9X Block II Sidewinder tactical missiles; fifty (50) AIM-9X Block II Sidewinder Captive Air Training Missiles (CATMs); six (6) AIM-9X Block II Sidewinder Special Air Training Missiles (NATMs); four (4) AIM-9X Block II Sidewinder tactical guidance units; ten (10) AIM-9X Block II Sidewinder CATM guidance units; eighteen (18) KMU-572 JDAM Guidance Kits for GBU-54; twelve (12) Bomb MK-82 500LB, General Purpose; 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). Also included are AN/APG-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 Cueing Device (NVCD); AN/ALE-47 Electronic Warfare Countermeasures Systems; AN/ARC-210 Communication System; AN/APX-111 Combined Interrogator Transponder; AN/ALE-55 Towed Decoys; launchers (LAU-1150/A, LAU-116B/A, LAU118A); Training Aids, Devices and Spares; Technical Data Engineering Change Proposals; Avionics Software Support; Joint Mission Planning System (JMPS); Data Transfer Unit (DTU); Accurate Navigation (ANAV) Global Positioning System (GPS) Navigation; KIV-78 Dual Channel Encryptor, Identification Friend or Foe (IFF); Cartridge Actuated Devices/Propellant Actuated Devices (CADs/PADs); Technical Publications;

AN/PYQ-10C Simple Key Loader (SKL); Aircraft Spares; other support equipment; Aircraft Armament Equipment (AAE); aircraft ferry; transportation costs; other technical assistance; engineering technical assistance; contractor engineering technical support; logistics technical assistance; Repair of Repairables (RoR); aircrew and maintenance training; contractor logistics support; flight test services; Foreign Liaison Officer (FLO) support; auxiliary fuel tanks, system integration and testing; software development/integration; and other related elements of logistics and program support. For AIM-9X: containers; missile support and test equipment; provisioning; spare and repair parts; personnel training and training equipment; publications and technical data; and U.S. Government and contractor technical assistance and other related logistics support. For GBU-53/B SDB II and GBU-54: Detector Laser DSU-38A/B, Detector Laser DSU-38A(D-2)/B, FMU-1390/B Fuze, KMU-572(D-2)/B Trainer (JDAM), 40-inch Wing Release Lanyard; GBU-53/B SDB II Weapon Load Crew Trainers (WLCT); weapons containers; munitions support and test 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 \$7.452 billion.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a friendly European nation that continues to be an important force for political stability and economic progress in Europe.

The proposed sale will improve Switzerland's capability to meet current and future threats. Switzerland currently operates the Boeing F/A-18C/D, but that aircraft is reaching end-of-life and will be replaced by the winner of Switzerland's New Fighter Aircraft competition, for which the F/A-18E/F is being considered. The primary missions of the aircraft and associated weapons will be policing the airspace above Switzerland and providing national defense capabilities. Switzerland will have no difficulty absorbing these aircraft into its armed forces.

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

The principal contractors will be The Boeing Company, St. Louis, MO; Northrop Grumman, Los Angeles, CA; Raytheon Company, El Segundo, CA; Raytheon Missile Systems Company, Tucson, AZ; General Electric, Lynn, MA; and The Boeing Company, St. Charles, MO. 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.

Implementation of this proposed sale will require the assignment of six (6) additional U.S. contractor representatives to Switzerland on an intermittent basis for a duration of the life of the case to support delivery of the F/A-18E/F Super Hornet aircraft and provide supply support management, inventory control, and equipment familiarization.

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

TRANSMITTAL NO. 20-34

*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/A-18E/F Super Hornet is a single-seat and two-seat, twin engine, multi-mission fighter/attack aircraft that can operate

from either aircraft carriers or land bases. The F/A-18E/F Super Hornet fills a variety of roles and provides air superiority, fighter escort, suppression of enemy air defenses, reconnaissance, forward air control, close and deep air support, and day and night strike missions.

a. The AN/APG-79 Active Electronically Scanned Array (AESA) Radar System provides the F/A-18E/F Super Hornet aircraft with all-weather, multi-mission capability for performing Air-to-Air and Air-to-Ground targeting and attack. Air-to-Air modes provide the capability for all-aspect target detection, long-range search and track, automatic target acquisition, and tracking 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 Electric Warfare Countermeasures Receiving Set provides the F/A-18E/F aircrew with radar threat warnings 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 Data Files (UDF) used in the AN/ALR-67(V)3 contain threat parametric data used to identify and establish priority of detected radar emitters.

c. The AN/ALE-47 Countermeasures Dispensing System is a threat-adaptive dispensing system that dispenses 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/ALE-47 contain algorithms used to calculate the best defense against specific threats.

d. The AN/ALQ-214 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 operates in a standalone or Electronic Warfare (EW) suite mode. In the EW suite mode, the AN/ALQ-214 operates in a fully coordinated mode with the towed dispensable decoy, Radar Warning Receiver (RWR), and the onboard radar in the F/A-18E/F Super Hornet in a coordinated, non-inference manner sharing information for enhanced information. The AN/ALQ-214 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/APX-111 Combined Interrogator/Transponder (CIT) with the Conformal Antenna System (CAS) is a complete MARK-XII identification system compatible with Identification Friend or Foe (IFF) Modes 1, 2, 3/A, C and 4 (secure). A single slide-in module that can be customized to the unique cryptographic functions for a specific country provides the systems secure mode capabilities. As a transponder, the CIT is capable of 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) AN/APX-111 (V) IFF system software to implement Mode Select (Mode S) capabilities. Beginning in early 2005 EUROCONTROL mandated the civil community in Europe to transition to a Mode S only system and for all aircraft to be compliant by 2009. The Mode S Beacon Sys-

tem is a combined data link and Secondary Surveillance Radar (SSR) system that was standardized in 1985 by the International Civil Aviation Organization (ICAO). Mode S provides air surveillance using a data link with a permanent unique aircraft address. Selective Interrogation provides higher data integrity, reduced Radio Frequency (RF) interference levels, increased air traffic capacity, and adds air-to-ground data link.

f. The Joint Helmet Mounted Cueing System (JHMCS) is a modified HGU-55/P helmet that incorporates a visor-projected Heads-Up Display (HUD) to cue weapons and aircraft sensors to air and ground targets. In close combat, a pilot must currently align 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 performance 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 transmitter unit fixed to the pilot's seat and a magnetic field probe mounted on the helmet to define helmet pointing positioning. A Helmet Vehicle Interface (HVI) interacts with the aircraft system bus to provide signal generation for the helmet display. This provides significant improvement for close combat targeting and engagement.

g. The Joint Mission Planning System (JMPS) will provide mission planning capability for support of military aviation operations. It will also provide support for unit-level mission planning for all phases of military flight operations and have the capability to provide necessary mission data for the aircrew. JMPS will support the downloading of data to electronics data transfer devices for transfer to aircraft and weapon systems. A JMPS for a specific aircraft type will consist of basic planning tools called the Joint Mission Planning Environment (JMPE) mated with a Unique Planning Component (UPC) provided by the aircraft program. In addition, UPCs will be required for specific weapons, communication devices, 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 complete night time missions 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 combat, engagement, and support. 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.

i. The AN/AVS-11 Night Vision Goggles (NVG) is capable of high resolution imaging. This capability allows reduced visibility weapon delivery. While the NVCD hardware is unclassified, this item requires Enhanced End Use Monitoring (EEUM).

j. The AN/ALE-55 Towed Decoy improves aircraft survivability by providing an enhanced, coordinated onboard/off-board countermeasure response to enemy threats.

k. The Multifunctional Informational Distribution System (MIDS) Joint Tactical Radio System (JTRS) a secure data and voice communication network using Link-16 architecture. The system provides enhanced situational awareness, positive identification of participants within the network, secure fighter-to-fighter connectivity, secure voice capability, and ARN-118 TACAN functionality. It provides three major functions: Air Control, Wide Area Surveillance, and Fighter-to-Fighter. The MIDS JTRS can be used to transfer data in Air-to-Air, Air-to-Surface, and Air-to-Ground scenarios. The MIDS Enhanced Interference Blanking Unit

(EIBU) provides validation and verification of equipment and concept. EIBU enhances input/output signal capacity of the MIDS JTRS and addresses parts obsolescence.

l. LAU-127E/A Guided Missile Launchers designed to enable F/A-18E/F Super Hornet aircraft to carry and launch missiles. It provides the electrical and mechanical interface between the missile and launch aircraft as well as the two-way data transfer between missile and cockpit controls and displays to support preflight orientation and control circuits to prepare and launch the missile.

m. Accurate Navigation (ANAV) Global Positioning System (GPS) also includes Key Loading Installation and Facility Charges. The ANAV is a 24-channel SAASM based pulse-per-second GPS receiver built for next generation GPS technology.

n. The AN/ARC-210 Radio's Line-of-sight data transfer rates up to 80 kb/s in a 25 kHz channel creating high-speed communication of critical situational awareness information for increased mission effectiveness. Software that is reprogrammable in the field via Memory Loader/Verifier Software making flexible use for multiple missions. The AN/ARC-210 has embedded software with programmable cryptography for secure communications.

o. AN/PYQ-10(C) is the next generation of the currently fielded AN/CYZ-10 Data Transfer Device (DTD). The AN/PYQ-10(C) provides automated, secure and user-friendly methods for managing and distributing cryptographic key material, Signal Operating Instructions (SOI), and Electronic Protection data. This course introduces some of the basic components and activities associated with the AN/PYQ-10(C) in addition to hands-on training. Learners will become familiar with the security features of the SKL, practice the initial setup of the SKL, and will receive and distribute electronic keys using the SKL.

p. KIV-78 Dual Channel Encryptor Mode 4/ Mode 5 Identify Friend or Foe (IFF) Crypto applique includes aircraft installs and initial spares, to ensure proper identification of aircraft during coalition efforts. The KIV-78 provides cryptographic and time-of-day services for a Mark XIIA (Mode 4 and Mode 5) IFF Combined Interrogator/Transponder (CIT), individual interrogator, and individual transponder.

q. Data Transfer Unit (DTU) with CRYPTO Type 1 and Ground Encryption Device (GED). The DTU (MU-1164(C)/A) has an embedded DAR-400EX and the GED (DI-12(C)/A) has an embedded DAR-400ES. Both versions of the DAR-400 are type 1 devices.

r. 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.

s. The Advanced Targeting Forward Looking Infrared (ATFLIR)/or other targeting pod is a multi-sensor, electro-optical targeting pod incorporating infrared, low-light television camera, laser range finder/target designator, and laser spot tracker. It is used to provide navigation and targeting for military aircraft in adverse weather and using precision-guided weapons such as laser-guided bombs. It offers much greater target resolution and imagery accuracy than previous systems.

t. The Infrared Search and Track (IRST) is a long wave infrared targeting pod in an external fuel tank outer mold and carried on the centerline station. The IRST has an upgraded infrared receiver and processor to provide full system capability.

u. The Distributed Targeting Processor—Networked (DTP-N) will host the geo-location capability previously resident in the DTS, providing increased memory and speed,

improving overall functionality. DTP-N enabled geo-registration and targeting enhancements, when used in conjunction with the advanced networking capabilities, will provide near real-time dissemination of actionable warfighting data thereby reducing kill chain times.

v. The M61A2 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 extremely high rate. The M61 and its derivatives have been the principal cannon armament of United States military fixed-wing aircraft.

w. The F414-GE-400 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 and features a Full Authority Digital Engine Control (FADEC) system—to provide the F/A-18E/F Super Hornet with a durable, reliable, and easy-to-maintain engine.

x. LAU-115D/A is a rail Launcher designed to enable F/A-18E/F Super Hornet aircraft to carry and launch missiles. The launcher is suspended from the bomb rack on wing stations. The LAU-127 launchers may be attached to the sides of the LAU-115 for carriage missiles.

y. LAU-116B/A Guided Missile Launchers designed to enable F/A-18E/F Super Hornet aircraft to carry and launch missiles. Two launchers, one left hand and one right hand, are installed in the underside of the aircraft fuselage at stations 4 and 6. The launchers are recessed in cavities within the aircraft fuselage, allowing the missiles to be semi recessed for aerodynamic purposes. Both versions of the LAU-116 are ejection launchers.

z. LAU-118A Guided Missile Launchers designed to enable F/A-18E/F Super Hornet aircraft to carry and launch missiles. It provides the electrical and mechanical interface between the missile and launch aircraft, as well as the two-way data transfer between missile and cockpit controls and displays to support preflight orientation and control circuits to prepare and launch the missile.

aa. Cartridge Actuated Devices (CADs) are designed for the F/A-18E/F Super Hornet as small explosive devices used to eject stores from launched devices, actuate other explosive systems, or provide initiation for aircrew escape devices. Propellant Actuated Devices (PADs) are a tool or specialized mechanized device or gas generator system that is activated by a propellant or releases or directs work through a propellant charge. Weapons release, aircraft ejection, life support, and fire-suppression systems are some facets that rely heavily on CADs and PADs.

bb. Books and Other Publications includes flight manuals, technical manuals and support of technical data and updates, release and distribution of classified publications for the operation and/or maintenance of the F/A-18E/F aircraft or systems.

cc. Software provides for initial design and development of the Electronic Warfare Software suite which encompasses AN/ALQ-214, AN/ALE-47, ALE-55, ALE-67, as part of the System Configuration Set (SCS) builds.

dd. Technical Data provides for the F/A-18E/F post-production of classified test reports and other related documentation.

ee. Training Aide and Devices provides for upgraded classified lessons, hardware and installation for the Tactical Operational Flight Trainers (TOFT), Low Cost Trainers (LCT), Aircrew courseware and spares for delivery and installation of Systems Configuration Sets (SCS).

ff. The AIM-9X Block II SIDEWINDER Missile is a supersonic, short-range 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 Fin Actuator Unit (FAU). It represents a substantial increase in missile acquisition and kinematics 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 the Helmet Mounted Cueing 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 (P3I) program in order to improve its counter-countermeasure capabilities. No software source code or algorithms will be released.

gg. 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 aerodynamic performance that equate to carrying a tactical missile. The CATM provides pilot training in aerial target acquisition and use of aircraft controls/displays.

hh. AIM-9X BLK II Special Air Training Missile (NATM) is a live flight test and training missile, with functioning GU and RM, designed for ignition and separation. The NATM is similar to the AIM-9X BLK II Tactical missile except the WDU-17/B Warhead is replaced with a Telemetry Section (TM) for streaming data to a ground station during flight and may be fired with or without a target. The telemetry cable is previously connected between the GU and Target Detector (TD). An Active Optical Target Detector (AOTD) and Telemetry cable is connected between the TD and TM. The Electronic Safety and Arming Device (ESAD) is replaced with an ESAD simulator.

ii. AIM-9X BLK II Tactical GU, WGU-57/B, provides the missile tracking, guidance, and control signals. The GU provides counter-countermeasures, improved reliability and maintainability over earlier Sidewinder models. Improvements include: (1) upgrade/redesign of the Electronics Unit Circuit Card Assemblies, (2) a redesigned center section harnessing, and (3) a larger capacity missile battery.

jj. AIM-9X BLK II CATM GU, WGU-57/B, is identical to the tactical GU except the GU and Control Actuation System (CAS) batteries are inert and the software Captive. The software switch 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 FAU connected to the GU.

kk. AIM-9X BLK II Multi-Purpose Training Missile (MPTM) is a ground training device used to train ground personnel in aircraft loading, sectionalization, maintenance, transportation, storage procedures, and techniques. The missile replicates external appearance and features of a tactical AIM-9X-2 missile. The MPTM will physically interface with loading equipment, maintenance equipment, launchers, and test equipment. The missile is explosively and electrically inert and is NOT flight certified.

ll. AIM-9X BLK II Dummy Air Training Missile (DATM) is used to train ground personnel in missile maintenance, loading, transportation, and storage procedures. All components are completely inert. The missile contains no programmable electrical components and is not approved for flight.

mm. AIM-9X BLK II 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 includes a DL for 2-way platform communication. The AOTD/DL communicates with the GU over a serial interface which allows the GU to receive and transmit data so that a target position and status communication with a launching platform is possible during missile flight.

nn. The GBU-54 Laser Joint Direct Attack Munition (LJDAM) is a 500 pound JDAM which incorporates all the capabilities of the JDAM guidance tail kit and adds a precision laser guidance set. The LJDAM gives the weapon system an optional semi-active laser guidance in addition to the Inertial Navigation System/Global Positioning System (INS/GPS) guidance. This provides the optional capability to strike moving targets. The GBU-54 consists of a laser guidance set, KMU-572 warhead specific tail kit, and MK-82 bomb body.

oo. The GBU-53/B Small Diameter Bomb Increment II (SDB II) is a 250-lb class precision-guided, semi-autonomous, conventional, air-to-ground munition used to defeat moving targets through adverse weather from standoff range. The SDB II has deployable wings and fins and uses GPS/INS guidance, network-enabled datalink (Link-16 and UHF), and a multi-mode seeker (millimeter wave radar, imaging infrared) to autonomously search, acquire, track, and defeat targets. The SDB II employs a multi-effects warhead (Blast, Fragmentation, and Shaped-Charge) for maximum 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 system application.

pp. 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 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 II GTV can have either inert or live fuses. All other flight control, guidance, data-link, and seeker functions are representative of the SDB II AUR.

qq. 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 and fuze. 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 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, this configuration could be used for any purpose where an inert round without telemetry or termination capability would be useful.

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

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware or 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.

4. 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 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 transmittal 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 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. 20-76 concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of the United Kingdom for defense articles and services estimated to cost \$401.3 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. 20-76

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: The Government of the United Kingdom

(ii) Total Estimated Value:

Major Defense Equipment\* \$0.0 million.

Other \$401.3 million.

Total \$401.3 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

None.

Non-MDE: 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.

(iv) Military Department: Air Force (UK-D-QDQ).

(v) Prior Related Cases, if any: UK-D-QDD.

(vi) Sales Commission, Fee, etc., Paid Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivery to Congress: September 24, 2020.

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

#### POLICY JUSTIFICATION

United Kingdom—Follow-on Contractor Logistics Support (CLS) for C-17 Aircraft

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 by ensuring 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. During 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 every day 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. Personal protective 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, hospitals began to fill up and staffing 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 program 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 Presiding Officer 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.)

#### PRESIDENTIAL MESSAGE

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 on supply chain issues with 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 must reduce our vulnerability to adverse 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, from foreign adversaries. 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 Energy, 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.

THE WHITE HOUSE, September 30, 2020.

#### 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 certain programs and developments in the Department of Energy concerning the cybersecurity and vulnerabilities of, and physical threats to, the electric grid, and for other purposes.

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.

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.

H.R. 1109. An act 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.

H.R. 1289. An act to amend the Communications Act of 1934 to provide for a moratorium on number reassignment after a disaster declaration, and for other purposes.

H.R. 1754. An act 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.

H.R. 2075. An act to amend the Public Health Service Act to reauthorize school-based health centers, and for other purposes.

H.R. 2468. An act 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, and for other purposes.

H.R. 2519. An act 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.

H.R. 3131. An act 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.

H.R. 3539. 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 intervention teams at schools, and for other purposes.

H.R. 4078. An act to reauthorize the Young Women's Breast Health Education and Awareness Requires Learning Young Act of 2009.

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. 4996. 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 address mental health issues for youth, particularly youth of color, and for other purposes.

H.R. 5760. An act 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 for other purposes.

H.R. 7293. An act 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.

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.

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 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.

H.R. 8132. An act 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.R. 8134. An act to support the Consumer Product Safety Commission's capability to protect consumers from unsafe consumer products, and for other purposes.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed 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.

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. 8337. An act making continuing appropriations for fiscal year 2021, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. HOEVEN).

#### MEASURES REFERRED

The following bills were read the first and the 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 children and to provide access to school-based comprehensive mental health programs; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1289. An act to amend the Communications Act of 1934 to provide for a moratorium on number reassignment after a disaster declaration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2075. An act to amend the Public Health Service Act to reauthorize school-based health centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2468. An act 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, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2519. An act 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; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3131. An act 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; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3539. 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 intervention teams at schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4078. 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. 4996. 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; to the Committee on Finance.

H.R. 5373. An act to reauthorize the United States Anti-Doping Agency, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5469. 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. 5760. An act 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 for other purposes; to the Committee on Energy and Natural Resources.

H.R. 7293. An act 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; 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 consumer product 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 on the impact of artificial intelligence 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 vulnerabilities of, and physical threats to, 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 Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aspergillus flavus NRRL 21882; Amendment to an Exemption From the Requirement of a Tolerance" (FRL No. 10014-38-OCSPP) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5573. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methyl Bromide; Pesticide Tolerance for Emergency Exemptions" (FRL No. 10014-31-OCSPP) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5574. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tolerance; Final Rule, Afdopyropen; Pesticide Tolerances" (FRL No. 10003-93-OCSPP) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2020; to the Com-

mittee on Agriculture, Nutrition, and Forestry.

EC-5575. A communication from the Deputy Administrator for Policy Support, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Distribution Program on Indian Reservations: Two-Year Administrative Funding Availability and Substantial Burden Waiver Signatory Requirements" (RIN0584-AE63) received in the Office of the President of the Senate on September 23, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5576. A communication from the Associate General Counsel for Regulations and Legislation, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD's Implementation of the Fair Housing Act's Disparate Impact Standard" (RIN2529-AA98) received in the Office of the President of the Senate on September 29, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-5577. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators" ((RIN1902-AF73) received in the Office of the President of the Senate on September 24, 2020; to the Committee on Energy and Natural Resources.

EC-5578. 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 Subsistence Harvest in Alaska; Region-Specific Regulations" (RIN1018-BE24) received in the Office of the President of the Senate on September 23, 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 23, 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 and Possession Limits for Certain Migratory Game Birds" (RIN1018-BD89) 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-BD89) 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; Missouri; Removal of Control of Emissions from Polyethylene Bag Sealing Operations" (FRL No. 10015-03-Region 7) 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; Pennsylvania; 1997 8-Hour Ozone NAAQS Second Maintenance Plan for the Franklin County Area" (FRL No. 10015-02-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-5585. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "ID 2015 Ozone Interstate Transport" (FRL No. 10014-79-Region 10) 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-5586. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability" (Rev. Proc. 2020-41) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2020; to the Committee on Finance.

EC-5587. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Nuclear Decommissioning Funds" (TD 9906) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2020; to the Committee on Finance.

EC-5588. A communication from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on September 24, 2020; to the Committee on Health, Education, Labor, and Pensions.

EC-5589. A communication from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Lump Sum Payment Assumptions" (RIN1212-AB41) received in the Office of the President of the Senate on September 24, 2020; to the Committee on Health, Education, Labor, and Pensions.

EC-5590. 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; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2020-21 Season" (RIN1018-BD89) received in the Office of the President of the Senate on September 23, 2020; to the Committee on Indian Affairs.

EC-5591. A communication from the Chief of the Regulatory Coordination Division,

Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Asylum Interview Interpreter Requirement Modification Due to COVID-19" (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 "Waybill Sample Reporting" ((RIN2140-AB49) (Docket No. EP 385 (Sub-No. 8)) received in the Office of the President of the Senate on September 23, 2020; to the Committee on Commerce, Science, and Transportation.

EC-5593. A communication from the Program Analyst, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.3556 of the Commission's Rules Regarding Duplication of Programming on Commonly Owned Radio Stations; Modernization of Media Regulation Initiative" ((MB Docket No. 19-310, and 17-105) (FCC 20-109)) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2020; to the Committee on Commerce, Science, and Transportation.

EC-5594. A communication from the Program Analyst, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Completing the Transition to Electronic Filing, Licenses and Authorizations, and Correspondence in the Wireless Radio Services" ((WT Docket No. 19-212) (FCC 20-126)) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2020; to the Committee on Commerce, Science, and Transportation.

EC-5595. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 125 Cafeteria Plans - Modification of Permissive Carryover Rule for Health Flexible Spending Arrangements and Clarification Regarding Reimbursements of Premiums by Individual Coverage Health Reimbursement Arrangements" (Notice 2020-33) received in the Office of the President of the Senate on September 30, 2020; to the Committee on Finance.

EC-5596. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treasury Decision (TD): Ownership Attribution Under Section 958 Including for Purposes of Determining Status as Controlled Foreign Corporation or United States Shareholder" ((RIN1545-B052) (TD 9908)) received in the Office of the President of the Senate on September 30, 2020; to the Committee on Finance.

EC-5597. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rehabilitation Credit Allocated Over a 5-Year Period" ((RIN1545-BP56) (TD 9915)) received in the Office of the President of the Senate on September 30, 2020; to the Committee on Finance.

EC-5598. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Additional Administrative Relief with Respect to Deadlines Applicable to Employment Taxes, Employee Benefits, and Exempt Organizations Affected by the Ongoing Coronavirus Disease 2019

Pandemic" (Notice 2020-35) received in the Office of the President of the Senate on September 30, 2020; to the Committee on Finance.

EC-5599. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, 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. 10014-86-Region 8) received in the Office of the President of the Senate on September 30, 2020; to the Committee on Environment and Public Works.

EC-5600. 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 (20-1,M)" (FRL No. 10013-53-OCSPP) 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 "NPDES Electronic Reporting Rule - Phase 2 Extension" (FRL No. 10015-08-OECA) 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:

S. 2730. A bill to establish and ensure an inclusive transparent Drone Advisory Committee (Rept. No. 116-272).

By Mr. WICKER, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 2981. 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 any duly constituted 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. 4759. A bill to establish the 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 Mr. BENNET (for himself and Mr. YOUNG):

S. 4760. A bill to establish a program to develop antimicrobial innovations targeting the most challenging pathogens and most threatening infections; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KING:

S. 4761. A bill to amend the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to require group health plans and health insurance issuers offering group or individual health insurance coverage to provide for 3 primary care visits and 3 behavioral health care visits without application of any cost-sharing requirement; to the Committee on Finance.

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.

By Mr. KENNEDY:

S. 4763. A bill to require the Secretary of Veterans Affairs to submit to Congress a report on the Veteran Engagement Through Electronic Resources and Notifications Study conducted by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. TILLIS:

S. 4764. 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; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. YOUNG (for himself and Mrs. SHAHEEN):

S. 4765. A bill to amend title 10, United States Code, to eliminate the inclusion of certain personally identifying information from the information furnished to promotion selection boards for commissioned officers of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. WARNER (for himself, Mr. KAINE, Mr. CARDIN, Mr. VAN HOLLEN, and Mr. BROWN):

S. 4766. A bill to ensure that personal protective equipment and other equipment and supplies needed to fight coronavirus are provided to employees required to return to Federal offices, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself and Ms. STABENOW):

S. 4767. A bill to establish programs to support research and development with respect to personal protective equipment for health care workers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COTTON:

S. 4768. A bill to establish the Office of Intelligence in the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. WARREN (for herself, Mr. BOOKER, Ms. HARRIS, Mrs. GILLIBRAND, and Ms. SMITH):

S. 4769. A bill to improve the public health response to addressing maternal mortality and morbidity during the COVID-19 public health emergency; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHATZ (for himself and Mr. MERKLEY):

S. 4770. A bill to amend the Social Security Act to provide for a Family Crisis Cash As-

sistance Program, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. SCHUMER):

S. 4771. A bill to provide continued assistance to unemployed workers; to the Committee on Finance.

By Mr. SCHATZ (for himself, Mr. BENNET, and Ms. KLOBUCHAR):

S. 4772. 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 the factors contributing to the demise of local journalism, and to propose policies and mechanisms that could reinvigorate local news to meet the critical information needs of the people of the United States in the 21st century; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself and Mr. RUBIO):

S. 4773. 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. 4774. A bill to provide support for air carrier workers, and for other purposes; read the first time.

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 2020 coronavirus pandemic; read the first time.

By Mrs. SHAHEEN (for herself, Mr. LANKFORD, and Mr. KING):

S. 4776. A bill to reduce the amount provided to agencies that do not comply with reasonable vehicle utilization standards and to establish methods and procedures for evaluating vehicle fleets; to the Committee on Homeland Security and Governmental Affairs.

By Ms. HIRONO (for herself, Mr. BROWN, Mrs. MURRAY, Mr. SANDERS, Ms. DUCKWORTH, Mr. SCHATZ, Mr. CARDIN, and Ms. WARREN):

S. 4777. A bill to restore leave lost by Federal employees during certain public health emergencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself, Ms. MURKOWSKI, Mrs. FEINSTEIN, Mr. BROWN, Mr. BLUMENTHAL, Mr. PETERS, Mr. MENENDEZ, Mr. VAN HOLLEN, and Mrs. CAPITO):

S. Res. 727. A resolution designating September 2020 as "National Ovarian Cancer Awareness Month"; to the Committee on the Judiciary.

By Mr. CASEY (for himself and Mr. RISCH):

S. Res. 728. A resolution recognizing the instrumental role United States global food security programs, particularly the Feed the Future program, have played in reducing global poverty, building resilience and tackling hunger and malnutrition around the world, and calling for continued investment in global food security in the face of the economic impact of COVID-19; to the Committee on Foreign Relations.

By Mr. BROWN (for himself and Mr. PORTMAN):

S. Res. 729. A resolution recognizing the 25th anniversary of the Dayton Peace Ac-

cords; to the Committee on Foreign Relations.

By 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. BLUNT, Mr. CARPER, Mrs. BLACKBURN, Mr. BOOKER, Mr. HOEVEN, Mr. DURBIN, Mr. GARDNER, Mr. COONS, Mr. LANKFORD, Mrs. SHAHEEN, 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, Ms. DUCKWORTH, Mrs. FEINSTEIN, Mr. HEINRICH, Mr. WICKER, Mrs. HYDE-SMITH, Mr. TILLIS, Mr. CRAMER, Mr. COTTON, Mr. BOOZMAN, Mr. PERDUE, Mr. YOUNG, and Mr. ROMNEY):

S. Res. 730. 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, Ms. SMITH, Mr. BRAUN, Mr. ROBERTS, Mr. KAINE, Ms. WARREN, and Mr. CASEY):

S. Res. 731. A resolution supporting Lights On Afterschool, a national celebration of afterschool programs held on October 22, 2020; considered and agreed to.

By Mr. HOEVEN (for himself, Mr. HEINRICH, 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. MARKEY, and Mr. BENNET):

S. Res. 732. A resolution designating November 7, 2020, as "National Bison Day"; considered and agreed to.

By Mr. GRAHAM (for himself and Mr. SCOTT of South Carolina):

S. Res. 733. A resolution recognizing 2020 as the centennial of the Preservation Society of Charleston; considered and agreed to.

By Ms. COLLINS (for herself, Ms. ROSEN, Mr. SCOTT of South Carolina, Mr. CASEY, Ms. MCSALLY, Mr. BLUMENTHAL, Mr. HAWLEY, Ms. WARREN, Mr. BRAUN, and Ms. SINEMA):

S. Res. 734. 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, Mr. BENNET, and Mr. UDALL):

S. Res. 735. A resolution designating September 29, 2020, as "National Urban Wildlife Refuge Day"; considered and agreed to.

By 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. KAINE, Mr. BROWN, Mr. SCHUMER, and Mr. BRAUN):

S. Res. 736. A resolution designating September 2020 as "National Kinship Care Month"; considered and agreed to.

By Mr. KAINE (for himself, Mr. WICKER, Mr. MORAN, and Mr. TESTER):

S. Res. 737. A resolution expressing support for the designation of September 30, 2020, as "National Veterans Suicide Prevention Day"; 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. BOOKER, Mr. BRAUN, Mr. WHITEHOUSE, Mr. WICKER, Mr. REED, 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 HOLLEN, Mr. MERKLEY, Ms. STABENOW, Mr. CARDIN, Mr. HEINRICH, 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. MCCONNELL, Mr. SCHUMER, Mr. GRAHAM, Mr. HEINRICH, Mr. GARDNER, Mr. BROWN, Mr. PORTMAN, Mrs. MURRAY, Mr. ROBERTS, Ms. CANTWELL, Mrs. BLACKBURN, Mr. MANCHIN, Mr. MARKEY, and Ms. ROSEN)):

S. Res. 741. A resolution designating October 30, 2020, as a national day of remembrance for the workers 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. 511

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 511, a bill to promote and protect from discrimination living organ donors.

S. 514

At the request of Mr. RISCH, his name was added as a cosponsor of S. 514, a bill to amend title 38, United States Code, to improve the benefits and services provided by the Department of Veterans Affairs to women veterans, and for other purposes.

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 require 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. 800

At the request of Mr. CASSIDY, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 800, 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 the women in the United States who joined the workforce during World War II, providing the aircraft, vehicles, weaponry, ammunition, and other materials to win the war, that were referred to as “Rosie the Riveter”, in recognition of their contributions to the United States and the inspiration they have provided to ensuing generations.

S. 944

At the request of Mr. SCHATZ, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Virginia (Mr. WARNER) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. 944, a bill to enhance the security operations of the Transportation Security Administration and the stability of the transportation security workforce by applying a unified personnel system under title 5, United States Code, to employees of the Transportation Security Administration who are responsible for screening passengers and property, and for other purposes.

S. 1125

At the request of Mr. TILLIS, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 1125, a bill to amend the Health Insurance Portability and Accountability Act.

S. 1263

At the request of Ms. CORTEZ MASTO, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1263, a bill to require the Secretary of Veterans Affairs to establish an interagency task force on the use of public lands to provide medical treatment and therapy to veterans through outdoor recreation.

S. 1902

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1902, a bill to require the Consumer Product Safety Commission to promulgate a consumer product safety rule for free-standing clothing storage units to protect children from tip-over related death or injury, and for other purposes.

S. 2054

At the request of Mr. MARKEY, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 2054, a bill to posthumously award the 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. KLOBUCHAR) were added as cosponsors of S. 2389, a bill to provide access to counsel for children and other vulnerable populations.

S. 2748

At the request of Mr. MARKEY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2748, a bill to repeal the section of the Middle Class Tax Relief and Job Creation Act of 2012 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 (Mr. MARKEY) was added as a cosponsor of S. 2753, a bill to amend title XVI 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. 3004

At the request of Mr. MARKEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3004, a bill to protect human rights and enhance opportunities for LGBTI people around the world, and for other purposes.

S. 3072

At the request of Mrs. HYDE-SMITH, 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. 3232

At the request of Mr. SCHATZ, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 3232, a bill to promote and support the local arts and creative economy in the United States.

S. 3353

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 immunosuppressive 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. BURR) 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. KLOBUCHAR, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a 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. KLOBUCHAR, 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. THUNE, 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. 4152

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. 4152, 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 (Mrs. SHAHEEN) 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. 4258

At the request of Mr. CORNYN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 4258, 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 establish the Taiwan Fellowship Program, and for other purposes.

S. 4347

At the request of Mr. SCHATZ, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 4347, a bill to establish a Coronavirus Rapid Response Federal Labor-Management Task Force, and for other purposes.

S. 4349

At the request of Mr. KAINE, the names of the Senator from Montana (Mr. TESTER) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 4349, a bill to address behavioral health and well-being among health care professionals.

S. 4384

At the request of Mr. SULLIVAN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 4384, a bill to require the Secretary of Veterans Affairs to address exposure by members of the Armed Forces to toxic substances at Karshi-Khanabad Air Base, Uzbekistan, and for other purposes.

S. 4393

At the request of Mr. TILLIS, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 4393, a bill to improve the provision of health care and other benefits from the Department of Veterans Affairs for veterans who were exposed to toxic substances, and for other purposes.

S. 4429

At the request of Mrs. BLACKBURN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 4429, a bill to direct the Secretary of Defense to conduct a study regarding toxic exposure by members of the Armed Forces deployed to Karshi Khanabad Air Base, Uzbekistan, to include such members in the open burn pit registry, and for other purposes.

S. 4431

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Ms. MCSALLY) was added as a cosponsor of S. 4431, a bill to increase wildfire preparedness and response throughout the United States, and for other purposes.

S. 4532

At the request of Mrs. CAPITO, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 4532, a bill to amend title XXVII of the Public Health Service Act and the Patient Protection and Affordable Care Act to require coverage of hearing devices and systems in certain private health insurance plans, and for other purposes.

S. 4571

At the request of Mr. SCHATZ, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Montana (Mr. DAINES) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 4571, a bill to extend certain deadlines for the 2020 decennial census.

S. 4600

At the request of Ms. HIRONO, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 4600, a bill to amend title 10, United States Code, to improve the responses of the Department of Defense to sex-related offenses, and for other purposes.

S. 4613

At the request of Mr. BOOZMAN, the names of the Senator from Georgia (Mr. PERDUE) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 4613, a bill to amend the Fairness to Contact Lens Consumers Act to prevent certain

automated calls and to require notice of the availability of contact lens prescriptions to patients, and for other purposes.

S. 4661

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.

S. 4676

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.

S. 4684

At the request of Mr. ENZI, the name 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".

S. 4710

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.

S. 4715

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.

S. RES. 689

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 protestors in Belarus and calling for the imposition of sanctions on responsible officials.

S. RES. 709

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.

S. RES. 724

At the request of Mr. MENENDEZ, the name of the Senator from Massachu-

setts (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. 2660

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 known 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 2020 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:

- Sec. 1. Short title.
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**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 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.**

Section 4003 of the CARES Act (15 U.S.C. 9061) is amended in subsection (e) by striking “Amounts” and inserting “Notwithstanding any other provision of law, amounts”.

**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 \$454,000,000,000 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) as of such date.”

**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 13(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 4027, 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 13(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 4027, but may modify or restructure a loan, obligation, asset, security, or other interest, or extension 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” as of the day before the date of enactment of 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)(4), 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 “Safeguarding America’s Frontline Employees To Offer Work Opportunities Required 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 the disease COVID-19 has caused untold misery and devastation throughout the world, including in the United States.

(2) For months, frontline 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, colleges and universities, religious, philanthropic and other nonprofit institutions, and local government agencies. They ordered people to remain in their homes.

(5) This standstill was needed to slow the spread of the virus. But it devastated the economy of the United States. The sum of hundreds of local-level and State-level decisions to close nearly every space in which people might gather brought interstate commerce nearly to a halt.

(6) This halt led to the loss of millions of jobs. These lost jobs were not a natural consequence of the economic environment, but rather the result of a drastic, though temporary, response to the unprecedented nature of this global pandemic.

(7) Congress passed a series of statutes to address the health care and economic crises—the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116-123; 134 Stat. 146), the Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 178), the Coronavirus Aid, Relief, and Economic Security Act or the CARES Act (Public Law 116-136), and the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139; 134 Stat. 620). In these laws Congress exercised its power under the Commerce and Spending Clauses of the Constitution of the United States to direct trillions of taxpayer dollars toward efforts to aid workers, businesses, State and local governments, health care workers, and patients.

(8) This legislation provided short-term insulation from the worst of the economic storm, but these laws alone cannot protect the United States from further devastation. Only reopening the economy so that workers can get back to work and students can get back to school can accomplish that goal.

(9) The Constitution of the United States specifically enumerates the legislative powers of Congress. One of those powers is the regulation of interstate commerce. The Government is not a substitute for the economy, but it has the authority and the duty to act when interstate commerce is threatened and damaged. As applied to the present crisis, Congress can deploy its power over interstate commerce to promote a prudent reopening of businesses and other organizations that serve as the foundation and backbone of the national economy and of commerce among the States. These include small and large businesses, schools (which are substantial employers in their own right and provide necessary services to enable parents and other caregivers to return to work), colleges and universities (which are substantial employers and supply the interstate 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.

(10) Congress must also ensure that the Nation’s health care workers and health care facilities are able to act fully to defeat the virus.

(11) 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 from these important purposes to line the pockets of the trial bar.

(12) One of the chief impediments to the continued flow of interstate commerce as this public-health crisis has unfolded is the risk of litigation. Small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, and local government agencies confront the risk of a tidal wave of lawsuits accusing them of exposing employees, customers, students, and worshipers to coronavirus. Health care workers face the threat of lawsuits arising from their efforts to fight the virus.

(13) They confront this litigation risk even as they work tirelessly to comply with the coronavirus guidance, rules, and regulations

issued by local governments, State governments, and the Federal Government. They confront this risk notwithstanding equipment and staffing shortages. And they confront this risk while also grappling with constantly changing information on how best to protect employees, customers, students, and worshippers from the virus, and how best to treat it.

(14) These lawsuits pose a substantial risk to interstate commerce because they threaten to keep small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, and local government agencies from reopening for fear of expensive litigation that might prove to be meritless. These lawsuits further threaten to undermine the Nation's fight against the virus by exposing our health care workers and health care facilities to liability for difficult medical decisions they have made under trying and uncertain circumstances.

(15) These lawsuits also risk diverting taxpayer money provided under the CARES Act and other coronavirus legislation from its intended purposes to the pockets of opportunistic trial lawyers.

(16) This risk is not purely local. It is necessarily national in scale. A patchwork of local and State rules governing liability in coronavirus-related lawsuits creates tremendous unpredictability for everyone participating in interstate commerce and acts as a significant drag on national recovery. The aggregation of each individual potential liability risk poses a substantial and unprecedented threat to interstate commerce.

(17) The accumulated economic risks for these potential defendants directly and substantially affects interstate commerce. Individuals and entities potentially subject to coronavirus-related liability will structure their decisionmaking to avoid that liability. Small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, and local government agencies may decline to reopen because of the risk of litigation. They may limit their output or engagement with customers and communities to avoid the risk of litigation. These individual economic decisions substantially affect interstate commerce because, as a whole, they will prevent the free and fair exchange of goods and services across State lines. Such economic activity that, individually and in the aggregate, substantially affects interstate commerce is precisely the sort of conduct that should be subject to congressional regulation.

(18) Lawsuits against health care workers and facilities pose a similarly dangerous risk to interstate commerce. Interstate commerce will not truly rebound from this crisis until the virus is defeated, and that will not happen unless health care workers and facilities are free to combat vigorously the virus and treat patients with coronavirus and those otherwise impacted by the response to coronavirus.

(19) Subjecting health care workers and facilities to onerous litigation even as they have done their level best to combat a virus about which very little was known when it arrived in the United States would divert important health care resources from hospitals and providers to courtrooms.

(20) Such a diversion would substantially affect interstate commerce by degrading the national capacity for combating the virus and saving patients, thereby substantially elongating the period before interstate commerce could fully re-engage.

(21) Congress also has the authority to determine the jurisdiction of the courts of the United States, to set the standards for causes of action they can hear, and to establish the rules by which those causes of action

should proceed. Congress therefore must act to set rules governing liability in coronavirus-related lawsuits.

(22) These rules necessarily must be temporary and carefully tailored to the interstate crisis caused by the coronavirus pandemic. They must extend no further than necessary to meet this uniquely national crisis for which a patchwork of State and local tort laws are ill-suited.

(23) Because of the national scope of the economic and health care dangers posed by the risks of coronavirus-related lawsuits, 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 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 18, and article III, 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 litigating certain claims specific to the unique coronavirus pandemic;

(2) prevent the overburdening of the court systems with undue litigation;

(3) encourage planning, care, and appropriate risk management by small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, local government agencies, and health care providers;

(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 meritorious claims;

(6) protect interstate commerce from the burdens of potentially meritless litigation;

(7) ensure the economic recovery proceeds without artificial and unnecessary delay;

(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. 2003. 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 an individual or entity, whether provided by executive, judicial, or legislative order; and

(B) with respect to an individual or entity that, at the time of the actual, alleged, feared, or potential for exposure to coronavirus is not subject to any mandatory standards or regulations described in subparagraph (A), any guidance, standards, or regulations specifically concerning the pre-

vention 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) BUSINESSES, SERVICES, ACTIVITIES, OR ACCOMMODATIONS.—The term “businesses, services, activities, or accommodations” means any act by an individual or entity, irrespective of whether the act is carried on for profit, that is interstate or foreign commerce, that involves persons or things in interstate or foreign commerce, that involves the channels or instrumentalities of interstate or foreign commerce, that substantially affects interstate or foreign commerce, or that is otherwise an act subject to regulation by Congress as necessary and proper to carry into execution Congress's powers to regulate interstate or foreign commerce or to spend funds for the general welfare.

(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 is at risk of suffering personal injury, or a representative of a person who suffered personal injury or is at risk of suffering personal injury;

(ii) brought against an individual or entity engaged in businesses, services, activities, or accommodations; and

(iii) alleging that an actual, alleged, feared, or potential for exposure to coronavirus caused the personal injury or risk of personal injury, that—

(I) occurred in the course of the businesses, services, activities, or accommodations of the individual or entity; and

(II) occurred—

(aa) on or after December 1, 2019; and

(bb) before the later of—

(AA) October 1, 2024; or

(BB) 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-6d(b)) (relating to medical 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 (85 Fed. Reg. 15198) issued by the Secretary of Health and Human Services on 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.

(5) CORONAVIRUS-RELATED ACTION.—The term “coronavirus-related action” means a coronavirus exposure action or a coronavirus-related medical liability action.

(6) CORONAVIRUS-RELATED HEALTH CARE SERVICES.—The term “coronavirus-related health care services” means services provided by a health care provider, regardless of the location where the services are provided, that relate to—

(A) the diagnosis, prevention, or treatment of coronavirus;

(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 coronavirus.

(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, be arising out of, or be related to a health care provider's act or omission in the course of arranging for 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 by the Secretary of Health and Human Services under section 319F-3(b) of the Public Health Service Act (42 U.S.C. 247d-6d(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 (85 Fed. Reg. 15198) 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 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.

(8) **EMPLOYER.**—The term “employer”—

(A) means any person serving as an employer or acting directly in the interest of an employer in relation to an employee;

(B) includes a public agency; and

(C) does not include any labor organization (other than when acting as an employer) or any person acting in the capacity of officer or agent of such labor organization.

(9) **GOVERNMENT.**—The term “government” means an agency, instrumentality, or other entity of the Federal Government, a State government (including multijurisdictional agencies, instrumentalities, and entities), a local government, or a Tribal government.

(10) **GROSS NEGLIGENCE.**—The term “gross negligence” means a conscious, voluntary act or omission in reckless disregard of—

(A) a legal duty;

(B) the consequences to another party; and

(C) applicable government standards and guidance.

(11) **HARM.**—The term “harm” includes—

(A) physical and nonphysical contact that results in personal injury to an individual; and

(B) economic and noneconomic losses.

(12) **HEALTH CARE PROVIDER.**—

(A) **IN GENERAL.**—The term “health care provider” means any person, including an agent, volunteer (subject to subparagraph (C)), contractor, employee, or other entity, who is—

(i) required by Federal or State law to be licensed, registered, or certified to provide health care and is so licensed, registered, or certified (or is exempt from any such requirement);

(ii) otherwise authorized by Federal or State law to provide care (including services

and supports furnished in a home or community-based residential setting under the State Medicaid program or a waiver of that program); or

(iii) considered under applicable Federal or State law to be a health care provider, health care professional, health care institution, or health care facility.

(B) **INCLUSION OF ADMINISTRATORS, SUPERVISORS, ETC.**—The term “health care provider” includes a health care facility administrator, executive, supervisor, board member or trustee, or another individual responsible for directing, supervising, or monitoring the provision of coronavirus-related health care services in a comparable role.

(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;

(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 a 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.

(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—

(A) county;

(B) borough;

(C) municipality;

(D) city;

(E) town;

(F) township;

(G) parish;

(H) local public authority, including any public housing agency under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.);

(I) special district;

(J) school district;

(K) intrastate district;

(L) 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); or

(ii) an intra-State unit of local government.

(15) **MANDATORY.**—The term “mandatory”, with respect to applicable 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”—

(A) 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 104(a) of the Federally 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 subparagraph (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) **WILLFUL MISCONDUCT.**—The term “willful 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

#### SEC. 2121. APPLICATION OF PART.

(a) **CAUSE OF ACTION; TRIBAL SOVEREIGN IMMUNITY.**—

(1) **CAUSE OF ACTION.**—

(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—

(i) 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 limitations 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 State or Tribe of sovereign immunity and stating claims within the scope of this part.

(b) **PREEMPTION AND SUPERSEURE.**—

(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 that are enacted, promulgated, or established under common law, related to recovery for personal injuries caused by actual, alleged, feared, or potential for exposure to coronavirus.

(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 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 any State or Tribal law providing for a claim for benefits under a workers' compensation scheme or program, or to preempt or supersede an exclusive remedy under such scheme or program.

(4) 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.

(5) DISCRIMINATION CLAIMS.—Nothing in this part shall be construed to affect the applicability of any provision of any Federal, State, or Tribal law that creates a cause of action for intentional 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.

(c) STATUTE OF LIMITATIONS.—A coronavirus exposure action may not be commenced in any Federal, State, or Tribal government court later 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 FOR EXPOSURE TO CORONAVIRUS.—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) in engaging in the businesses, services, activities, or accommodations, the individual or entity was not making reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance in effect at the time of the actual, alleged, feared, or potential for exposure to coronavirus;

(2) the individual or entity engaged in gross negligence or willful misconduct that caused an actual exposure to coronavirus; and

(3) the actual exposure to coronavirus caused the personal injury of the plaintiff.

(b) REASONABLE EFFORTS TO COMPLY.—

(1) CONFLICTING APPLICABLE GOVERNMENT STANDARDS AND GUIDANCE.—

(A) IN GENERAL.—If more than 1 government to whose jurisdiction an individual or

entity is subject issues applicable government standards and guidance, and the applicable government standards and guidance issued by 1 or more of the governments conflicts with the applicable government standards and guidance issued by 1 or more of the other governments, the individual or entity shall be considered 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) unless the plaintiff establishes by clear and convincing evidence that the individual or entity was not making reasonable efforts in light of all the circumstances to comply with any of the conflicting applicable government standards and guidance issued by any government to whose jurisdiction the individual or entity is subject.

(B) EXCEPTION.—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 by the same government 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 for purposes of subsection (a)(1) by establishing by clear and convincing evidence that the individual or entity was not making reasonable efforts in light of all the circumstances to comply with the mandatory standards and regulations to which the individual or entity was subject.

(2) 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) REBUTTAL.—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).

(3) 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.

(c) 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.

(d) MITIGATION.—Changes to the policies, practices, or procedures of an individual or entity for complying with the applicable government standards and guidance after the time of the actual, alleged, feared, or potential for exposure to coronavirus, 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.—

(1) CAUSE OF ACTION.—

(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 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 limitations 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 State or Tribe of sovereign immunity and stating claims within the scope of this part.

(b) PREEMPTION AND SUPERSEDE.—

(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 that are enacted, promulgated, or established under common law, related to recovery for personal injuries caused by, arising out of, or related to an act or omission by a health care provider in the course of arranging for or providing coronavirus-related health care services.

(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 for 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 health care provider.

(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 creates a cause of action for intentional discrimination on the basis of race, color, national origin, religion,

sex (including pregnancy), disability, genetic information, or age.

(5) **PUBLIC READINESS AND EMERGENCY PREPAREDNESS.**—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. 300aa–1 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 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) proof of fraud;
- (2) intentional concealment; or
- (3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of 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 unless the plaintiff can prove by clear and convincing evidence—

- (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—SUBSTANTIVE AND PROCEDURAL PROVISIONS FOR CORONAVIRUS-RELATED ACTIONS GENERALLY**

**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) **IN GENERAL.**—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 or Tribal government 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 and that is pending in such court on such date of enactment, and of which the district courts of the United States have original jurisdiction under subsection (a), any defendant may file a notice of removal of 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 (d) 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) **PROPORTIONATE LIABILITY.**—

(A) **DETERMINATION OF RESPONSIBILITY.**—In any coronavirus-related action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning the percentage of responsibility, if any, of each defendant, measured 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.**—Notwithstanding paragraph (1), in any coronavirus-related action the liability of a defendant is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(4) **RIGHT TO CONTRIBUTION NOT AFFECTED.**—Nothing in this subsection affects the right, under any other law, of a defendant to contribution with respect to another defendant determined under paragraph (3) to have acted with specific intent to injure the plaintiff or to have knowingly committed fraud.

(b) **LIMITATIONS ON DAMAGES.**—In any coronavirus-related action—

(1) the award of compensatory damages shall be limited to economic losses incurred as the result of the personal injury, harm, damage, breach, or tort, except that the court may award damages for noneconomic losses if the trier of fact determines that the personal injury, harm, damage, breach, or tort was caused by the willful misconduct of the individual or entity;

(2) punitive damages—

(A) may be awarded only if the trier of fact determines that the personal injury to the plaintiff was caused by the willful misconduct of the individual or entity; and

(B) may not exceed the amount of compensatory damages awarded; and

(3) the amount of monetary damages awarded to a plaintiff shall be reduced by the amount of compensation received by the plaintiff from another source in connection with the personal injury, harm, damage, breach, or tort, such as insurance or reimbursement by a government.

(c) **PREEMPTION AND SUPERSEDE.**—

(1) **IN GENERAL.**—Except as described in paragraphs (2) and (3), this section preempts and 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.

(2) **STRICTER LAWS NOT PREEMPTED OR SUPERSEDED.**—Nothing in this section shall be construed to affect the applicability of any provision of any Federal, State, or Tribal 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;

(B) otherwise affords a greater degree of protection from joint or 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.

(3) **PUBLIC READINESS AND EMERGENCY PREPAREDNESS.**—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).

**SEC. 2163. PROCEDURES FOR SUIT IN DISTRICT COURTS OF THE UNITED STATES.**

(a) **PLEADING WITH PARTICULARITY.**—In any coronavirus-related action filed in or removed to a district court of the United States—

(1) the complaint shall plead with particularity—

(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 allegedly 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 these persons and places were not the cause of the personal injury alleged; and

(2) 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.

(b) **SEPARATE STATEMENTS CONCERNING THE NATURE AND AMOUNT OF DAMAGES AND REQUIRED STATE OF MIND.**—

(1) NATURE AND AMOUNT OF DAMAGES.—In any coronavirus-related action filed in or removed to a district court of the United States in which monetary damages are requested, there shall be filed with the complaint 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 in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, 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 the pleading is true to the knowledge of the deponent, except as to matters specifically identified as being alleged on information and belief, and that as to those matters the plaintiff believes it to be true.

(B) IDENTIFICATION OF MATTERS ALLEGED UPON INFORMATION AND BELIEF.—Any matter that is not specifically identified as being alleged upon the information and belief of the plaintiff, shall be regarded for all purposes, including a criminal prosecution, as having been made upon the knowledge of the plaintiff.

(2) MATERIALS REQUIRED.—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) an affidavit by a physician or other qualified medical expert who did not treat the person on whose behalf the complaint was filed that explains the basis for such physician's or other qualified medical expert's belief that such person suffered the personal injury, harm, damage, breach, or tort alleged in the complaint; and

(B) certified medical records documenting the alleged personal injury, harm, damage, breach, or tort.

(d) APPLICATION WITH FEDERAL RULES OF CIVIL PROCEDURE.—This section applies exclusively to any coronavirus-related action filed in or removed to a district court of the United States and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal civil procedure.

(e) CIVIL DISCOVERY FOR ACTIONS IN DISTRICT COURTS OF THE UNITED STATES.—

(1) TIMING.—Notwithstanding any other provision of law, in any coronavirus-related action filed in or removed to a district court of the United States, no discovery shall be allowed before—

(A) the time has expired for the defendant to answer or file a motion to dismiss; and

(B) if a motion to dismiss is filed, the court has ruled on the motion.

(2) STANDARD.—Notwithstanding any other provision of law, the court in any coronavirus-related action that is filed in or removed to a district court of the United States—

(A) shall permit discovery only with respect to matters directly related to material issues contested in the coronavirus-related action; and

(B) may compel a response to a discovery request (including a request for admission,

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 of a response to such request equal or exceed the burden or cost for the responding party of providing such response.

(f) 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 any coronavirus-related action 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.

(g) 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 applicable Federal or State law, 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 an estimate of the total 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 coronavirus-related actions are assigned by the Judicial Panel on Multidistrict Litigation may not conduct a trial in a coronavirus-related action transferred to or directly filed in the proceedings unless all parties to that coronavirus-related action consent.

(B) REVIEW OF ORDERS.—The court of appeals of 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, the party receiving such a demand shall have a cause of action for the recovery of damages occasioned by such demand and for declaratory judgment in accordance with chapter 151 of title

28, United States Code, if the claim for which the letter was transmitted was meritless.

(b) DAMAGES.—Damages available under subsection (a) shall include—

(1) compensatory damages including costs incurred in responding to the demand; and

(2) punitive damages, if the court determines that the defendant had knowledge or was reckless with regard to the fact that the claim was meritless.

(c) ATTORNEY'S FEES AND COSTS.—In an action commenced under subsection (a), if the plaintiff is a prevailing party, the court shall, in addition to any judgment awarded to a plaintiff, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

(d) JURISDICTION.—The district courts of the United States shall have concurrent original jurisdiction of all claims arising under subsection (a).

(e) ENFORCEMENT BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of transmitting demands 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.

(2) RELIEF.—In a civil action under paragraph (1), the court may, to vindicate the public interest, assess a civil penalty against the respondent 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.

(3) DISTRIBUTION OF CIVIL 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:

(A) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) (including any standard included in a State plan approved under section 18 of such Act (29 U.S.C. 667)).

(B) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(C) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.).

(D) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 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 of 1990 (42 U.S.C. 12111 et seq.).

(2) LIMITATION.—Notwithstanding any provision of a covered Federal employment law, in any action, proceeding, or investigation resulting from or related to an actual, alleged, feared, or potential for exposure to coronavirus, or a change in working conditions caused by a law, rule, declaration, or order related to coronavirus, an 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;

(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 the use of virtual training or remote communication strategies);

(ii) implementing interim alternative protections or procedures; or

(iii) following guidance issued by the relevant agency with jurisdiction with respect to any exemptions from such obligation.

(b) PUBLIC ACCOMMODATION LAWS.—

(1) DEFINITIONS.—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—

(i) title III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181 et seq.); or

(ii) title II of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.);

(C) the term “place of public accommodation” means—

(i) a place of public accommodation, as defined in section 201 of the Civil Rights Act of 1964 (42 U.S.C. 2000a); 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 authority.

(2) 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 under, or found in violation of, any covered public accommodation law for any action or measure taken regarding coronavirus and that place of public accommodation, if such person—

(i) has determined that the significant risk of substantial harm to public health or the health of employees cannot be reduced or eliminated by reasonably modifying policies, practices, or procedures, or the provision of an auxiliary aid or service; or

(ii) has offered such a reasonable modification or auxiliary aid or service but such offer has been rejected by the individual protected by the covered law.

(B) REQUIRED WAIVER PROHIBITED.—For purposes of this subsection, no person who owns, leases (or leases to), or operates a place of public accommodation shall be required to waive any measure, requirement, or recommendation that has been adopted in accordance with a requirement or recommendation issued by the Federal Government or any State or local government with regard to coronavirus, in order to offer such a reasonable modification or auxiliary aids and services.

**SEC. 2182. LIABILITY FOR CONDUCTING TESTING AT WORKPLACE.**

Notwithstanding any other provision of Federal, State, or local law, an employer, or other person who hires or contracts with other individuals to provide services, that conducts tests for coronavirus on the employees of the employer or persons hired or contracted to provide services shall not 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 INDEPENDENT CONTRACTING.**

Notwithstanding any other provision of Federal or State law, including any covered Federal employment law (as defined in section 2181(a)), the Labor Management Relations Act, 1947 (29 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. 2601 et seq.), it shall not constitute evidence of a joint employment relationship or employment relationship for any employer to provide or require, for an employee of another employer or for an independent contractor, any of the following:

(1) Coronavirus-related policies, procedures, or training.

(2) Personal protective equipment or training for the use of such equipment.

(3) Cleaning or disinfecting services or the means for such cleaning or disinfecting.

(4) Workplace testing for coronavirus.

(5) 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.**

(a) DEFINITIONS.—Section 2(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101(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)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by adding “and” at the end; and

(C) by adding at the end the following:

“(C) if occurring 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; and

“(10) the term ‘COVID-19 national emergency’ means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID-19).”

(b) EXCLUSION FROM DEFINITION OF EMPLOYMENT LOSS.—Section 2(b) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101(b)) is amended by adding at the end the following:

“(3) Notwithstanding subsection (a)(6), during the covered period an employee may not be considered to have experienced an employment loss if the termination, layoff exceeding 6 months, or reduction in hours of work of more than 50 percent during each month of any 6-month period involved is a result of the COVID-19 national 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.**

(a) IN GENERAL.—Section 319F-3(i)(1) of the Public Health Service Act (42 U.S.C. 247d-6d(i)(1)) is amended—

(1) in subparagraph (C), by striking “; or” and inserting a semicolon;

(2) in subparagraph (D), by striking the period and inserting “; or”;

(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 a vaccine) (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 505G of the Federal Food, Drug, and Cosmetic Act; or

“(II) is marketed in accordance with section 505G(a)(3) of such Act.”

(b) CLARIFYING MEANS OF DISTRIBUTION.—Section 319F-3(a)(5) of the Public Health Service Act (42 U.S.C. 247d-6d(a)(5)) is amended by inserting “by, or in partnership with, Federal, State, or local public health officials or the private sector” after “distribution” the first place it appears.

(c) NO CHANGE TO ADMINISTRATIVE PROCEDURE ACT APPLICATION TO ENFORCEMENT 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 553 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 2104(e)(2) of division A of the CARES Act (15 U.S.C. 9023(e)(2)) is amended by striking “July 31, 2020” and inserting “December 27, 2020”.

(b) AMOUNT.—

(1) IN GENERAL.—Section 2104(b) of division A of the CARES Act (15 U.S.C. 9023(b)) is amended—

(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, \$600.

“(B) For weeks of unemployment beginning after the last week under subparagraph (A) and ending on or before December 27, 2020, \$300.”.

(2) TECHNICAL AMENDMENT REGARDING APPLICATION TO SHORT-TIME COMPENSATION PROGRAMS AND AGREEMENTS.—Section 2104(i)(2) of division A of the CARES Act (15 U.S.C. 9023(i)(2)) is amended—

(A) in subparagraph (C), by striking “and” at the end;

(B) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following: “(E) short-time compensation under section 2108 or 2109.”.

(c) EXTENSION OF ENHANCED BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.—Section 2(a)(5)(A) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(5)(A)) is amended by inserting after the first sentence the following new sentence: “Notwithstanding paragraph (3), subsection (c)(1)(B), and any other limitation on total benefits in this Act, for registration periods beginning after July 31, 2020, but on or before December 27, 2020, a recovery benefit in the amount of \$600 shall be payable with respect to a qualified employee for a period in which the individual received unemployment benefits under paragraph (1)(A).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the CARES Act (15 U.S.C. 9001 note).

#### TITLE IV—SMALL BUSINESS PROGRAMS SEC. 4001. SMALL BUSINESS RECOVERY.

(a) SHORT TITLE.—This section may be cited as the “Continuing the Paycheck Protection Program Act”.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATION; ADMINISTRATOR.—The terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively.

(2) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(c) EMERGENCY RULEMAKING AUTHORITY.—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this section and the amendments made by this section without regard to the notice requirements under section 553(b) of title 5, United States Code.

(d) ADDITIONAL ELIGIBLE EXPENSES.—

(1) ALLOWABLE USE OF PPP LOAN.—Section 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C. 636(a)(36)(F)(i)) is amended—

(A) in subclause (VI), by striking “and” at the end;

(B) in subclause (VII), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(VIII) covered operations expenditures, as defined in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

“(IX) covered property damage costs, as defined in such section 1106(a);

“(X) covered supplier costs, as defined in such section 1106(a); and

“(XI) covered worker protection expenditures, as defined in such section 1106(a).”.

(2) LOAN FORGIVENESS.—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (6), (7), and (8) as paragraphs (10), (11), and (12), respectively;

(ii) by redesignating paragraph (5) as paragraph (8);

(iii) by redesignating paragraph (4) as paragraph (6);

(iv) by redesignating paragraph (3) as paragraph (4);

(v) by inserting after paragraph (2) the following:

“(3) the term ‘covered operations expenditure’ means a payment for any business software or cloud computing service that facilitates business operations, product or service delivery, the processing, payment, or tracking of payroll expenses, human resources, sales and billing functions, or accounting or tracking of supplies, inventory, records and expenses;”;

(vi) by inserting after paragraph (4), as so redesignated, the following:

“(5) the term ‘covered property damage cost’ means a cost related to property damage and vandalism or looting due to public disturbances that occurred during 2020 that was not covered by insurance or other compensation;”;

(vii) by inserting after paragraph (6), as so redesignated, the following:

“(5) the term ‘covered supplier cost’ means an expenditure made by an entity to a supplier of goods pursuant to a contract in effect before February 15, 2020 for the supply of goods that are essential to the operations of the entity at the time at which the expenditure is made;”;

(viii) by inserting after paragraph (8), as so redesignated, the following:

“(9) the term ‘covered worker protection expenditure’—

“(A) means an operating or a capital expenditure that is required to facilitate the adaptation of the business activities of an entity to comply with requirements established or guidance issued by the Department of Health and Human Services, the Centers for Disease Control, or the Occupational Safety and Health Administration during the period beginning on March 1, 2020 and ending December 31, 2020 related to the maintenance of standards for sanitation, social distancing, or any other worker or customer safety requirement related to COVID-19;

“(B) may include—

“(i) the purchase, maintenance, or renovation of assets that create or expand—

“(I) a drive-through window facility;

“(II) an indoor, outdoor, or combined air or air pressure ventilation or filtration system;

“(III) a physical barrier such as a sneeze guard;

“(IV) an indoor, outdoor, or combined commercial real property;

“(V) an onsite or offsite health screening capability; or

“(VI) other assets relating to the compliance with the requirements or guidance described in subparagraph (A), as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

“(ii) the purchase of—

“(I) covered materials described in section 328.103(a) of title 44, Code of Federal Regulations, or any successor regulation;

“(II) particulate filtering facepiece respirators approved by the National Institute for Occupational Safety and Health, including those approved only for emergency use authorization; or

“(III) other kinds of personal protective equipment, as determined by the Adminis-

trator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

“(C) does not include residential real property or intangible property;”;

(ix) in paragraph (11), as so redesignated—

(I) in subparagraph (C), by striking “and” at the end;

(II) in subparagraph (D), by striking “and” at the end; and

(III) by adding at the end the following:

“(E) covered operations expenditures;

“(F) covered property damage costs;

“(G) covered supplier costs; and

“(H) covered worker protection expenditures; and”;

(B) in subsection (b), by adding at the end the following:

“(5) Any covered operations expenditure.

“(6) Any covered property damage cost.

“(7) Any covered supplier cost.

“(8) Any covered worker protection expenditure.”;

(C) in subsection (d)(8), by inserting “any payment on any covered operations expenditure, any payment on any covered property damage cost, any payment on any covered supplier cost, any payment on any covered worker protection expenditure,” after “rent obligation,”; and

(D) in subsection (e)—

(i) in paragraph (2), by inserting “payments on covered operations expenditures, payments on covered property damage costs, payments on covered supplier costs, payments on covered worker protection expenditures,” after “lease obligations,”; and

(ii) in paragraph (3)(B), by inserting “make payments on covered operations expenditures, make payments on covered property damage costs, make payments on covered supplier costs, make payments on covered worker protection expenditures,” after “rent obligation.”.

(e) LENDER SAFE HARBOR.—Subsection (h) of section 1106 of the CARES Act (15 U.S.C. 9005) is amended to read as follows:

“(h) HOLD HARMLESS.—

“(1) IN GENERAL.—A lender may rely on any certification or documentation submitted by an applicant for a covered loan or an eligible recipient of a covered loan that—

“(A) is submitted pursuant to any statutory requirement relating to covered loans or any rule or guidance issued to carry out any action relating to covered loans; and

“(B) attests that the applicant or eligible recipient, as applicable, has accurately verified any certification or documentation provided to the lender.

“(2) NO ENFORCEMENT ACTION.—With respect to a lender that relies on a certification or documentation described in paragraph (1)—

“(A) an enforcement action may not be taken against the lender acting in good faith relating to origination or forgiveness of a covered loan based on such reliance; and

“(B) the lender acting in good faith shall not be subject to any penalties relating to origination or forgiveness of a covered loan based on such reliance.”.

(f) SELECTION OF COVERED PERIOD FOR FORGIVENESS.—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended—

(1) by amending paragraph (4) of subsection (a), as so redesignated by subsection (d) of this section, to read as follows:

“(4) the term ‘covered period’ means the period—

“(A) beginning on the date of the origination of a covered loan; and

“(B) ending on a date selected by the eligible recipient of the covered loan that occurs during the period—

“(i) beginning on the date that is 8 weeks after such date of origination; and

“(ii) ending on December 31, 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 (1), an eligible”;

(2) in subsection (f), by inserting “or the information required under subsection (1), as applicable” after “subsection (e)”; and

(3) by adding at the end the following:

“(1) SIMPLIFIED APPLICATION.—

“(1) COVERED LOANS UNDER \$150,000.—

“(A) IN GENERAL.—Notwithstanding subsection (e), 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—

“(i) signs and submits to 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—

“(I) reports the amount of the covered loan amount spent by the eligible recipient—

“(aa) on payroll costs; and

“(bb) 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; and

“(II) attests that the eligible recipient made a good faith effort to comply with the requirements under section 7(a)(36) 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) 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).

“(2) COVERED LOANS BETWEEN \$150,000 AND \$2,000,000.—

“(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is more than \$150,000 and not more than \$2,000,000—

“(i) the eligible recipient seeking loan forgiveness under this section—

“(I) is not required to submit the supporting documentation described in paragraph (1) or (2) of subsection (e) or the certification described in subsection (e)(3)(A);

“(II) shall retain—

“(aa) all employment records relevant to the application for loan forgiveness for the 4-

year period following submission of the application; and

“(bb) all other supporting documentation relevant to the application for loan forgiveness for the 3-year period following submission of the application; and

“(III) may complete and submit any form related to borrower demographic information;

“(i) review by the lender of an application submitted by the eligible recipient for loan forgiveness under this section shall be limited to whether the lender received a complete application, with all fields completed, initialed, or signed, as applicable; and

“(iii) the lender shall—

“(I) accept the application submitted by the eligible recipient for loan forgiveness under this section; and

“(II) submit the application to the Administrator.

“(B) 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).

“(3) AUDIT PLAN.—

“(A) IN GENERAL.—Not later than 30 days after the date of enactment of the Continuing the Paycheck Protection Program Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and 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).

“(B) 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 Senate and the Committee on Small Business of the House of Representatives a report on the review and audit activities of the Administrator under this subsection, which shall include—

“(i) the number of active reviews and audits;

“(ii) the number of reviews and audits that have been ongoing for more than 60 days; and

“(iii) any substantial changes made to the audit plan submitted under subparagraph (A).”

(h) GROUP INSURANCE PAYMENTS AS PAYROLL COSTS.—Section 7(a)(36)(A)(viii)(I)(aa)(EE) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(viii)(I)(aa)(EE)) is amended by inserting “and other group insurance” before “benefits”.

(i) 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:

“(37) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the terms ‘community financial institutions’, ‘credit union’, ‘eligible self-employed individual’, ‘insured depository institution’, ‘nonprofit organization’, ‘payroll costs’, ‘seasonal employer’, and ‘veterans organization’ 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 supplier cost’, ‘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 period’ means the period beginning on the date of the origination of a covered loan and ending on December 31, 2020;

“(v) the term ‘eligible entity’—

“(I) means any business concern, nonprofit organization, veterans 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 (DD), 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) if 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 2019; or

“(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;

“(II) 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

“(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), (l) (m), (p), (q), (r), or (s) of section 120.110 of title 13, Code of Federal Regulations, or any successor regulation;

“(BB) is a type of business concern described in section 120.110(g) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled ‘Business Loan Program Temporary

Changes; Paycheck Protection Program—Additional Eligibility Criteria and Requirements for Certain Pledges of Loans' (85 Fed. Reg. 21747 (April 20, 2020));

“(CC) is a type of business concern described in section 120.110(i) of title 13, Code of Federal Regulations, or any successor regulation, except if the business concern is an organization described in paragraph (36)(D)(vii);

“(DD) is a type of business concern described in section 120.110(j) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rules of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Electric Cooperatives’ (85 Fed. Reg. 29847 (May 19, 2020)) and ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Telephone Cooperatives’ (85 Fed. Reg. 35550 (June 11, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

“(EE) is a type of business concern described in section 120.110(m) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Revisions to First Interim 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 described in section 120.110(o) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in any guidance or rule issued or that may be issued by the Administrator; or

“(GG) is 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 American Industry Classification System code beginning with 52;

“(cc) any business concern or entity primarily engaged in political or lobbying activities, 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 documents; or

“(dd) any business concern or entity—

“(AA) for which an entity created in or organized under the laws of the People's Republic of China or the Special Administrative Region of Hong Kong, or that has significant operations in the People's Republic of China or the Special Administrative 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 capital or profit 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 Republic of China;

“(vi) the terms ‘exchange’, ‘issuer’, and ‘security’ 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 31(b)(2)(C).

“(B) LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans to eligible entities under the same terms, conditions, and processes 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 payroll costs incurred or paid by the eligible entity 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 payroll costs incurred or paid by the eligible entity—

“(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 between 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) the quotient obtained by dividing—

“(AA) the sum of the total monthly payments by the eligible entity for payroll costs paid or incurred by the eligible entity as of 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.

“(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 subsection that are approved for an eligible entity (including any affiliates) within 90 days of approval of another loan under this subsection for the eligible entity (including any affiliates) shall not exceed \$10,000,000.

“(D) EXCEPTION FROM CERTIFICATION REQUIREMENTS.—An eligible entity applying for a covered loan shall not be required to make the certification described in subclause (III) or (IV) of paragraph (36)(G)(i).

“(E) FEE WAIVER.—With respect to a covered loan—

“(i) in lieu of the fee otherwise applicable under paragraph (23)(A), the Administrator shall collect no fee; and

“(ii) in lieu of the fee otherwise applicable under paragraph (18)(A), the Administrator shall collect no fee.

“(F) ELIGIBLE CHURCHES AND RELIGIOUS ORGANIZATIONS.—

“(i) SENSE OF CONGRESS.—It is the sense of Congress that the interim final rule of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program’ (85 Fed. Reg. 20817 (April 15, 2020)) properly clarified the eligibility of churches and religious organizations for loans made under paragraph (36).

“(ii) APPLICABILITY OF PROHIBITION.—The prohibition on eligibility established by section 120.110(k) of title 13, Code of Federal

Regulations, or any successor regulation, shall not apply to a covered loan.

“(G) GROSS RECEIPTS FOR NONPROFIT AND VETERANS ORGANIZATIONS.—For purposes of calculating gross receipts under subparagraph (A)(v)(I)(cc) for an eligible entity that is a nonprofit organization, a veterans organization, or an organization described in subparagraph (A)(v)(II), gross receipts—

“(i) shall include proceeds from fundraising events, federated campaigns, gifts, donor-advised funds, and funds from similar sources; and

“(ii) shall not include—

“(I) Federal grants (excluding any loan forgiveness on loans received under paragraph (36) or this paragraph);

“(II) revenues from a supporting organization;

“(III) grants from private foundations that are disbursed over the course of more than 1 calendar year; or

“(IV) any contribution of property other than money, stocks, bonds, and other securities, provided that the non-cash contribution is not sold by the organization in a transaction unrelated to the tax-exempt purpose of the organization.

“(H) LOAN FORGIVENESS.—

“(i) IN GENERAL.—Except as otherwise provided in this subparagraph, an eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in the same manner as an eligible recipient with respect to a loan made under paragraph (36), as described in section 1106 of the CARES Act (15 U.S.C. 9005).

“(ii) FORGIVENESS AMOUNT.—An eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in an amount equal to the sum of the following costs incurred or expenditures made during the covered period:

“(I) Payroll costs.

“(II) Any payment of interest on any covered mortgage obligation (which shall not include any prepayment of or payment of principal on a covered mortgage obligation).

“(III) Any covered operations expenditure.

“(IV) Any covered property damage cost.

“(V) Any payment on any covered rent obligation.

“(VI) Any covered utility payment.

“(VII) Any covered supplier cost.

“(VIII) Any covered worker protection expenditure.

“(iii) LIMITATION ON FORGIVENESS FOR ALL ELIGIBLE ENTITIES.—The forgiveness amount under this subparagraph shall be equal to the lesser of—

“(I) the amount described in clause (ii); and

“(II) the amount equal to the quotient obtained by dividing—

“(aa) the amount of the covered loan used for payroll costs during the covered period; and

“(bb) 0.60.

“(I) LENDER ELIGIBILITY.—Except as otherwise provided in this paragraph, a lender approved to make loans under paragraph (36) may make covered loans under the same terms and conditions as in paragraph (36).

“(J) REIMBURSEMENT FOR LOAN PROCESSING AND SERVICING.—The Administrator shall reimburse a lender authorized to make a covered loan in an amount that is—

“(i) 3 percent of the principal amount of the financing of the covered loan up to \$350,000; and

“(ii) 1 percent of the principal amount of the financing of the covered loan above \$350,000, if applicable.

“(K) SET ASIDE FOR SMALL ENTITIES.—Not less than \$25,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made to eligible entities with

not more than 10 employees as of February 15, 2020.

“(L) SET ASIDE FOR COMMUNITY FINANCIAL INSTITUTIONS, SMALL INSURED DEPOSITORY INSTITUTIONS, CREDIT UNIONS, AND FARM CREDIT SYSTEM INSTITUTIONS.—Not less than \$10,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made by—

“(i) community financial institutions;

“(ii) insured depository institutions with consolidated assets of less than \$10,000,000,000;

“(iii) credit unions with consolidated assets of less than \$10,000,000,000; and

“(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 less than \$10,000,000,000 (not including the Federal Agricultural Mortgage Corporation).

“(M) PUBLICATION OF GUIDANCE.—Not later than 10 days after the date of enactment of this paragraph, the Administrator shall issue guidance addressing barriers to accessing capital for minority, underserved, veteran, and women-owned business concerns for the purpose of ensuring equitable access to covered loans.

“(N) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the maximum extent practicable, allow a lender approved to make covered loans to use existing program guidance and standard operating procedures for loans made under this subsection.

“(O) PROHIBITION ON USE OF PROCEEDS FOR LOBBYING ACTIVITIES.—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 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) IN GENERAL.—Section 7(a)(36)(E)(ii) of the Small Business Act (15 U.S.C. 636(a)(36)(E)(ii)) is amended by striking “\$10,000,000” and inserting “\$2,000,000”.

(2) APPLICABILITY OF MAXIMUM LOAN AMOUNT CALCULATION.—

(A) DEFINITIONS.—In this paragraph, the terms “covered loan” and “eligible recipient” have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(B) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan applied for by an eligible recipient on or after the date of enactment of this Act.

(k) INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN LOAN AMOUNT DUE TO UPDATED REGULATIONS.—

(1) DEFINITIONS.—In this subsection, the terms “covered loan” and “eligible recipient” have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(2) INCREASED AMOUNT.—Notwithstanding the interim final rule issued by the Administration entitled “Business Loan Program Temporary Changes; Paycheck Protection Program—Loan Increases” (85 Fed. Reg. 29842 (May 19, 2020)), an eligible recipient of a covered loan that is eligible for an increased covered loan amount as a result of any interim final rule that allows for covered loan increases may submit a request for

an increase in the covered loan amount even if—

(A) the initial covered loan amount has been fully disbursed; or

(B) the lender of the initial covered loan has submitted to the Administration a Form 1502 report related to the covered loan.

(1) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS UNDER THE PAYCHECK PROTECTION PROGRAM.—

(1) IN GENERAL.—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 amended—

(A) in subparagraph (E), in the matter preceding clause (i), by striking “During” and inserting “Except as provided in subparagraph (T), during”; and

(B) by adding at the end the following:

“(T) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS.—

“(i) DEFINITION.—In this subparagraph, the term ‘covered recipient’ means an eligible recipient that—

“(I) operates as a sole proprietorship or as an independent contractor, or is an eligible self-employed individual;

“(II) reports farm income or expenses on a Schedule F (or any equivalent successor schedule); and

“(III) was in business during the period beginning on February 15, 2019 and ending on June 30, 2019.

“(ii) NO EMPLOYEES.—With respect to covered recipient without employees, the maximum covered loan amount shall be the lesser of—

“(I) the sum of—

“(aa) the product obtained by multiplying—

“(AA) the gross income of the covered recipient in 2019, as reported on a Schedule F (or any equivalent successor schedule), that is not more than \$100,000, divided by 12; and

“(BB) 2.5; and

“(bb) 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

“(II) \$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), except that the gross income of the covered recipient described in clause (ii)(I)(aa)(AA) of this subparagraph, as divided by 12, shall be added to the sum calculated under subparagraph (E)(i)(I).

“(iv) RECALCULATION.—A lender that made a covered loan to a covered recipient before the date of enactment of this subparagraph may, at the request of the covered recipient—

“(I) recalculate the maximum loan amount applicable to that covered loan based on the formula described in clause (ii) or (iii), as applicable, if doing so would result in a larger covered loan amount; and

“(II) provide the covered recipient with additional covered loan amounts based on that recalculation.”

(m) FARM CREDIT SYSTEM INSTITUTIONS.—

(1) DEFINITION OF FARM CREDIT SYSTEM INSTITUTION.—In this subsection, the term “Farm Credit System institution”—

(A) means an institution of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); and

(B) does not include the Federal Agricultural Mortgage Corporation.

(2) FACILITATION OF PARTICIPATION IN PPP AND SECOND DRAW LOANS.—

(A) APPLICABLE RULES.—Solely with respect to loans under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), Farm Credit Administration regulations and guidance issued as of July 14, 2020, and compliance with such regulations and guidance, shall be deemed functionally equivalent to requirements referenced in section 3(a)(iii)(II) of the interim final rule of the Administration entitled “Business Loan Program Temporary Changes; Paycheck Protection Program” (85 Fed. Reg. 20811 (April 15, 2020)) or any similar requirement referenced in that interim final rule in implementing such paragraph (37).

(B) APPLICABILITY OF CERTAIN LOAN REQUIREMENTS.—For purposes of making loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgiving those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37), sections 4.13, 4.14, and 4.14A of the Farm Credit Act of 1971 (12 U.S.C. 2199, 2202, 2202a) (including regulations issued under those sections) shall not apply.

(C) RISK WEIGHT.—

(i) IN GENERAL.—With respect to the application of Farm Credit Administration capital requirements, a loan described in clause (ii)—

(I) shall receive a risk weight of zero percent; and

(II) shall not be included in the calculation of any applicable leverage ratio or other applicable capital ratio or calculation.

(ii) LOANS DESCRIBED.—A loan referred to in clause (i) is—

(I) a loan made by a Farm Credit Bank described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) to a Federal Land Bank Association, a Production Credit Association, or an agricultural credit association described in that section to make loans 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, an agricultural credit association, or the bank for cooperatives described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(D) RESERVATION OF 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)—

(I) in subclause (I), by striking “and” at the end;

(II) in subclause (II), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(III) 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 less than \$50,000,000,000.”; and

(ii) in clause (ii)—

(I) in subclause (II), by striking “and” at the end;

(II) in subclause (III), by striking the period at the end and inserting “; and”; 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 less than \$10,000,000,000.”

(n) DEFINITION OF SEASONAL EMPLOYER.—

(1) PPP LOANS.—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) LOAN FORGIVENESS.—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)).”.

(o) ELIGIBILITY OF 501(C)(6) ORGANIZATIONS FOR LOANS UNDER THE PAYCHECK PROTECTION PROGRAM.—Section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D)) is amended—

(1) in clause (v), by inserting “or whether an organization described in clause (vii) employs not more than 150 employees,” after “clause (i)(I).”;

(2) in clause (vi), by inserting “, an organization described in clause (vii),” after “non-profit organization”; and

(3) by adding at the end the following:

“(vii) ELIGIBILITY FOR CERTAIN 501(C)(6) 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 with 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 subclause (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;

“(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, including any instrumentality of those entities.”.

(p) PROHIBITION ON USE OF LOAN PROCEEDS FOR LOBBYING ACTIVITIES.—Section 7(a)(36)(F) of 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 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.”.

(q) EFFECTIVE DATE; APPLICABILITY.—The amendments made to paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title I of the CARES Act (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)).

(r) BANKRUPTCY PROVISIONS.—

(1) IN GENERAL.—Section 364 of title 11, United States Code, is amended by adding at the end the following:

“(g)(1) The court, after notice and a hearing, may authorize a debtor in possession or a trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of this title to obtain a loan under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), and such loan shall be treated as a debt to the extent the loan is not forgiven in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) or subparagraph (H) of such paragraph (37), as applicable, with priority equal to a claim of the kind specified in subsection (c)(1) of this section.

“(2) The trustee may incur debt described in paragraph (1) notwithstanding any provision in a contract, prior order authorizing the trustee to incur debt under this section, prior order authorizing the trustee to use cash collateral under section 363, or applicable law that prohibits the debtor from incurring additional debt.

“(3) The court shall hold a hearing within 7 days after the filing and service of the motion to obtain a loan described in paragraph (1). Notwithstanding the Federal Rules of Bankruptcy Procedure, at such hearing, the court may grant relief on a final basis.”.

(2) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, is amended—

(A) in paragraph (8)(B), by striking “and” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(10) any debt incurred under section 364(g)(1) of this title.”.

(3) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1191 of title 11, United States Code, is amended by adding at the end the following:

“(f) SPECIAL PROVISION RELATED TO COVID-19 PANDEMIC.—Notwithstanding section 1129(a)(9)(A) of this title and subsection (e) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed under subsection (b) of this section if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.”.

(4) CONFIRMATION OF PLAN FOR FAMILY FARMERS AND FISHERMEN.—Section 1225 of title 11, United States Code, is amended by adding at the end the following:

“(d) Notwithstanding section 1222(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.”.

(5) CONFIRMATION OF PLAN FOR INDIVIDUALS.—Section 1325 of title 11, United States Code, is amended by adding at the end the following:

“(d) Notwithstanding section 1322(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.”.

(6) EFFECTIVE DATE; SUNSET.—

(A) EFFECTIVE DATE.—The amendments made by paragraphs (1) through (5) shall—

(i) take effect on the date on which 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 1183, 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

(ii) apply to any case pending on or commenced on or after the date described in clause (i).

(B) SUNSET.—

(i) IN GENERAL.—If the amendments made by this subsection take effect under subparagraph (A), effective on the date that is 2 years after the date of enactment of this Act—

(I) section 364 of title 11, United States Code, is amended by striking subsection (g);

(II) section 503(b) of title 11, United States Code, is amended—

(aa) in paragraph (8)(B), by adding “and” at the end;

(bb) in paragraph (9), by striking “; and” at the end and inserting a period; and

(cc) by striking paragraph (10);

(III) section 1191 of title 11, United States Code, is amended by striking subsection (f);

(IV) section 1225 of title 11, United States Code, is amended by striking subsection (d); and

(V) section 1325 of title 11, United States Code, is amended by striking subsection (d).

(ii) APPLICABILITY.—Notwithstanding the amendments made by clause (i) of this subparagraph, if the amendments made by paragraphs (1), (2), (3), (4), and (5) take effect under subparagraph (A) 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.

(s) 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 Comptroller General of the United States not later than 30 days (or such later date as the Comptroller General may specify) after receiving the request or inquiry.

(B) EXCEPTION.—If the Administrator is unable to comply with a request or inquiry described in subparagraph (A) within the 30-day period or, if applicable, later period described in that clause, 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 of the House of Representatives a notification that includes 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

this Act, and every quarter thereafter until the date that is 2 years after the date of enactment of this Act, the Administrator and the Secretary of the Treasury shall testify before the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding implementation of this section and the amendments made by this section.

(t) CONFLICTS OF INTEREST.—

(1) DEFINITIONS.—In this subsection:

(A) CONTROLLING INTEREST.—The term “controlling interest” means owning, controlling, or holding not less than 20 percent, by vote or value, of the outstanding amount of any class of equity interest in an entity.

(B) COVERED ENTITY.—

(i) DEFINITION.—The term “covered entity” means an entity in which a covered individual directly or indirectly holds a controlling interest.

(ii) TREATMENT OF SECURITIES.—For the purpose of determining whether an entity is a covered entity, the securities owned, controlled, or held by 2 or more individuals who are related as described in subparagraph (C)(ii) shall be aggregated.

(C) COVERED INDIVIDUAL.—The term “covered individual” means—

(i) the President, the Vice President, the head of an Executive department, or a Member of Congress; and

(ii) the spouse, child, son-in-law, or daughter-in-law, as determined under applicable common law, of an individual described in clause (i).

(D) EXECUTIVE DEPARTMENT.—The term “Executive department” has the meaning given the term in section 101 of title 5, United States Code.

(E) MEMBER OF CONGRESS.—The term “Member of Congress” means a Member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(F) EQUITY INTEREST.—The term “equity interest” means—

(i) a share in an entity, without regard to whether the share is—

(I) transferable; or

(II) classified as stock or anything similar;

(ii) a capital or profit interest in a limited liability company or partnership; or

(iii) a warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share or interest described in clause (i) or (ii), respectively.

(2) REQUIREMENT.—The principal executive officer and the principal financial officer, or individuals performing similar functions, of an entity seeking to enter a transaction made under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, shall, before that transaction is approved, disclose to the Administrator whether the entity is a covered entity.

(3) APPLICABILITY.—The requirement under paragraph (2)—

(A) shall apply with respect to any transaction made under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, on or after the date of enactment of this Act; and

(B) shall not apply with respect to—

(i) any transaction described in subparagraph (A) that was made before the date of enactment of this Act; or

(ii) forgiveness under section 1106 of the CARES Act (15 U.S.C. 9005) or any other provision of law of any loan associated with any transaction described in subparagraph (A) that was made before the date of enactment of this Act.

(u) COMMITMENT AUTHORITY AND APPROPRIATIONS.—

(1) COMMITMENT AUTHORITY.—Section 1102(b) of the CARES Act (Public Law 116-136) is amended—

(A) in paragraph (1)—

(i) in the paragraph heading, by inserting “AND SECOND DRAW” after “PPP”;

(ii) by striking “August 8, 2020” and inserting “December 31, 2020”;

(iii) by striking “paragraph (36)” and inserting “paragraphs (36) and (37)”;

(iv) by striking “\$659,000,000,000” and inserting “\$816,640,000,000”; and

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

“(2) OTHER 7(A) LOANS.—During fiscal year 2020, the amount authorized for commitments for section 7(a) of the Small Business Act (15 U.S.C. 636(a)) under the heading ‘Small Business Administration—Business Loans Program Account’ in the Financial Services and General Government Appropriations Act, 2020 (division C of Public Law 116-193) shall apply with respect to any commitments under such section 7(a) other than under paragraphs (36) and (37) of such section 7(a).”

(2) DIRECT APPROPRIATIONS.—

(A) NEW DIRECT APPROPRIATIONS FOR PPP LOANS, SECOND DRAW LOANS, AND THE MBDA.—

(i) PPP AND SECOND DRAW LOANS.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, to remain available until September 30, 2021, for additional amounts—

(I) \$257,640,000,000 under the heading “Small Business Administration—Business Loans Program Account, CARES Act” for the cost of guaranteed loans as authorized under paragraph (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended and added by this Act;

(II) \$10,000,000 under the heading “Department of Commerce—Minority Business Development Agency” for minority business centers of the Minority Business Development Agency to provide technical assistance to small business concerns; and

(III) \$50,000,000 under the heading “Small Business Administration—Salaries and Expenses” for the cost of carrying out reviews and audits of loans under subsection (1) of section 1106 of the CARES Act (15 U.S.C. 9005), as amended by this Act.

(B) AVAILABILITY OF AMOUNTS APPROPRIATED FOR THE OFFICE OF INSPECTOR GENERAL.—Section 1107(a)(3) of the CARES Act (15 U.S.C. 9006(a)(3)) is amended by striking “September 20, 2024” and inserting “expended”.

#### TITLE V—POSTAL SERVICE ASSISTANCE SEC. 5001. COVID-19 FUNDING FOR THE UNITED STATES POSTAL SERVICE.

Section 6001 of the CARES Act (Public Law 116-136; 134 Stat. 281) is amended—

(1) in the section heading, by striking “BORROWING AUTHORITY” and inserting “FUNDING”;

(2) by redesignating subsection (c) as subsection (e); and

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

“(c) AVAILABILITY OF AMOUNTS; NO REPAYMENT REQUIRED.—Notwithstanding subsection (b) or any agreement entered into between the Secretary of the Treasury and the Postal Service under that subsection, the Postal Service—

“(1) may only use amounts borrowed under that subsection if the Postal Service has less than \$8,000,000,000 in cash on hand; and

“(2) shall not be required to repay the amounts borrowed under that subsection.

“(d) CERTIFICATIONS.—

“(1) POSTAL REGULATORY COMMISSION.—The Postal Service shall certify in its quarterly

and audited annual reports to the Postal Regulatory Commission under section 3654 of title 39, United States Code, and in conformity with the requirements of section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)), any expenditures made using amounts borrowed under subsection (b) of this section.

“(2) CONGRESS.—Not later than 15 days after filing a report described in paragraph (1) with the Postal Regulatory Commission, the Postal Service shall submit a copy of the information required to be certified under that paragraph to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.”

#### 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.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE SCHOLARSHIP-GRANTING ORGANIZATION.—The term “eligible scholarship-granting organization” means—

(A) an organization that—

(i) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

(ii) provides qualifying scholarships to individual elementary and secondary students who—

(I) reside in the State in which the eligible scholarship-granting organization is recognized; or

(II) in the case of funds provided to the Secretary of the Interior, attending elementary schools or secondary schools operated or funded by the Bureau of Indian Education;

(iii) allocates at least 90 percent of qualified contributions to qualifying scholarships on an annual basis; and

(iv) provides qualifying scholarships to—

(I) more than 1 eligible student;

(II) more than 1 eligible family; and

(III) different eligible students attending more than 1 education provider;

(B) an organization that—

(i) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; and

(ii) pursuant to State law, was able, as of January 1, 2021, to receive contributions that are 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; or

(C) an organization identified by a Governor of a State to receive a subgrant from the State under subsection (d).

(2) EMERGENCY EDUCATION FREEDOM GRANT FUNDS.—The term “emergency education freedom grant funds” means the amount of funds available under subsection (b)(1) for this section that are not reserved under subsection (c)(1).

(3) QUALIFIED CONTRIBUTION.—The term “qualified contribution” means a contribution of cash to any eligible scholarship-granting organization.

(4) 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 student’s career and technical education, as defined by section 3(5) of the Carl D. Perkins

Career and Technical Education Act of 2006 (20 U.S.C. 2302(5)).

(5) **QUALIFYING SCHOLARSHIP.**—The term “qualifying scholarship” means a scholarship granted by an eligible scholarship-granting organization to an individual elementary or secondary student for a qualified expense.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(7) **STATE.**—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(b) **GRANTS.**—

(1) **PROGRAM AUTHORIZED.**—From the funds appropriated to carry out this section, the Secretary shall carry out subsection (c) and award emergency education freedom grants to States with approved applications, in order to enable the States to award subgrants to eligible scholarship-granting organizations under subsection (d).

(2) **TIMING.**—The Secretary shall make the allotments required under this subsection by not later than 30 days after the date of enactment of this Act.

(c) **RESERVATION AND ALLOTMENTS.**—

(1) **IN GENERAL.**—From the amounts made available under subsection (b)(1), the Secretary shall—

(A) reserve—

(i) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this section; and

(ii) one-half of 1 percent of such amounts for the Secretary of the Interior, acting through the Bureau of Indian Education, to be used to provide subgrants described in subsection (d) to eligible scholarship-granting organizations that serve students attending elementary schools or secondary schools operated or funded by the Bureau of Indian Education; and

(B) subject to paragraph (2), allot each State that submits an approved application under this section the sum of—

(i) the amount that bears the same relation to 20 percent of the emergency education freedom grant funds as the number of individuals aged 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals, as so determined, in all such States that submitted approved applications; and

(ii) an amount that bears the same relationship to 80 percent of the emergency education freedom grant funds 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 on the basis of the most recent satisfactory data, bears to the number of those individuals, as so determined, in all such States that submitted approved applications.

(2) **MINIMUM ALLOTMENT.**—No State shall receive an allotment under this subsection for a fiscal year that is less than one-half of 1 percent of the amount of emergency education freedom grant funds available for such fiscal year.

(d) **SUBGRANTS TO ELIGIBLE SCHOLARSHIP-GRANTING ORGANIZATIONS.**—

(1) **IN GENERAL.**—A State that receives an allotment under this section shall use the allotment to award subgrants, on a basis determined appropriate by the State, to eligible scholarship-granting organizations in the State.

(2) **INITIAL TIMING.**—

(A) **STATES WITH EXISTING TAX CREDIT SCHOLARSHIP PROGRAM.**—By not later than 30 days after receiving an allotment under sub-

section (c)(1)(B), a State with an existing, as of the date of application for an allotment under this section, tax credit scholarship program shall use not less than 50 percent of the allotment to award 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.

(B) **STATES WITHOUT TAX CREDIT SCHOLARSHIP PROGRAMS.**—By not later than 60 days after receiving an allotment under subsection (c)(1)(B), a State without a tax credit scholarship program shall use not less than 50 percent of the allotment to award subgrants to eligible scholarship-granting organizations in the State.

(3) **USES OF FUNDS.**—An eligible scholarship-granting organization that receives a subgrant under this subsection—

(A) may reserve not more than 5 percent of the subgrant funds for public outreach, student and family support activities, and administrative expenses related to the subgrant; and

(B) shall use not less than 95 percent of the subgrant funds to provide qualifying scholarships for qualified expenses only to individual elementary school and secondary school students who reside in the State in which the eligible scholarship-granting organization is recognized.

(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)(1)(B).

(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 enrolls, 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.

(3) **PROHIBITION OF CONTROL OVER NONPUBLIC EDUCATION PROVIDERS.**—

(A)(i) Nothing in this section shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of 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 this section.

(B) Nothing in this section shall be construed to permit, allow, encourage, or authorize a State to mandate, direct, or control any aspect of a private or home education provider, regardless of whether or not

a home education provider is treated as a private school under State law.

(C) No participating State shall exclude, discriminate against, or otherwise disadvantage any education provider with respect to programs or services under this section based in whole or in part on the provider's religious character or affiliation, including religiously based or mission-based policies or practices.

(4) **PARENTAL RIGHTS TO USE SCHOLARSHIPS.**—No participating State 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.

(5) **STATE AND LOCAL AUTHORITY.**—Nothing in this section shall be construed to modify a State or local government's authority and responsibility to fund education.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary.

**SEC. 6002. TAX CREDITS FOR CONTRIBUTIONS TO ELIGIBLE SCHOLARSHIP-GRANTING ORGANIZATIONS.**

(a) **CREDIT FOR INDIVIDUALS.**—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding after section 25D the following new section:

**“SEC. 25E. CONTRIBUTIONS TO ELIGIBLE SCHOLARSHIP-GRANTING ORGANIZATIONS.**

“(a) **ALLOWANCE OF CREDIT.**—Subject to section 6003(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) an organization that—

“(i) is described in section 501(c)(3) and exempt from taxation under section 501(a),

“(ii) provides qualifying scholarships to individual elementary and secondary students who—

“(I) reside in the State in which the eligible scholarship-granting organization is recognized, or

“(II) in the case of the Bureau of Indian Education, are members of a federally recognized tribe,

“(iii) a State identifies to the Secretary as an eligible scholarship-granting organization under section 6003(c)(5)(B) of the Delivering Immediate Relief to America's Families, Schools and Small Businesses Act,

“(iv) allocates at least 90 percent of qualified contributions to qualifying scholarships on an annual basis, and

“(v) provides qualifying scholarships to—

“(I) more than 1 eligible student,

“(II) more than 1 eligible family, and

“(III) different eligible students attending more than 1 education provider, or

“(B) an organization that—

“(i) is described in section 501(c)(3) and exempt from taxation under section 501(a), and

“(ii) pursuant to State law, was able, as of January 1, 2021, to receive contributions that are 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.

“(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 student’s career and technical education, as defined by section 3(5) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(5)).

“(4) QUALIFYING SCHOLARSHIP.—The term ‘qualifying scholarship’ means a scholarship granted by an eligible scholarship-granting organization to an 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 (acting through the Bureau of Indian Education).

“(d) RULES OF CONSTRUCTION.—

“(1) IN GENERAL.—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 any Federal control over any aspect of 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 this section.

“(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 to mandate, direct, or control any aspect of a private or home education provider, regardless of whether or not a home education provider is treated as a private school under State law.

“(C) No participating State or entity acting 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 exclude, discriminate against, or otherwise disadvantage any education provider with respect to programs or services under this section based in whole or in part on the provider’s religious character or affiliation, including religiously-based or mission-based policies or practices.

“(4) PARENTAL RIGHTS TO USE SCHOLARSHIPS.—No participating State or entity acting 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.

“(5) STATE AND LOCAL AUTHORITY.—Nothing in this section shall be construed to modify a State or local government’s authority and responsibility to fund education.

“(e) DENIAL OF DOUBLE BENEFIT.—The Secretary shall prescribe such regulations or other guidance to ensure that the sum of the tax benefits provided by Federal, State, or local law for a qualified contribution 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.

“(f) 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.

“(g) 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.

“(h) 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.

“(i) TERMINATION.—This section shall not apply to any contributions made in taxable years beginning after December 31, 2022.”

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A 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.”

(c) CREDIT FOR CORPORATIONS.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 45U. CONTRIBUTIONS TO ELIGIBLE SCHOLARSHIP-GRANTING ORGANIZATIONS.

“(a) ALLOWANCE OF CREDIT.—Subject to section 6003(c) of the Delivering Immediate Relief to America’s Families, Schools and Small Businesses Act, for purposes of section 38, in the case of a domestic corporation, 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.

“(b) AMOUNT OF CREDIT.—The credit allowed under subsection (a) for any taxable year shall not exceed 5 percent of the taxable income (as defined in section 170(b)(2)(D)) of the domestic corporation for such taxable year.

“(c) ADDITIONAL PROVISIONS.—For purposes of this section, any qualified contributions made by a domestic corporation shall be subject to the provisions of section 25E (including subsection (d) of such section), to the extent applicable.

“(d) 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.

“(e) TERMINATION.—This section shall not apply to any contributions made in taxable years beginning after December 31, 2022.”

(d) CREDIT PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended—

(1) by striking “plus” at the end of paragraph (32);

(2) by striking the period at the end of paragraph (33) and inserting “, plus”; and

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

“(34) the credit for qualified contributions determined under section 45U(a).”

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Sec. 45U. Contributions to eligible scholarship-granting organizations.”

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

**SEC. 6003. EDUCATION FREEDOM SCHOLARSHIPS WEB PORTAL AND ADMINISTRATION.**

(a) IN GENERAL.—The Secretary of the Treasury shall, in coordination with the Secretary of Education, establish, host, and maintain a web portal that—

(1) lists all eligible scholarship-granting organizations;

(2) enables a taxpayer to make a qualifying contribution to one or more eligible scholarship-granting organizations and to immediately obtain both a pre-approval of a tax credit for that contribution and a receipt for tax filings;

(3) provides information about the tax benefits under sections 25E and 45U of the Internal Revenue Code of 1986; and

(4) enables a State to submit and update information about its programs and its eligible scholarship-granting organizations for informational purposes only, including information on—

(A) student eligibility;

(B) allowable educational expenses;

(C) the types of allowable education providers;

(D) the percentage of funds an organization may use for program administration; and

(E) the percentage of total contributions the organization awards in a calendar year.

(b) NONPORTAL CONTRIBUTIONS.—A taxpayer may opt to make a contribution directly to an eligible 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, applies for, and receives pre-approval 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—

(I) an 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 on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(II) an 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 those individuals in all such States, as so determined.

(B) **MINIMUM ALLOCATION.**—Notwithstanding subparagraph (A), no State receiving an allocation under this section may receive less than ½ of 1 percent of the amount allocated for a fiscal year.

(3) **ALLOWABLE PARTNERSHIPS.**—A State may choose to 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 TO STATES.**—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 this section as 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 paragraph (2) for the applicable year.

(B) **LIST OF ELIGIBLE SCHOLARSHIP-GRANTING ORGANIZATIONS.**—

(i) **IN GENERAL.**—Not later than January 1 of each applicable year, or as early as practicable with respect to the first year, each State 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 the State has the authority to perform this function.

(ii) **RULE OF CONSTRUCTION.**—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.

(D) **REALLOCATION.**—On or after April 1 of any applicable year, the Secretary of the Treasury may reallocate, to one or more other States that have 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 HOMESCHOOL AND ADDITIONAL ELEMENTARY AND SECONDARY EXPENSES.**

(a) **IN GENERAL.**—Section 529(c)(7) of the Internal Revenue Code of 1986 is 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, any reference in this section to the term ‘qualified higher education expense’ shall include a reference to the following ex-

penses in connection with enrollment or attendance at, or for students enrolled at or attending, an elementary or secondary public, private, or religious school:

“(i) Curriculum and curricular materials.

“(ii) Books or other instructional materials.

“(iii) Online educational materials.

“(iv) 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—

“(I) is licensed as a teacher in any State,

“(II) has taught at an eligible educational institution, or

“(III) is a subject matter expert in the relevant subject.

“(v) Fees for a nationally standardized norm-referenced achievement test, an advanced placement examination, or any examinations related to college or university admission.

“(vi) Fees for dual enrollment in an institution of higher education.

“(vii) Educational therapies for students with disabilities provided by a licensed or accredited practitioner or provider, including occupational, behavioral, physical, and speech-language therapies.

“(C) **TREATMENT OF HOMESCHOOL 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, the term ‘qualified higher education expense’ shall include expenses for the purposes described in subparagraphs (A) and (B) in connection with a homeschool (whether treated as a homeschool or a private school for purposes of applicable State law).”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act.

**Subtitle B—Back to Work Child Care Grants**

**SEC. 6101. 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 return to work.

(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 CHILD CARE PROVIDER.**—The term “eligible child care provider” means—

(A) an eligible child care provider as defined in section 658P(6)(A) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(6)(A)); and

(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 658E(c)(2)(I) of the Child Care and Development Block Grant Act of 1990 ((42 U.S.C. 9858c)(c)(2)(I)).

(3) **INDIAN TRIBE; TRIBAL ORGANIZATION.**—The terms “Indian tribe” and “tribal organization” have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(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. 9858n).

(5) **QUALIFIED CHILD CARE PROVIDER.**—The term “qualified child care provider” means an eligible child care provider with an application approved under subsection (g) for the program involved.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(7) **STATE.**—The term “State” has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(c) **GRANTS FOR CHILD CARE PROGRAMS.**—From the funds appropriated to carry out this section, the Secretary shall make Back to Work Child Care grants to States, Indian tribes, and tribal organizations, that submit notices of intent to provide assurances under subsection (d)(2). The grants shall provide for subgrants to qualified child care providers, for a transition period of not more than 9 months to assist in paying for fixed costs and increased operating expenses due to COVID-19, and to reenroll children in an environment that supports the health and safety of children and staff.

(d) **PROCESS FOR ALLOCATION OF FUNDS.**—

(1) **ALLOCATION.**—Any funds that are appropriated to carry out this section shall be distributed by the Secretary to the Administration for Children and Families for distribution under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) in accordance with subsection (e)(2) of this section.

(2) **NOTICE.**—Not later than 7 days after funds are appropriated to carry out this section, the Secretary shall provide to States, Indian tribes, and tribal organizations a notice of funding availability, for Back to Work Child Care grants 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.

(3) **NOTICE OF INTENT.**—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 such a grant shall submit to the Secretary 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 will 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.

(4) **GRANTS TO LEAD AGENCIES.**—The Secretary may make grants under subsection (c) to the lead agency of each State, Indian tribe, or tribal organization, upon receipt of the notice of intent to provide assurances for such grant.

(5) **PROVISION OF ASSURANCES.**—Not later than 15 days after receiving the grant, the State, Indian tribe, or tribal organization shall provide assurances that meet the requirements of subsection (f).

(e) **FEDERAL RESERVATION; ALLOTMENTS AND PAYMENTS.**—

(1) **RESERVATION.**—The Secretary shall reserve not more than 1 percent of the amount appropriated to carry out this section to pay for the costs of the Federal administration of this section. The amount appropriated to carry out this section and reserved under this paragraph shall remain available through fiscal year 2021.

(2) **ALLOTMENTS AND PAYMENTS.**—The Secretary shall use the remaining portion of

such amount to make allotments and payments, to States, Indian tribes, and tribal organizations that submit such a notice of intent to provide assurances, in accordance with paragraphs (1) and (2) of subsection (a), and subsection (b), of section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m), 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 Secretary assurances that the lead agency will—

(1) require as a condition of subgrant funding 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 requirements 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 documentation and reporting requirements under subsection (h); 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, unless such program is closed due 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);

(2) ensure eligible child care providers in urban, suburban, and rural areas can readily apply for and access funding under this section, which shall include the provision of technical assistance either directly or through resource and referral agencies or staffed family child care provider networks;

(3) ensure that subgrant funds are made available to eligible child care providers regardless of whether the eligible child care provider is providing services for which assistance 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 application for a subgrant;

(4) through at least December 31, 2020, continue to expend funds provided under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) for the purpose of continuing payments and assistance to qualified child care providers on the basis of applicable reimbursements prior to March 2020;

(5) undertake a review of burdensome State, local, and tribal regulations and requirements that hinder the opening of new licensed child care programs to meet the needs of the working families in the State or tribal community, as applicable;

(6) make available to the public, which shall include, at a minimum, posting to an internet website of the lead agency—

(A) notice of funding availability through subgrants for qualified child care providers under this section; and

(B) the criteria for awarding subgrants for qualified child care providers, including the methodology the lead agency used to determine and disburse funds in accordance with subparagraphs (D) and (E) of subsection (g)(4); and

(7) ensure the maintenance of a delivery system of child care services throughout the State that provides for child care in a variety of settings, including the settings of family child care providers.

(g) LEAD AGENCY USE OF FUNDS.—

(1) IN GENERAL.—A lead agency that receives a Back to Work Child Care grant under this section—

(A) shall use a portion that is not less than 94 percent of the grant funds to award subgrants to qualified child care providers as described in the lead agency's assurances pursuant to subsection (f);

(B) shall reserve not more than 6 percent of the funds to—

(i) use not less than 1 percent of the funds to provide technical assistance and support in applying for and accessing funding through such subgrants to eligible child care providers, including to rural providers, family child care providers, and providers with limited administrative capacity; and

(ii) use the remainder of the reserved funds to—

(I) administer subgrants to qualified child care providers under paragraph (4), which shall include monitoring the compliance of qualified child care providers with applicable State, local, and tribal health and safety requirements; and

(II) comply with the reporting and documentation requirements described in subsection (h); and

(C)(i) shall not make more than 1 subgrant under paragraph (4) to a child care provider, except as described in clause (ii); and

(ii) may make multiple subgrants to a qualified child care provider, if the lead agency makes each subgrant individually for 1 child care program operated by the provider and the funds from the multiple subgrants are not pooled for use for more than 1 of the programs.

(2) ROLE OF THIRD PARTY.—The lead agency may designate a third party, such as a child care resource and referral agency, to carry out the responsibilities of the lead agency, and oversee the activities conducted by qualified child care providers under this subsection.

(3) OBLIGATION AND RETURN OF FUNDS.—

(A) OBLIGATION.—

(i) IN GENERAL.—The lead agency shall obligate at least 50 percent of the grant funds in the portion described in paragraph (1)(A) for subgrants to qualified child care providers by the day that is 6 months after the date of enactment of this Act.

(ii) WAIVERS.—At the request of a State, Indian tribe, or tribal organization, and for good cause shown, the Secretary may waive the requirement under clause (i) for the State, Indian tribe, or tribal organization.

(B) RETURN OF FUNDS.—Not later than the date that is 12 months after a grant is awarded to a lead agency in accordance with this section, the lead agency shall return to the Secretary any of the grant funds that are not obligated by the lead agency by such date. The Secretary shall return any funds received under this subparagraph to the Treasury of the United States.

(4) SUBGRANTS.—

(A) IN GENERAL.—A lead agency that receives a grant under subsection (c) shall make subgrants to qualified child care providers to assist in paying for fixed costs and increased operating expenses, for a transition period of not more than 9 months, so that parents have a safe place for their children to receive child care as the parents return to the workplace.

(B) USE OF FUNDS.—A qualified child care provider may use subgrant funds for—

(i) sanitation and other costs associated with cleaning the facility, including deep cleaning in the case of an outbreak of COVID-19, of a child care program used to provide child care services;

(ii) recruiting, retaining, and compensating child care staff, including providing professional development to the staff related to child care services and applicable State,

local, and tribal health and safety requirements and, if applicable, enhanced protocols for child care services and related to COVID-19 or another health or safety condition;

(iii) paying for fixed operating costs associated with providing child care services, including the costs of payroll, the continuation of existing (as of March 1, 2020) employee benefits, mortgage or rent, utilities, and insurance;

(iv) acquiring equipment and supplies (including personal protective equipment) necessary to provide child care services in a manner that is safe for children and staff in accordance with applicable State, local, and tribal health and safety requirements;

(v) replacing materials that are no longer safe to use as a result of the COVID-19 public health emergency;

(vi) making facility changes and repairs to address enhanced protocols for child care services related to COVID-19 or another health or safety condition, to ensure children can safely occupy a child care facility;

(vii) purchasing or updating equipment and supplies to serve children during nontraditional hours;

(viii) adapting the child care program or curricula to accommodate children who have not had recent access to a child care setting;

(ix) carrying out any other activity related to the child care program of a qualified child care provider; and

(x) reimbursement of expenses incurred before the provider received a subgrant under this paragraph, if the use for which the expenses are incurred is described in any of clauses (i) through (ix) and is disclosed in the subgrant application for such subgrant.

(C) SUBGRANT APPLICATION.—To be qualified to receive a subgrant under this paragraph, an eligible child care provider shall submit an application to the lead agency in such form and containing such information as the lead agency may reasonably require, including—

(i) a budget plan that includes—

(I) information describing how the eligible child care provider will use the subgrant funds to pay for fixed costs and increased operating expenses, including, as applicable, payroll, employee benefits, mortgage or rent, utilities, and insurance, described in subparagraph (B)(iii);

(II) data on current operating capacity, taking into account previous operating capacity for a period of time prior to the COVID-19 public health emergency, and updated group size limits and staff-to-child ratios;

(III) child care enrollment, attendance, and revenue projections based on current operating capacity and previous enrollment and revenue for the period described in subclause (II); and

(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 its operations after the cessation of funding under this section;

(ii) assurances 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 characteristics, including revenue, and data on current average enrollment and attendance;

(II) not artificially suppress revenue, enrollment, or attendance for the purposes of receiving subgrant funding;

(III) provide the necessary documentation under subsection (h) to the lead agency, including providing documentation of expenditures of subgrant funds; and

(IV) implement all applicable State, local, and tribal health and safety requirements and, if applicable, enhanced protocols for

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 1 year after receiving a subgrant under this paragraph, unless such program is closed due to extraordinary circumstances described in subsection (f)(1)(D).

(D) SUBGRANT DISBURSEMENT.—In providing funds through a subgrant under this paragraph—

(i) the lead agency shall—

(I) disburse such subgrant funds to a qualified child care provider in installments made not less than once monthly;

(II) disburse a subgrant installment for a month after the qualified child care provider has provided, before that month, the enrollment, attendance, and revenue data required under subparagraph (C)(ii)(I) and, if applicable, current operating capacity data required under subparagraph (C)(i)(II); and

(III) make subgrant installments to any qualified child care provider for a period of not more than 9 months; and

(i) the lead agency may, notwithstanding subparagraph (E)(i), disburse an initial subgrant installment to a 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 the amount on—

(I)(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 State, for the purposes of assisting qualified child care providers with, as applicable, 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 (f)(6)(B);

(i) shall ensure that, for any period for which subgrant funds are disbursed under this paragraph, no qualified child care provider receives a subgrant installment that when added to current revenue for that period exceeds the revenue for the corresponding period 1 year prior; and

(iii) may factor in decreased operating capacity due to updated group size limits and staff-to-child ratios, in determining subgrant installment amounts.

(F) REPAYMENT OF SUBGRANT FUNDS.—A qualified child care provider that receives a subgrant under this paragraph shall be required to repay the subgrant funds if the lead agency determines that the provider fails to provide the assurances described in subparagraph (C)(ii)(II), or to comply with such an assurance.

(5) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, tribal, and local public funds expended to provide child care services, including funds provided under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) and State and tribal child care programs.

(h) DOCUMENTATION AND REPORTING REQUIREMENTS.—

(1) DOCUMENTATION.—A State, Indian tribe, or tribal organization receiving a grant under subsection (c) shall provide documentation of any State or tribal expenditures from grant funds received under subsection (c) in accordance with section 658K(b) of the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858i(b)), and to

the independent entity described in that section.

(2) REPORTS.—

(A) LEAD AGENCY REPORT.—A lead agency receiving a grant under subsection (c) shall, not later than 12 months after receiving such grant, submit a report to the Secretary that includes for the State or tribal community involved a description of the program of subgrants carried out to meet the objectives of this section, including—

(i) a description of how the lead agency determined—

(I) the criteria for awarding subgrants for qualified child care providers, including the methodology the lead agency used to determine and disburse funds in accordance with subparagraphs (D) and (E) of subsection (g)(4); and

(II) the types of providers that received priority for the subgrants, including considerations related to—

(aa) setting;

(bb) average monthly revenues, enrollment, and attendance, before and during the COVID-19 public health emergency and after the expiration of State, local, and tribal stay-at-home orders; and

(cc) geographically based child care service needs across the State or tribal community; and

(ii) the number of eligible child care providers in operation and serving children on March 1, 2020, and the average number of such providers for March 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 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, the average number of such slots for March 2020 and each of 11 months following, disaggregated by age of children served, geography, region, center-based child care setting, and family child care setting;

(iv)(I) 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, and the average and range of the amounts of the subgrants awarded; and

(II) the percentage of all eligible child care providers that are qualified child care providers that received such a subgrant, disaggregated as described in subclause (I); and

(v) information concerning how qualified child care providers receiving subgrants 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.

## TITLE VII—PANDEMIC PREPARATION AND STRATEGIC STOCKPILE

### SEC. 7001. SUSTAINED ON-SHORE MANUFACTURING CAPACITY FOR PUBLIC HEALTH EMERGENCIES.

(a) IN GENERAL.—Section 319L of the Public Health Service Act (42 U.S.C. 247d-7e) is amended—

(1) in subsection (a)(6)(B)—

(A) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively;

(B) by inserting after clause (iii), the following:

“(iv) activities to support domestic manufacturing surge capacity of products or platform technologies, including manufacturing capacity and capabilities to utilize platform technologies to provide for flexible manufacturing initiatives;”;

(C) in clause (vi) (as so redesignated), by inserting “manufacture,” after “improvement;”;

(2) in subsection (b)—

(A) in the first sentence of paragraph (1), by inserting “support for domestic manufacturing surge capacity,” after “initiatives for innovation;”;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) by redesignating subparagraph (C) as subparagraph (D); and

(iii) by inserting after subparagraph (B), the following:

“(C) activities to support manufacturing surge capacities and capabilities to increase the availability of existing medical countermeasures and utilize existing novel platforms to manufacture new medical countermeasures to meet manufacturing demands to address threats that pose a significant level of risk to national security; and”;

(3) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (C), by striking “and” at the end;

(ii) in subparagraph (D), by striking the period and inserting “; and”;

(iii) by adding at the end the following:

“(E) promoting domestic manufacturing surge capacity and capabilities for countermeasure advanced research and development, including facilitating contracts to support flexible or surge manufacturing.”;

(B) in paragraph (4)—

(i) in subparagraph (B)—

(I) in clause (iii), by striking “and” at the end;

(II) in clause (iv), by striking the period and inserting “; and”;

(III) by adding at the end the following:

“(v) support and maintain domestic manufacturing surge capacity and capabilities, including through contracts to support flexible or surge manufacturing, to ensure that additional production of countermeasures is available in the event that the Secretary determines there is such a need for additional production.”;

(ii) in subparagraph (D)—

(I) in clause (ii), by striking “and” at the end;

(II) by redesignating clause (iii) as clause (iv); and

(III) by inserting after clause (ii) the following:

“(iii) research to advance manufacturing capacities and capabilities for medical countermeasures and platform technologies that may be utilized for medical countermeasures; and”;

(iii) in subparagraph (E), by striking clause (ix); and

(C) in paragraph (7)(C)(i), by striking “up to 100 highly qualified individuals, or up to 50 percent of the total number of employees, whichever is less,” and inserting “75 percent of the total number of employees”;

(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 shall be provided with an additional 60 business days to comply with information requests for the disclosure of information under section 552 of title 5, United States Code, related to the activities under this section (unless such activities are otherwise exempt under subparagraph (A)).”; and

(5) in subsection (f)—

(A) in paragraph (1), by striking “Not later than 180 days 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 202 of division A of the Further 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-7e(c)(4)(E)).

#### SEC. 7002. IMPROVING AND SUSTAINING STATE MEDICAL STOCKPILES.

Section 319F-2 of the Public Health Service Act (42 U.S.C. 247d-6b) is amended by adding at the end the following:

“(i) IMPROVING AND MAINTAINING STATE MEDICAL STOCKPILES.—

“(1) 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 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 be used during a public health emergency declared by the Governor of a State or by the Secretary under section 319, 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, in order to support the preparedness goals described in paragraphs (2), (3), and (8) of section 2802(b).

“(2) ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—To be eligible to receive an award under paragraph (1), an entity shall—

“(i) be a State or consortium of States that is a recipient of an award under section 319C-1(b); and

“(ii) prepare, in consultation with appropriate health care providers and health officials within the State or consortium of States, and submit to the Secretary an application that contains such information as the Secretary may require, including a plan for the State stockpile and a description of the activities such entity will carry out under

the agreement, consistent with the requirements of paragraph (3).

“(B) LIMITATION.—The Secretary may make an award under this subsection to not more than one eligible entity in each State.

“(C) SUPPLEMENT NOT SUPPLANT.—Awards, contracts, or grants awarded under this subsection shall supplement, not supplant, the reserve amounts of medical supplies procured by and for the Strategic National Stockpile under subsection (a).

“(D) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of amounts received by an entity pursuant to an award under this subsection may be used for administrative expenses.

“(E) 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 available 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 \$10 of Federal funds provided in the award;

“(II) for each of fiscal years 2025 and 2026, not less than \$1 for each \$5 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) in whole or in part if the Secretary determines that extraordinary economic conditions in the State in the fiscal year involved or in the previous fiscal year justify 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 a grant, contract, or cooperative agreement under this subsection shall use such funds to carry out the following:

“(A) Maintaining 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 administration of drugs, vaccines and other biological products, medical devices, and diagnostic tests) to be used during a public health emergency in such numbers, types, and amounts as the State determines necessary, consistent with such State’s stockpile plan. Such a recipient may not use funds to support the stockpiling of countermeasures as defined under subsection (c), unless the eligible entity provides justification for maintaining such products and the Secretary determines such appropriate and applicable.

“(B) Deploying the stockpile as required by the State to respond to an actual or potential public health emergency.

“(C) Replenishing and making necessary additions or modifications to the contents of such stockpile or stockpiles, including to address potential depletion.

“(D) In consultation with Federal, State, and local officials, take into consideration the availability, deployment, dispensing, and administration requirements of medical products within the stockpile.

“(E) Ensuring that procedures are followed for inventory management and accounting,

and for the physical security of the stockpile, as appropriate.

“(F) Reviewing and revising, as appropriate, the contents of the stockpile on a regular basis to ensure that to the extent practicable, advanced technologies and medical products are considered.

“(G) Carrying out exercises, drills, and other training for purposes of stockpile deployment, dispensing, and administration of medical products, and for purposes of assessing the capability of such stockpile to address the medical supply needs of public health emergencies of varying types and scales, which may be conducted in accordance with requirements related to exercises, drills, and other training for recipients of awards under section 319C-1 or 319C-2, as applicable.

“(H) Carrying out other activities as the State determines appropriate, to support State efforts to prepare for, and respond to, public health threats.

“(4) STATE PLAN COORDINATION.—The eligible entity under this subsection shall ensure appropriate coordination of the State stockpile plan developed pursuant to paragraph (2)(A)(i) and the plans required pursuant to section 319C-1.

“(5) GUIDANCE FOR STATES.—Not later than 180 days after the date of enactment of this subsection, the Secretary, acting through the Assistant Secretary for Preparedness and Response, shall issue guidance for States related to maintaining and replenishing a stockpile of medical products. The Secretary shall update such guidance as appropriate.

“(6) ASSISTANCE TO STATES.—The Secretary shall provide assistance to States, including technical assistance, as appropriate, to maintain and improve State and local public health preparedness capabilities to distribute and dispense medical products from a State stockpile.

“(7) COORDINATION WITH THE STRATEGIC NATIONAL STOCKPILE.—Each recipient of an award under this subsection shall ensure that the State stockpile plan developed pursuant to paragraph (2)(A)(i) contains such information as the Secretary may require related to current inventory of supplies maintained pursuant to paragraph (3), and any plans to replenish such supplies, or procure new or alternative supplies. The Secretary shall use information obtained from State stockpile plans to inform the maintenance and management of the Strategic National Stockpile pursuant to subsection (a).

“(8) 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 an award 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) at least annually, test, exercise, and rigorously evaluate the stockpile capacity and response capabilities of the entity, and report to the Secretary on the results of such test, exercise, and evaluation, and on progress toward achieving outcome goals, based on criteria established by the Secretary.

“(B) NOTIFICATION 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 the terms of an award under 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).

“(C) WITHHOLDING OF CERTAIN AMOUNTS FROM ENTITIES THAT FAIL TO ACHIEVE BENCHMARKS OR SUBMIT STATE STOCKPILE PLAN.—Beginning with fiscal year 2022, and in each succeeding fiscal year, the Secretary shall withhold from each entity that has failed substantially to meet the terms of an award under this subsection for at least 1 of the 2 immediately preceding fiscal years (beginning with fiscal year 2022), the amount allowed for administrative expenses described in described in paragraph (2)(D).

“(9) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, 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. 247d–6b) is amended—

(1) in subsection (a)—

(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 redesignating 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 (3), may—

“(A) 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 in 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 of—

“(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 consider costs 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 provided in a timely manner, to be delivered to the ownership of the Federal Government under the contract and deployed in the event that 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 this paragraph.”; and

(E) in subparagraph (A) of paragraph (6), as so redesignated—

(i) in clause (viii), by striking “; and” and inserting a semicolon;

(ii) in clause (ix), by striking the period and inserting “; and”;

(iii) by adding at the end the following:

“(x) an assessment of the contracts or cooperative agreements entered into pursuant to paragraph (5).”;

(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.

Section 601(d)(3) of the Social Security Act (42 U.S.C. 801(d)(3)) is amended by striking “December 30, 2020” and inserting “September 30, 2021”.

#### TITLE IX—CHARITABLE GIVING

##### SEC. 9001. INCREASE IN LIMITATION ON PARTIAL ABOVE THE LINE DEDUCTION FOR CHARITABLE CONTRIBUTIONS.

(a) INCREASE.—

(1) IN GENERAL.—Paragraph (22) of section 62(a) of the Internal Revenue Code of 1986 is amended to read as follows:

“(22) CHARITABLE CONTRIBUTIONS.—In the case of a taxable year beginning in 2020 of an individual to whom section 63(b) 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 \$600 (twice such amount in the case of a joint return).”

(3) CONFORMING AMENDMENT.—Section 62(f)(2)(B) of such Code is amended by striking “(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 (8) 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 overstatements of a qualified charitable contribution (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)”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

#### TITLE X—CRITICAL MINERALS

##### SEC. 1001. MINERAL SECURITY.

(a) DEFINITIONS.—In this section:

(1) BYPRODUCT.—The term “byproduct” means a critical mineral—

(A) the recovery of which depends on the production of a host mineral that is not designated as a critical mineral; and

(B) that exists in sufficient quantities to be recovered during processing or refining.

(2) CRITICAL MINERAL.—

(A) IN GENERAL.—The term “critical mineral” means any mineral, element, substance, or material designated as critical by the Secretary under subsection (c).

(B) EXCLUSIONS.—The term “critical mineral” does not include—

(1) fuel minerals, including oil, natural gas, or any other fossil fuels; or

(ii) water, ice, or snow.

(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).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(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;

“(8) 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;

“(9) 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 manufacturing;

“(10) bolster international cooperation through technology transfer, information sharing, and other means;

“(11) promote the efficient production, use, and recycling of critical minerals;

“(12) develop alternatives to critical minerals; and

“(13) 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) As used 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 3168(c) of the National Defense Authorization Act for Fiscal Year 2021.

“(2) MATERIALS.—The term”.

(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, and materials that qualify as critical minerals; and

(C) a draft list of critical minerals recovered as byproducts.

(2) AVAILABILITY OF DATA.—If available data is 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 and lists 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, and 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) the supply chain 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 under paragraph (3), the Secretary may designate and include on the list any mineral, element, substance, or material determined by another Federal agency to be strategic and critical 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 Defense, 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, and 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 and the list 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.

(d) RESOURCE ASSESSMENT.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, in consultation with applicable State (including geological surveys), local, academic, industry, and other entities, the Secretary (acting through the Director of the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral that—

(A) identifies and quantifies known critical mineral resources, using all available public and private information and datasets, including exploration histories; and

(B) provides a quantitative and 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.

(2) SUPPLEMENTARY INFORMATION.—In carrying out this subsection, the Secretary may carry out surveys and field work (including drilling, remote sensing, geophysical surveys, topographical and geological mapping, and geochemical sampling and analysis) to supplement existing information and datasets available for determining the existence of critical minerals in the United States.

(3) PUBLIC ACCESS.—Subject to applicable law, to the maximum extent practicable, the Secretary shall make all data and metadata collected from the comprehensive national assessment carried out under paragraph (1) publicly and electronically accessible.

(4) TECHNICAL ASSISTANCE.—At the request of the Governor of a State or the head of an Indian tribe, the Secretary may provide technical assistance to State governments and Indian tribes conducting critical mineral resource assessments on non-Federal land.

(5) PRIORITIZATION.—

(A) IN GENERAL.—The Secretary may sequence the completion of resource assessments for each critical mineral such that critical minerals considered to be most critical under the methodology established under subsection (c) are completed first.

(B) REPORTING.—During the period beginning not later than 1 year after the date of enactment of this Act and ending on the date of completion of all of the assessments required under this subsection, the Secretary shall submit to Congress on an annual basis an interim report that—

(i) identifies the sequence and schedule for completion of the assessments if the Secretary sequences the assessments; or

(ii) describes the progress of the assessments if the Secretary does not sequence the assessments.

(6) UPDATES.—The Secretary may periodically update the assessments conducted under this subsection based on—

(A) the generation of new information or datasets by the Federal Government; or

(B) the receipt of new information or datasets from critical mineral producers, State geological surveys, academic institutions, trade associations, or other persons.

(7) ADDITIONAL SURVEYS.—The Secretary shall complete a resource assessment for each additional mineral or element subsequently designated as a critical mineral under subsection (c)(5)(B) not later than 2 years after the designation of the mineral or element.

(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 Federal land for any mineral commodity—

(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) SENSE OF CONGRESS.—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 Bureau of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) (referred to in this subsection as the “Secretaries”) 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, by—

(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 priorities and resolve 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 that—

(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;

(B) identifies options (including cost recovery paid by permit applicants) for ensuring adequate staffing and training of Federal entities and personnel responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land;

(C) quantifies the amount of time typically required (including range derived from minimum and maximum durations, mean, median, variance, and other statistical measures or representations) to complete each step (including those aspects outside the control of the executive branch, such as judicial review, applicant decisions, or State and local government involvement) associated with the development and processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, which shall serve as a baseline for the performance metric under paragraph (4); and

(D) describes actions carried out pursuant to paragraph (2).

(4) PERFORMANCE METRIC.—Not later than 90 days after the date of submission of the report under paragraph (3), the Secretaries, after providing public notice and an opportunity to comment, shall develop and publish a performance metric for evaluating the progress made by the executive branch to expedite 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 section 1105 of title 31, United States Code, after publication of the performance metric required under paragraph (4), and annually thereafter, the Secretaries 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 established pursuant to paragraph (3)(C), on 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 applicable to the critical minerals industry; and

(B) performing an analysis of regulations applicable to the critical minerals industry that may be outmoded, 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) PREPARATION.—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 originated in, and transmitted to the Federal Register from, the office in which, as applicable—

(A) the documents or meetings are held; or

(B) the activity is initiated.

(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 the 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—

(A) 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 carry out activities that include the identification and development of—

(A) advanced critical mineral extraction, production, separation, alloying, or processing technologies that decrease the energy consumption, environmental impact, and costs of those activities, including—

(i) efficient water and wastewater management strategies;

(ii) technologies and management strategies to control the environmental impacts of radionuclides in ore tailings;

(iii) technologies for separation and processing; and

(iv) technologies for increasing the recovery rates of byproducts from host metal ores;

(B) technologies or process improvements that minimize the use, or lead to more efficient use, of critical minerals across the full supply chain;

(C) technologies, process improvements, or design optimizations that facilitate the recycling of critical minerals, and options for improving the rates of collection of products and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(D) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical minerals processing byproducts;

(E) alternative minerals, metals, and materials, particularly those available in abundance within the United States and not sub-

ject 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 others in order to maximize the application of existing competencies related to developing and maintaining computer-models and similar analytical tools, shall conduct and publish the results of an annual report that includes—

(A) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, 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 or other price data for each critical mineral;

(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 shortages, restrictions, 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 discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(viii) such other data, analyses, and evaluations as the Secretary finds are 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;

(ii) the quantity of each critical mineral projected to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods;

(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 projected reliance 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 purposes of this subsection.

(2) 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, Research and Development Act of 1980 (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 or data has been 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 proprietary information, including any trade secrets or other confidential information.

(i) EDUCATION AND WORKFORCE.—

(1) WORKFORCE ASSESSMENT.—Not later than 1 year and 300 days after the date of enactment of this Act, the Secretary of Labor (in consultation with the Secretary, the Director of the National Science Foundation, institutions of higher education with substantial expertise in mining, institutions of higher education with significant expertise in minerals research, including fundamental research into alternatives, and employers in the critical minerals sector) shall submit to Congress an assessment of the domestic availability of technically trained personnel necessary for critical mineral exploration, development, assessment, production, manufacturing, recycling, analysis, forecasting, education, and research, including an analysis of—

(A) skills that are in the shortest supply as of the date of the assessment;

(B) skills that are projected to be in short supply in the future;

(C) the demographics of the critical minerals industry and how the demographics will evolve under the influence of factors such as an aging workforce;

(D) the effectiveness of training and education programs in addressing skills shortages;

(E) opportunities to hire locally for new and existing critical mineral activities;

(F) the sufficiency of personnel within relevant areas of the Federal Government for achieving the policies described in section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602); and

(G) the potential need for new training programs to have a measurable effect on the supply of trained workers in the critical minerals industry.

(2) CURRICULUM STUDY.—

(A) IN GENERAL.—The Secretary and the Secretary of Labor shall jointly enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering under which the Academies shall coordinate with the National Science Foundation on conducting a study—

(i) to design an interdisciplinary program on critical minerals that will support the critical mineral supply chain and improve the ability of the United States to increase domestic, critical mineral exploration, development, production, manufacturing, research, including fundamental research into alternatives, and recycling;

(ii) to address undergraduate and graduate education, especially to assist in the development of graduate level programs of research and instruction that lead to advanced degrees with an emphasis on the critical mineral supply chain or other positions that will increase domestic, critical mineral exploration, development, production, manufacturing, research, including fundamental research into alternatives, and recycling;

(iii) to develop guidelines for proposals from institutions of higher education with substantial capabilities in the required disciplines for activities to improve the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, research, development, production, manufacturing, and recycling; and

(iv) to outline criteria for evaluating performance and recommendations for the amount of funding that will be necessary to establish and carry out the program described in paragraph (3).

(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 subparagraph (A).

(3) PROGRAM.—

(A) ESTABLISHMENT.—The Secretary and the Secretary of Labor shall jointly conduct a competitive grant program under which institutions of higher education may apply for and receive 4-year grants for—

(i) startup costs for newly designated faculty positions in integrated critical mineral education, research, innovation, training, and workforce development programs consistent with paragraph (2);

(ii) internships, scholarships, and fellowships for students enrolled in programs related to critical minerals;

(iii) equipment necessary for integrated critical mineral innovation, training, and workforce development programs; and

(iv) research of critical minerals and their applications, particularly concerning the manufacture of critical components vital to national security.

(B) RENEWAL.—A grant under this paragraph shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under paragraph (2)(A)(iv).

(j) NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA PRESERVATION PROGRAM.—Section 351(k) of the Energy Policy Act of 2005 (42 U.S.C. 15908(k)) is amended by striking “\$30,000,000 for each of fiscal years 2006 through 2010” and inserting “\$5,000,000 for each of fiscal years 2021 through 2030, to remain available until expended”.

(k) ADMINISTRATION.—

(1) IN GENERAL.—The National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 3(d) of the National Superconductivity and Competitiveness Act of 1988 (15 U.S.C. 5202(d)) is amended in the first sentence by striking “, with the assistance of the National Critical Materials Council as specified in the National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.).”.

(3) SAVINGS CLAUSES.—

(A) IN GENERAL.—Nothing in this section or an amendment made by this section modifies any requirement or authority provided by—

(i) the matter under the heading “GEOLOGICAL SURVEY” of the first section of the Act of March 3, 1879 (43 U.S.C. 31(a)); or

(ii) the first section of Public Law 87–626 (43 U.S.C. 31(b)).

(B) EFFECT ON DEPARTMENT OF DEFENSE.—Nothing in this section or an amendment made by this section affects the authority of the Secretary of Defense with respect to the work of the Department of Defense on critical material supplies in furtherance of the national defense mission of the Department of Defense.

(C) SECRETARIAL ORDER NOT AFFECTED.—This section shall not apply to any mineral described in Secretarial Order No. 3324, issued by the Secretary on December 3, 2012, in any area to which the order applies.

(4) APPLICATION OF CERTAIN PROVISIONS.—

(A) IN GENERAL.—Subsections (e) and (f) shall apply to—

(i) an exploration project in which the presence of a byproduct is reasonably expected, based on known mineral companionship, geologic formation, mineralogy, or other factors; and

(ii) a project that demonstrates that the byproduct is of sufficient grade that, when combined with the production of a host mineral, the byproduct is economic to recover, as determined by the applicable Secretary in accordance with subparagraph (B).

(B) REQUIREMENT.—In making the determination under subparagraph (A)(ii), the applicable Secretary shall consider the cost effectiveness of the byproducts recovery.

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2021 through 2030.

#### SEC. 10002. RARE EARTH ELEMENT ADVANCED COAL TECHNOLOGIES.

(a) PROGRAM FOR EXTRACTION AND RECOVERY OF RARE EARTH ELEMENTS AND MINERALS FROM COAL AND COAL BYPRODUCTS.—

(1) IN GENERAL.—The Secretary of Energy, acting through the Assistant Secretary for Fossil Energy (referred to in this section as the “Secretary”), shall carry out a program under which the Secretary shall develop advanced separation technologies for the extraction and recovery of rare earth elements and minerals from coal and coal byproducts.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program described in paragraph (1) \$23,000,000 for each of fiscal years 2021 through 2028.

(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 minerals from coal and coal byproducts, including acid mine drainage from coal mines.

**TITLE XI—MISCELLANEOUS PROVISIONS****SEC. 11001. 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 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this division and the amendments made by this division are designated as an emergency requirement pursuant to section 4112(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 are 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 sections 658E(c)(3)(D)–(E) or 658G of the Child Care and Development Block Grant Act: *Provided*, That funds provided under this heading in this Act may be used to provide continued payments and assistance to child care providers in the case of decreased enrollment or closures related to coronavirus, and to assure 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 payments 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: *Provided further*, That the Secretary shall remind States that CCDBG State plans do not need to be amended prior to utilizing existing authorities in the CCDBG Act for the purposes provided herein: *Provided further*, That States, Territories, and Tribes are authorized to use funds appropriated under this heading in this Act to provide child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to coronavirus by public officials, without regard to the income eligibility requirements of section 658P(4) of such Act: *Provided further*, That funds appropriated under this heading in this Act shall be available to eligible child care providers under section 658P(6) of the CCDBG Act, even if such providers were not receiving CCDBG assistance prior to the public health emergency as a result of the coronavirus and any renewal of such declaration pursuant to such section 319, for the purposes of cleaning and sanitation, and other activities necessary to maintain or resume the operation of programs: *Provided further*, That payments made under this heading in this Act may be obligated in this fiscal year or the succeeding two fiscal years: *Provided further*, That funds appropriated under this heading in this Act may be made available to restore amounts,

either directly or through reimbursement, for obligations incurred to prevent, prepare for, and respond to coronavirus, domestically or internationally, prior to the date of enactment of this Act: *Provided further*, 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.

**BACK TO WORK CHILD CARE GRANTS**

For an additional amount for “Back to Work Child Care Grants”, \$10,000,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for activities to carry out Back to Work Child Care Grants as authorized by section 6101 of division A of this Act: *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.

**OFFICE OF THE SECRETARY****PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND****(INCLUDING TRANSFER OF FUNDS)**

For an additional amount for “Public Health and Social Services Emergency Fund”, \$31,000,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing platform-based technologies with U.S.-based manufacturing capabilities, the purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, as well as medical surge capacity, addressing blood supply chain, workforce modernization, telehealth access and infrastructure, initial advanced manufacturing, novel dispensing, enhancements to the U.S. Commissioned Corps, and other preparedness and response activities: *Provided*, That funds appropriated under this paragraph in this Act may be used to develop and demonstrate innovations and enhancements to manufacturing platforms to support such capabilities: *Provided further*, That the Secretary of Health and Human Services shall purchase vaccines developed using funds made available under this paragraph in this Act to respond to an outbreak or pandemic related to coronavirus in quantities determined by the Secretary to be adequate to address the public health need: *Provided further*, That products purchased by the Federal government with funds made available under this paragraph in this Act, including vaccines, therapeutics, and diagnostics, shall be purchased in accordance with Federal Acquisition Regulation guidance on fair and reasonable pricing: *Provided further*, That the Secretary may take such measures authorized under current law to ensure that vaccines, therapeutics, and diagnostics developed from funds provided in this Act will be affordable in the commercial market: *Provided further*, That in carrying out the previous proviso, the Secretary shall not take actions that delay the development of such products: *Provided further*, That the Secretary shall ensure that protections remain for individuals enrolled in group or individual health care coverage with pre-existing conditions, including those linked to coronavirus: *Provided further*, That products purchased with funds appropriated under this paragraph in this Act may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, not more

than \$2,000,000,000 shall be for the Strategic National Stockpile under section 319F–2(a) of such Act: *Provided further*, That funds appropriated under this paragraph in this Act may be transferred to, and merged with, the fund authorized by section 319F–4, the Covered Counter measure Process Fund, of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, not more than \$2,000,000,000, to remain available until September 30, 2022, shall be for activities to improve and sustain State medical stockpiles, as described in the amendments made by section 7002 of division A of this Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, \$20,000,000,000 shall be available to the Biomedical Advanced Research and Development Authority for necessary expenses of manufacturing, production, and purchase, at the discretion of the Secretary, of vaccines, therapeutics, diagnostics, and small molecule active pharmaceutical ingredients, including the development, translation, and demonstration at scale of innovations in manufacturing platforms: *Provided further*, That funds in the previous proviso may be used for the construction or renovation of U.S.-based next generation manufacturing facilities, other than facilities owned by the United States Government: *Provided further*, That amounts provided in the eleventh proviso may be for necessary expenses related to the sustained on-shore manufacturing capacity for public health emergencies, as described in the amendments made by section 7001 of division A of this Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, \$6,000,000,000 shall be for activities to plan, prepare for, promote, distribute, administer, monitor, and track coronavirus vaccines to ensure broad-based distribution, access, and vaccine coverage: *Provided further*, That the Secretary shall coordinate funding and activities outlined in the previous proviso through the Director of CDC: *Provided further*, That the Secretary, through the Director of CDC, shall report to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act on a comprehensive coronavirus vaccine distribution strategy and spend plan that includes how existing infrastructure will be leveraged, enhancements or new infrastructure that may be built, considerations for moving and storing vaccines, guidance for how States and health care providers should prepare for, store, and administer vaccines, nationwide vaccination targets, funding that will be distributed to States, how an informational campaign to both the public and health care providers will be executed, and how the vaccine distribution plan will focus efforts on high risk, underserved, and minority populations: *Provided further*, That such plan shall be updated and provided to the Committees on Appropriations of the House of Representatives and the Senate 90 days after submission of the first plan: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate 2 days in advance of any obligation in excess of \$50,000,000, including but not limited to contracts and interagency agreements, from funds provided in this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act may be used for the construction, alteration, or renovation of non-federally owned facilities for the production of vaccines, therapeutics, diagnostics, and medical supplies where the Secretary determines that such a contract is necessary to secure sufficient amounts of such supplies: *Provided further*, That the not later than 30 days after enactment of this

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 funding for Operation Warp Speed, detailing current obligations by Department or Agency, or component thereof broken out by the coronavirus supplemental appropriations Act that provided the source of funds: *Provided further*, That the plan outlined in the previous proviso shall include funding by contract, grant, or other transaction in excess of \$20,000,000 with a notation of which Department or Agency, and component thereof is managing the contract: *Provided further*, 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.

For an additional amount for “Public Health and Social Services Emergency Fund”, \$16,000,000,000, 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 to monitor and suppress COVID-19, including tests for both active infection and prior exposure, including molecular, antigen, and serological tests, the manufacturing, procurement and distribution of tests, testing equipment and testing supplies, including personal protective equipment needed for administering 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 other related activities 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 necessary expenses for testing, contact tracing, surveillance, containment, and mitigation, including support for workforce, epidemiology, use by employers, elementary and secondary schools, child care facilities, 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 related to 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 within 30 days of the date of enactment of this Act: *Provided further*, That the amount identified in the first proviso under this paragraph in this Act shall be allocated to States, localities, and territories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2019: *Provided further*, That not less than \$500,000,000 shall be allocated in coordination with the Director of the Indian Health Service, to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Secretary of Health and Human Services (referred to in this paragraph as the “Secretary”) may satisfy the funding thresholds outlined in the first and fourth provisos under this paragraph in this Act by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That the Governor or designee of each State, locality, territory,

tribe, or tribal organization receiving funds pursuant to this Act shall update their plans, as applicable, for COVID-19 testing and contact tracing submitted to the Secretary pursuant to the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139) and submit such updates to the Secretary not later than 60 days after funds appropriated in this paragraph in this Act have been awarded to such recipient: *Provided further*, That not later than 60 days after enactment, and every quarter thereafter until funds are expended, the Governor or designee of each State, locality, territory, tribe, or tribal organization receiving funds shall report to the Secretary on uses of funding, detailing current commitments and obligations broken out by the coronavirus supplemental appropriations Act that provided the source of funds: *Provided further*, That not later than 15 days after receipt of such reports, the Secretary shall summarize and report to the Committees on Appropriations of the House of Representatives and the Senate on States’ commitments and obligations of funding: *Provided further*, That funds an entity receives from amounts described in the first proviso in this paragraph may also be used for the rent, lease, purchase, acquisition, construction, alteration, renovation, or equipping of non-federally owned facilities to improve coronavirus preparedness and response capability at the State and local level: *Provided further*, 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.

#### DEPARTMENT OF EDUCATION

##### EDUCATION STABILIZATION FUND

For an additional amount for “Education Stabilization Fund”, \$105,000,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *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.

##### GENERAL PROVISIONS

##### EDUCATION STABILIZATION FUND

SEC. 101. (a) ALLOCATIONS.—From the amount made available under this heading in this Act to carry out the Education Stabilization Fund, the Secretary shall first allocate—

(1) not more than one half of 1 percent to the outlying areas on the basis of the terms and conditions for funding provided under this heading in the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136); and

(2) one-half of 1 percent for the Secretary of the Interior for programs operated or funded by the Bureau of Indian Education, under the terms and conditions established for funding provided under this heading in the CARES Act (Public Law 116-136).

(b) RESERVATIONS.—After carrying out subsection (a), the Secretary shall reserve the remaining funds made available as follows:

(1) 5 percent to carry out section 102 of this title.

(2) 67 percent to carry out section 103 of this title.

(3) 28 percent to carry out section 104 of this title.

##### GOVERNOR’S EMERGENCY EDUCATION RELIEF FUND

SEC. 102. (a) GRANTS.—From funds reserved under section 101(b)(1) of this title, the Secretary shall make supplemental Emergency Education Relief grants to the Governor of each State with an approved application under section 18002 of division B of the

CARES Act (Public Law 116-136). The Secretary shall award funds under this section to the Governor of each State with an approved application within 30 calendar days of enactment of this Act.

(b) ALLOCATIONS.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State as follows:

(1) 60 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 40 percent on the basis of their relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (referred to under this heading as “ESEA”).

(c) USES OF FUNDS.—Grant funds awarded under subsection (b) may be used to—

(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 serving students within the State 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 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, the provision of child care and early childhood education, social and emotional support, career and technical education, adult education, and the protection of education-related jobs.

(d) REALLOCATION.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not award within 6 months of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b).

(e) REPORT.—A Governor receiving funds under this section shall submit a report 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.

##### ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

SEC. 103. (a) GRANTS.—From funds reserved under section 101(b)(2) of this title, the Secretary shall make supplemental elementary and secondary school emergency relief grants to each State educational agency with an approved application under section 18003 of division B of the CARES Act (Public Law 116-136). The Secretary shall award funds under this section to each State educational agency with an approved application within 15 calendar days of enactment of this Act.

(b) ALLOCATIONS TO STATES.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State in the same proportion as each State received under part A of title I of the ESEA of 1965 in the most recent fiscal year.

(c) SUBGRANTS.—From the payment provided by the Secretary under subsection (b), the State educational agency may provide services and assistance to local educational

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 90 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 and 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 agency (including criteria for the Governor to carry out subparagraph (A) through (C)), that describes how the local educational agency will safely reopen schools with the physical presence of students, consistent with maintaining safe and continuous operations aligned with challenging state academic standards. The Governor shall approve such plans within 30 days after the plan is submitted, subject to the requirements in subparagraphs (A) through (C).

(A) A local educational agency that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as it was defined by the local educational agency prior to the coronavirus emergency, shall have its plan automatically approved.

(B) A local educational agency that does not provide in-person instruction to any students where the students physically attend school in-person shall not be eligible to receive a subgrant under paragraph (2).

(C) 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 as determined by the Governor.

(d) PLAN CONTENTS.—A school reopening plan submitted to a Governor under subsection (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.

(e) 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) Activities to support returning to in-person instruction, including purchasing personal protective equipment, implementing

flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(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 public health departments, 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 directly related to coronavirus.

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

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

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

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

(2) A local educational agency that receives funds under subsection (c)(2) may use the funds for activities to carry out a comprehensive school reopening plan as described in this section, including:

(A) 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 implementation of procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools, including coordination with State, local, Trib-

al, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and others 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 sanitation 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 regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

(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 afterschool 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.

(f) 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 responding to coronavirus, which may be addressed through the use of grants or contracts.

(g) 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—

(A) enact policies to close or prevent the expansion of such schools to address revenue shortfalls that result in the disproportionate closure or denial of expansion of public charter schools that are otherwise meeting the terms of their charter for academic achievement; or

(B) disproportionately reduce funding to charter schools or otherwise increase funding gaps between charter schools and other public schools in the local educational agency.

(2) Allocations of funding and services provided from funds provided in this section to public charter schools are made on the same basis as is used for all public schools, consistent with state law and in consultation with charter school leaders.

(h) REPORT.—A State receiving funds under this section shall submit a report 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.

(i) REALLOCATION.—A State shall return to the Secretary any funds received under this section that the State does not award within 4 months of receiving such funds and the Secretary shall deposit such funds into the general fund of the Treasury.

(j) RULE OF CONSTRUCTION.—

(1) The receipt of any funds authorized or appropriated under this section, including pursuant to section 105 of this Act, by a non-profit entity, or by any individual who has been admitted or applied for admission to such entity (or any parent or guardian of such individual), shall not 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 as required under this section.

(2) No State participating in any program under this section, including pursuant to section 105 of this Act, shall impose any penalty or additional requirement upon, or otherwise disadvantage, such entity or person as a consequence or condition of its receipt of such funds.

(3) 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, except as provided by subsection (e), nor shall any such State impose any limits upon the use of any such funds except as provided by subsection (e).

#### HIGHER EDUCATION EMERGENCY RELIEF FUND

SEC. 104. (a) IN GENERAL.—From funds reserved under section 101(b)(3) of this title the Secretary shall allocate amounts as follows:

(1) 85 percent to each institution of higher education described in section 101 or section 102(c) of the Higher Education Act of 1965 to prevent, prepare for, and respond to coronavirus, by apportioning it—

(A) 90 percent according to the relative share of full-time equivalent enrollment of Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency; and

(B) 10 percent according to the relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency.

(2) 10 percent for additional awards under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the Higher Education Act to address needs directly related to coronavirus, that shall be in addition to awards made in section 104(a)(1) of this title, and allocated by the Secretary proportionally to such programs based on the relative share of funding appropriated to such programs in the Further Consolidated Appropriations Act, 2020 (Public Law 116-94) and distributed to eligible institutions of higher education, except as otherwise provided in subparagraphs (A)–(D), on the basis of the formula described in section 104(a)(1) of this title:

(A) Except as otherwise provided in subparagraph (B), for eligible institutions under part B of title III and subpart 4 of part A of title VII of the Higher Education Act, the Secretary shall allot to each eligible institution an amount using the following formula:

(i) 70 percent according to a ratio equivalent to the number of Pell Grant recipients in attendance at such institution at the end of the school year preceding the beginning of

the most recent fiscal year and the total number of Pell Grant recipients at all such institutions;

(ii) 20 percent according to a ratio equivalent to the total number of students enrolled at such institution at the end of the school year preceding the beginning of that fiscal year and the number of students enrolled at all such institutions; and

(iii) 10 percent according to a ratio equivalent to the total endowment size at all eligible institutions at the end of the school year preceding the beginning of that fiscal year and the total endowment size at such institutions;

(B) For eligible institutions under section 326 of the Higher Education Act, the Secretary shall allot to each eligible institution an amount in proportion to the award received from funding for such institutions in the Further Consolidated Appropriations Act, 2020 (Public Law 116-94);

(C) For eligible institutions under section 316 of the Higher Education Act, the Secretary shall allot funding according to the formula in section 316(d)(3) of the Higher Education Act; and

(D) Notwithstanding section 318(f) of the Higher Education Act, for eligible institutions under section 318 of the Higher Education Act, the Secretary shall allot funding according to the formula in section 318(e) of the Higher Education Act.

(3) 5 percent for grants to institutions of higher education that the Secretary determines, through an application process and after allocating funds under paragraphs 104(a)(1) and (2) of this Act, have the greatest unmet needs related to coronavirus. In awarding funds to institutions of higher education under this paragraph the Secretary shall prioritize institutions of higher education—

(A) described under title I of the Higher Education Act of 1965 that were not eligible to receive an award under section 104(a)(1) of this title, including institutions described in section 102(b) of the Higher Education Act of 1965; and

(B) that otherwise demonstrate significant needs related to coronavirus that were not addressed by funding allocated under subsections (a)(1) or (a)(2) of this section.

(b) DISTRIBUTION.—The funds made available to each institution under subsection (a)(1) shall be distributed by the Secretary using the same systems as the Secretary otherwise distributes funding to each institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(c) USES OF FUNDS.—An institution of higher education receiving funds under 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

(2) provide financial aid grants to students (including students exclusively enrolled in distance education), which may be used for any component of the student's cost of attendance or for emergency costs that arise due to coronavirus.

(d) SPECIAL PROVISIONS.—

(1) A Historically Black College and University or a Minority Serving Institution may use prior awards provided under titles III, V, and VII of the Higher Education Act to prevent, prepare for, and respond 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 104(c) of this Act. Amounts repurposed pursuant to this para-

graph 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) 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; endowments; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship.

(4) An institution of higher education that was required to remit payment to the Internal Revenue Service for the excise tax based on investment income of private colleges and universities under section 4968 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 (c)(2). This paragraph shall not apply to an institution of higher education designated by the Secretary as an eligible institution under section 448 of the Higher Education Act of 1965.

(e) REPORT.—An institution receiving funds under this section shall submit a report 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.

(f) REALLOCATION.—Any funds allocated to an institution of higher education under this section on the basis of a formula described in subsection (a)(1) or (a)(2) but for which an institution does not apply for funding within 60 days of the publication of the notice inviting applications, shall be reallocated to eligible institutions that had submitted an application by such date.

#### ASSISTANCE TO NON-PUBLIC SCHOOLS

SEC. 105. (a) FUNDS AVAILABILITY.—From the payment provided by the Secretary under section 103 of this title to a State educational agency, the State educational agency shall reserve an amount of funds equal to the percentage of students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency. Upon reserving funds under this section, the Governor of the State may award subgrants—

(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 the non-public school prior to the coronavirus emergency, subject to the requirements in subsection (b).

(b)(1) A non-public school that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as determined by the non-public school prior to the coronavirus emergency, shall be eligible for the full amount of assistance per student as prescribed under this section.

(2) A non-public school that does not provide in-person instruction to any students where the students physically attend school in-person shall only be eligible for one-third of the amount of assistance per student as prescribed under this section.

(3) A non-public school 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 paragraph (1) shall have its amount

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 its 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 I 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 (A) is accredited, licensed, or otherwise operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section;

(7) the term "public school" means a public elementary or secondary school; and

(8) any other term used that is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have 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 Secretaries of Health and Human Services and Education shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees 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 the spend plans shall be accompanied by a listing of each contract obligation incurred that exceeds \$5,000,000 which has not previously been reported, including the amount of each such obligation.

#### TITLE II

##### DEPARTMENT OF AGRICULTURE

##### AGRICULTURAL PROGRAMS

##### OFFICE OF THE SECRETARY

For an additional amount for the "Office of the Secretary", \$20,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus by providing support for agricultural producers, growers, and processors impacted by coronavirus, including producers, growers, and processors of specialty crops, non-specialty crops, dairy, livestock and poultry, including livestock

and poultry depopulated due to insufficient processing access and growers who produce livestock or poultry under a contract for another entity: *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.

#### TITLE III

##### DEPARTMENT OF COMMERCE

##### FISHERIES DISASTER ASSISTANCE

For an additional amount for "Fisheries Disaster Assistance", \$500,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to 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 prescribed by the Secretary of Commerce to allocate the amount provided under this heading in this Act shall be divided proportionally to States, Tribes, and territories and shall be the same as the formula used for funds appropriated under section 12005 of Public Law 116–136, but shall be calculated to also evenly weight the 5-year total annual average domestic landings for each State, Tribe, and territory: *Provided further*, That the amount provided under this heading in this Act shall only be allocated to States of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, or the Gulf of Mexico, as well as to Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, Federally Recognized Tribes on the West Coast, and Federally Recognized Tribes in Alaska: *Provided further*, That no State, Tribe, or territory shall receive a total amount in a fiscal year that is from amounts provided under either section 12005 of Public Law 116–136 or amounts provided under this heading in this Act that exceeds that State, Tribe, or territory's total annual average revenue from commercial fishing operations, aquaculture firms, the seafood supply chain, and charter fishing businesses: *Provided further*, 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.

#### TITLE IV

##### GENERAL PROVISIONS—THIS ACT

SEC. 401. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 403. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2020.

SEC. 404. In this Act, the term "coronavirus" means SARS-CoV-2 or another coronavirus with pandemic potential.

SEC. 405. Each amount designated in this Act 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 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 406. Any amount appropriated by this Act, 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 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

#### BUDGETARY EFFECTS

SEC. 407. (a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall be estimated for purposes of section 251 of such Act.

(d) ENSURING NO WITHIN-SESSION SEQUESTERATION.—Solely for the purpose of calculating a breach within a category for fiscal year 2020 pursuant to section 251(a)(6) or section 254(g) of the Balanced Budget and Emergency Deficit Control Act of 1985, and notwithstanding any other provision of this division, the budgetary effects from this division shall be counted as amounts designated as being for an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

This division may be cited as the "Coronavirus Response Additional Supplemental Appropriations Act, 2020".

By Ms. HIRONO (for herself, Mr. BROWN, Mrs. MURRAY, Mr. SANDERS, Ms. DUCKWORTH, Mr. SCHATZ, Mr. CARDIN, and Ms. WARREN):

S. 4777. A bill to restore leave lost by Federal employees during certain public health emergencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. HIRONO. Mr. President, today I rise to introduce a bill that provides fairness to our Federal employees who work day in and day out to help the government function and serve the public. The importance of their role has become even more apparent as our Nation continues to suffer in the midst of a global pandemic.

In a normal year, the average Federal employee can accumulate up to 240 hours, or 30 days, of annual leave. At the end of the year, if a Federal employee has more than 240 hours, they either have to use the amount of leave over 240 hours or lose it. These excess hours are commonly known as "use or lose" leave.

But these are not normal times. We are in the middle of a global pandemic and we have a President who lies about how dangerous this virus is and does little to address the severity of it. We see the results, nearly seven million people in the United States have contracted COVID-19 and more than 200,000 have died. The United States now has the unenviable distinction of being the Nation with the most COVID-19 cases and the most deaths.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 727—DESIGNATING SEPTEMBER 2020 AS “NATIONAL OVARIAN CANCER AWARENESS MONTH”

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 lose 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 whether they are considered essential. My bill also resolves this issue for future pandemics declared a national public health emergency by allowing “use or lose” leave to be rolled over during the emergency declaration.

This legislation is being introduced in the House by Representatives DEREK KILMER and JENNIFER WEXTON and is supported by the National Treasury Employees Union; 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.

Ms. STABENOW (for herself, Ms. MURKOWSKI, 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 the Judiciary:

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 5-year 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 June 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 women who know that they are at high risk of ovarian cancer may undertake prophylactic measures to help reduce the risk of developing this disease;

Whereas guidelines issued by the National Comprehensive Cancer Network (NCCN) and the Society of Gynecologic Oncology (SGO)

recommend that all individuals diagnosed with ovarian cancer receive genetic counseling and genetic testing regardless of their family history;

Whereas studies consistently show that compliance with such guidelines is alarmingly low, with recently published National Cancer Institute-funded research finding that in 2013 and 2014, only 1/3 of ovarian cancer survivors had undergone such testing;

Whereas, according to a 2016 consensus report by the National Academy of Medicine, “there remain surprising gaps in the fundamental knowledge about and understanding of ovarian cancer” across all aspects of the disease;

Whereas ongoing investments in ovarian cancer research and education and awareness efforts are critical to closing these gaps and improving survivorship for women with ovarian cancer;

Whereas, each year during the month of September, the Ovarian Cancer Research Alliance (OCRA) and its community partners hold a number of events to increase public awareness of ovarian cancer and its symptoms; and

Whereas September 2020 should be designated as “National Ovarian Cancer Awareness Month” to increase public awareness of ovarian cancer: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2020 as “National Ovarian Cancer Awareness Month”; and

(2) supports the goals and ideals of National Ovarian Cancer Awareness Month.

## SENATE RESOLUTION 728—RECOGNIZING THE INSTRUMENTAL ROLE UNITED STATES GLOBAL FOOD SECURITY PROGRAMS, PARTICULARLY THE FEED THE FUTURE PROGRAM, HAVE PLAYED IN REDUCING GLOBAL POVERTY, BUILDING RESILIENCE AND TACKLING HUNGER AND MALNUTRITION AROUND THE WORLD, AND CALLING FOR CONTINUED INVESTMENT IN GLOBAL FOOD SECURITY IN THE FACE OF THE ECONOMIC IMPACT OF COVID-19

Mr. CASEY (for himself and Mr. RISCH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 728

Whereas food security and nutrition are fundamental to human development, particularly in the critical 1,000 day window until a child’s second birthday, and persistent hunger and malnutrition stunt children’s mental and physical development and hinder the health, prosperity, and security of societies;

Whereas food insecurity and malnutrition in low- and middle-income countries force tens of millions of people into poverty, contribute to political and social instability, and erode economic growth;

Whereas in its 2014 Worldwide Threat Assessment of the United States, the United States intelligence community reported that the “lack of adequate food will be a destabilizing factor in countries important to United States national security” and has since consistently linked global food insecurity to broader instability;

Whereas, despite decades of progress, the State of Food Security and Nutrition in the World report for 2020 indicates that global hunger has increased since 2014, with 2,000,000,000 people worldwide currently experiencing food insecurity, of which nearly

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 experiencing wasting;

Whereas the COVID-19 pandemic has exposed vulnerabilities in global food systems and food supply chains, and has severely exacerbated existing 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 parts of Asia 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 265,000,000 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 bipartisan 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 in 2010;

Whereas the late Senator Richard Lugar of Indiana was instrumental in advancing United States efforts to reduce global poverty 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 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 interagency engagement, and engaging 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 twelve target countries and 35 aligned countries and regions in Asia, Central America, and east, southern, and west Africa;

Whereas according to its most recent progress report, Feed the Future has helped more than 23,400,000 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, implementing sustainable agricultural practices, risk management, improving forecasting and adaptation, and building the agricultural capacity of rural communities;

Whereas Feed the Future also is advancing women's economic empowerment by providing targeted technical assistance to women working in agricultural systems and

equipping women with adequate tools, training, and technology for small-scale agriculture;

Whereas Feed the Future investments benefit communities in the United States as well, including by increasing United States trade and agricultural exports to Feed the Future countries by more than \$1,400,000,000 since inception; and

Whereas Feed the Future investments in international agricultural research and development through partnerships with United States universities and land-grant institutions, international research systems, such as the Consortium of International Agricultural Research Centers, and other organizations will help the United States agricultural sector prepare for, adapt to, and remain resilient amid evolving threats; Now, therefore, be it

*Resolved*, That the Senate—

(1) supports continued investment in United States global food security programs, and particularly through the Feed the Future program's comprehensive, multi-sectoral, transparent, data and results-driven approach toward reducing hunger, poverty, and malnutrition in low- and middle-income countries;

(2) recognizes the need to deepen and extend these efforts in order to achieve the global goal of ending hunger by 2030, particularly in the face of unprecedented challenges posed by the COVID-19 pandemic, political and social instability, high levels of human displacement, gender inequities, extreme natural shocks, and the increasing prevalence of invasive agricultural pests, such as desert locusts and the Fall Army Worm;

(3) supports United States Government efforts to focus on improving nutrition and health, building resilience, integrating water, sanitation, and hygiene and empowering women, youth, and smallholder farmers;

(4) calls on the United States Agency for International Development to—

(A) annually review the Feed the Future program and, as appropriate, expand the list of target countries, including those in fragile contexts;

(B) include information on all countries benefitting from direct Feed the Future investments, to include both focus and aligned countries, in annual reporting in order to further enhance the program's commitment to transparency and impact;

(C) develop a robust multi-sectoral learning agenda for maternal and child malnutrition and its causes, with a focus on the 1,000 day window until a child's second birthday;

(D) strongly amplify the critical role of women and smallholder farmers in enhancing food security and catalyzing agriculture-led economic growth; and

(E) advance the New Partnerships Initiative by promoting, building the capacity of, and entering into partnerships with locally-led organizations under the Feed the Future program;

(5) calls on the relevant Federal agencies identified under the United States Government Global Food Security Strategy, including the United States Departments of State, Agriculture, Commerce, and Treasury, and the United States Agency for International Development, the Millennium Challenge Corporation, the International Development Finance Corporation, the Peace Corps, the Office of the United States Trade Representative, the U.S. Africa Development Foundation, and the U.S. Geological Survey, to—

(A) continue to advance global food security as a United States foreign assistance priority, enhance inter-agency coordination under the Global Food Security Strategy, and align relevant programs with the Feed

the Future program's needs-based, multi-sectoral approach; and

(B) contribute to the development of an updated Global Food Security Strategy and a Global Food Security Research Strategy in 2021 to guide and inform Feed the Future activities between 2022 and 2026.

#### SENATE RESOLUTION 729—RECOGNIZING THE 25TH ANNIVERSARY OF THE DAYTON PEACE ACCORDS

Mr. BROWN (for himself and Mr. PORTMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 729

Whereas December 14, 2020, marks the 25th anniversary of the Dayton Peace Accords that ended the war in Bosnia and Herzegovina and brought peace to Bosnia and Herzegovina;

Whereas ethnic cleansing and concentration camps were used as a tool of war against Bosnian Muslim men, women, and children, culminating in the July 1995 genocide at Srebrenica, where 8,000 Muslim men and teenagers were detained and killed;

Whereas the North Atlantic Treaty Organization (NATO) and the United States initiated airstrikes against Bosnian Serbs to stop grave human rights abuses, which led to ceasefire negotiations and the peace accords;

Whereas negotiations began on November 1, 1995, in Dayton, Ohio, at Wright-Patterson Air Force Base, led by then-negotiator Richard Holbrooke and then-Secretary of State Warren Christopher, with Chairman of the Presidency of Bosnia and Herzegovina Alija Izetbegović, President of the Republic of Serbia Slobodan Milošević, President of the Republic of Croatia Franjo Tuđman, European Union Special Representative Carl Bildt, First Deputy Foreign Minister of Russia Igor Ivanov, and representatives from the United Kingdom, France, Germany, and Italy;

Whereas, after days of extensive discussions, a historic peace agreement was signed on December 14, 1995, to halt the conflict and bring peace to the region;

Whereas, despite seemingly insurmountable differences in opinions, the negotiations succeeded due to dedicated foreign service professionals, a common yearning for a peaceful resolution, and an outpouring of support from the global community;

Whereas the General Framework Agreement for Peace in Bosnia and Herzegovina, also known as the Dayton Peace Accords, laid the groundwork for NATO and European Union (EU) stabilization missions over the past 25 years, which have allowed the citizens of Bosnia and Herzegovina to live peacefully and prosper;

Whereas the Dayton Literary Peace Prize, established in 2006, remains the only literary peace prize awarded in the United States and recognizes the power of the written word to promote peace, and after the death of Ambassador Holbrooke in 2011, the Lifetime Achievement Award was renamed the Richard C. Holbrooke Distinguished Achievement Award;

Whereas the peace negotiations were strongly supported by the City of Dayton, Ohio, its leaders, and community, creating strong relationships between all parties involved, including a sister city relationship with Sarajevo;

Whereas the United States Government reaffirms support for Bosnia and Herzegovina's sovereignty and upholds the commitment to equality for all ethnicities according to the General Framework Agreement for Peace in Bosnia and Herzegovina; and

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 and people 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 EU;

(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 that border 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 “NATIONAL SMALL BUSINESS WEEK” AND COMMENDING 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. BLUNT, Mr. CARPER, Mrs. BLACKBURN, Mr. BOOKER, Mr. HOEVEN, Mr. DURBIN, Mr. GARDNER, Mr. COONS, Mr. LANKFORD, Mrs. SHAHEEN, 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, Ms. DUCKWORTH, Mrs. FEINSTEIN, Mr. HEINRICH, Mr. WICKER, Mrs. HYDE-SMITH, Mr. TILLIS, Mr. CRAMER, Mr. COTTON, Mr. BOOZMAN, Mr. PERDUE, Mr. YOUNG, and Mr. ROMNEY)) sub-

mitted 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 ⅓ 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, 1953, 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) understands 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 CELEBRATION OF AFTERSCHOOL PROGRAMS HELD ON OCTOBER 22, 2020**

Ms. COLLINS (for herself, Ms. SMITH, Mr. BRAUN, Mr. ROBERTS, Mr. KAINE, 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 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, during the 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 and high-quality expanded learning opportunities provide students with hands-on, engaging lessons that are aligned with the school day;

Whereas high-quality afterschool programs complement regular and expanded school days and support working families by ensuring that the children of those families 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 programs held on October 22, 2020, highlights the critical importance of those high-quality programs to children and the 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. HEINRICH, 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. MARKEY, 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, chapter 576; 25 U.S.C. 5124);

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;

Whereas, as of 2017, the Department of Agriculture estimates that 182,780 head of bison

were under the stewardship of private producers, creating jobs and contributing to the food security of the United States by providing a sustainable and healthy meat source;

Whereas a bison has been depicted on the official seal of the Department of the Interior since 1912;

Whereas the Department of the Interior has launched the Bison Conservation Initiative, a 10-year cooperative initiative to coordinate the conservation of wild American bison;

Whereas a bison is 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 in the late 1800s 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 reestablished, 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, sportsmen, educators, and other public and private partners have celebrated 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—

(1) designates November 7, 2020, the first Saturday of November, as "National Bison Day"; and

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

#### 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:

S. RES. 733

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 architectural 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 iconic buildings and neighborhoods 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 Pringle 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 countless avenues 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 protector of it" and has "wrought a standard of commitment to community befitting the beauty and rich legacy of the city it has served";

Whereas, through innovative programs such as the Charleston Justice Journey and the Thomas Mayhem 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, and principled, professional, and unafraid: Now, therefore, be it

*Resolved*, That the Senate recognizes 2020 as the centennial of the Preservation Society of Charleston.

#### SENATE RESOLUTION 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

Ms. COLLINS (for herself, Ms. ROSEN, Mr. SCOTT of South Carolina, Mr. CASEY, Ms. MCSALLY, Mr. BLUMENTHAL, Mr. HAWLEY, Ms. WARREN, Mr. BRAUN, and Ms. SINEMA) submitted the following resolution; which was considered and agreed to:

S. RES. 734

Whereas individuals who are 65 years of age or older (referred to in this preamble as

"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 56,100,000 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 each 10-year increment 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 of those 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 treated 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 sharply 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, adjusted for inflation, was approximately \$50,000,000,000;

(2) with respect to nonfatal falls, Medicare paid approximately \$28,900,000,000, Medicaid paid approximately \$8,700,000,000, and private and other payers paid approximately \$12,000,000,000; and

(3) overall medical spending for fatal falls was estimated to be \$754,000,000;

Whereas, if the rate of increase in falls is not slowed, the annual cost of fall injuries will surpass \$101,000,000,000 by 2030; and

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—

(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 health care teams to make falls prevention a routine part of clinical care;

(6) recognizes 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, which provide significant leadership in reducing injuries and related health care costs by collaborating with organizations and individuals, to reduce falls among older adults; and

(8) encourages experts in the field of falls prevention to share their best practices so

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:

S. RES. 735

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 568 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 under the United States Fish and Wildlife Service—

(1) focuses on introducing people living in densely populated areas to the more than 100 national wildlife refuges near urban areas; and

(2) promotes 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—

(1) to improve wildlife conservation; and  
(2) to promote access to recreation on and off 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 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. KAINE, Mr. BROWN, Mr. SCHUMER, and Mr. BRAUN) submitted the following resolution; which was considered and agreed to:

S. RES. 736

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 1/3 of all foster care placements are in kinship foster care, with more than 133,000 children placed in kinship foster care;

Whereas more than 2,600,000 kinship children live in informal kinship care outside of the foster care system;

Whereas, while kinship care is the most common term for relative caregivers of children, they are sometimes also referred to as kin caregivers or grandfamilies;

Whereas the number of children placed in foster care continues to increase due in part to the opioid crisis, and child welfare agencies are increasingly reliant on grandparents and other kinship caregivers;

Whereas, during the COVID-19 pandemic, kinship caregivers who are often grandparents with health vulnerabilities are parenting children in their homes, often with limited support;

Whereas kinship caregivers residing in urban, rural, and suburban households in every State and territory of the United States have stepped forward out of love and loyalty to care for children during times in which parents are unable to do so;

Whereas kinship caregivers provide safety, promote well-being, and establish stable households for vulnerable children;

Whereas kinship care homes offer a refuge for traumatized children;

Whereas kinship care enables 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 permanency, and decreased behavioral problems;

Whereas kinship caregivers face daunting challenges to keep children from entering foster care;

Whereas, because of parental substance use disorders and other adverse childhood experiences, children in kinship care 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 navigator programs and services in the Family First Prevention Services Act enacted under title VII of division E of the Bipartisan Budget Act of 2018 (Public Law 115-123; 132 Stat. 64) and the Consolidated Appropriations Act, 2018 (Public Law 115-141; 132 Stat. 348);

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.

**SENATE RESOLUTION 737—EX-PRESSING SUPPORT FOR THE DESIGNATION OF SEPTEMBER 30, 2020, AS “NATIONAL VETERANS SUICIDE PREVENTION DAY”**

Mr. KAINE (for himself, Mr. WICKER, Mr. MORAN, and Mr. TESTER) submitted the following resolution; which was considered and agreed to:

S. RES. 737

Whereas the wounds sustained through armed service to the United States are both visible and invisible;

Whereas the wounds sustained through armed service to the United States may be invisible, but those wounds are treatable if the bearers of those wounds are connected to the right resources;

Whereas the Department of Veterans Affairs and the Department of Defense have determined that an average of nearly 20 current or former members of the Armed Forces die by suicide each day;

Whereas veterans account for a disproportionate percentage of all adult suicides in the United States;

Whereas the surviving family members of veterans who succumb to the invisible wounds of armed service to the United States must not be forgotten and isolated but instead must be directed to available resources and support;

Whereas, after the loss of a veteran family member to the invisible wounds of armed service to the United States, the family members of that veteran must not lose their link to the support and strength of the military and veteran communities;

Whereas the families of veterans who die by suicide hold valuable “lessons learned on the lookback” that can be used to prevent future suicides in veteran populations;

Whereas the voices of the surviving family members of veterans who die by suicide are useful and should be leveraged in prevention efforts;

Whereas the need for formal recognition of the families of veterans who succumb to the invisible wounds of armed service to the United States is vital to the strength, health, and survival of the veteran community;

Whereas those families should be recognized, supported, and heard on National Veterans Suicide Prevention Day and throughout the year; and

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, substance use, physical health, and stress regarding work, money, legal problems, or housing;

Whereas, according to the CDC, suicide results in an estimated \$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. BOOKER, Mr. BRAUN, Mr. WHITEHOUSE, Mr. WICKER, Mr. REED, Mr. RUBIO, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed 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 families may be 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;

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;

Whereas family service learning is particularly important for at-risk families because family service learning—

(1) provides opportunities for leadership and civic engagement; and

(2) helps build the capacity to advocate for the needs of children and families;

Whereas family service learning programs are equipped to face the unique challenges brought on by the COVID-19 pandemic through community engagement via video conferencing or in a socially distanced manner;

Whereas family service learning will remain relevant throughout the pandemic as communities 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. 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 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”;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Resolved*, That the Senate—

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

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

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

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

**S. RES. 741**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Resolved*, That the Senate—

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

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

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

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

**S. CON. RES. 48**

Whereas, in the United States, first responders include professional and volunteer

firefighters, police officers, emergency medical technicians, and paramedics;

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

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

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

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

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

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

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

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

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2673. Mr. MCCONNELL (for Mr. TILLIS) proposed an amendment to amendment SA 2652 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China.

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

SA 2675. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table.

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

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

**TEXT OF AMENDMENTS**

SA 2673. Mr. MCCONNELL (for Mr. TILLIS) proposed an amendment to amendment SA 2652 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; as follows:

At the appropriate place, insert the following:

**SEC. 196. GUARANTEED AVAILABILITY OF COVERAGE; PROHIBITING DISCRIMINATION.**

(a) IN GENERAL.—Subtitle C of title I of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) is amended by adding at the end the following: **“SEC. 196. PROHIBITION OF PRE-EXISTING CONDITION EXCLUSIONS.**

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

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

“(1) PRE-EXISTING CONDITION EXCLUSION.—

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

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

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

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

**“SEC. 197. GUARANTEED AVAILABILITY OF COVERAGE.**

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

“(b) ENROLLMENT.—

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

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

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

“(c) SPECIAL RULES FOR NETWORK PLANS.—

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

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

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

“(i) it will not have the capacity to deliver services adequately to enrollees of any addi-

tional groups or any additional individuals because of its obligations to existing group contract holders and enrollees; and

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

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

“(d) APPLICATION OF FINANCIAL CAPACITY LIMITS.—

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

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

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

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

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

“(1) The term ‘Secretary’ means the Secretary of Health and Human Services.

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

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

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

“(1) Health status.

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

“(3) Claims experience.

“(4) Receipt of health care.

“(5) Medical history.

“(6) Genetic information.

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

“(8) Disability.

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

“(b) IN PREMIUM CONTRIBUTIONS.—

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

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

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

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

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

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

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

“(c) GENETIC TESTING.—

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

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

“(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(1) GENERAL PROVISIONS.—

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

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

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

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

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

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

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

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

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

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

“(A) The reward for the wellness program, together with the reward for other wellness programs with respect to the plan that requires satisfaction of a standard related to a health status factor, shall not exceed 30 percent of the cost of employee-only coverage under the plan. If, in addition to employees or individuals, any class of dependents (such as spouses or spouses and dependent children) may participate fully in the wellness program, such reward shall not exceed 30 percent of the cost of the coverage in which

an employee or individual and any dependents are enrolled. For purposes of this paragraph, the cost of coverage shall be determined based on the total amount of employer and employee contributions for the benefit package under which the employee is (or the employee and any dependents are) receiving coverage. A reward may be in the form of a discount or rebate of a premium or contribution, a waiver of all or part of a cost-sharing mechanism (such as deductibles, copayments, or coinsurance), the absence of a surcharge, or the value of a benefit that would otherwise not be provided under the plan. The Secretaries of Labor, Health and Human Services, and the Treasury may increase the reward available under this subparagraph to up to 50 percent of the cost of coverage if the Secretaries determine that such an increase is appropriate.

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

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

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

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

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

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

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

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

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

“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.”

(c) ENFORCEMENT.—

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

(A) in subsection (a)—

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

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

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

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

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

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

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

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

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

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

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

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

Except as otherwise expressly provided, wherever in this Act an amendment or repeal

is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

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

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

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

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

“(1) IN GENERAL.—The Secretary”; and

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

“(2) PLACEMENT PRIORITIES.—

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

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

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

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

“(3) DURATION.—A fellowship”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(1) NOTIFICATION TO CONGRESS OF DESIGNATIONS.—

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

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

“(2) EXISTING DESIGNEES.—Any institution”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(E) \$105,700,000 for fiscal year 2024.”; and

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

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

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

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

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

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

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

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

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

“(1) ADMINISTRATION.—

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

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

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

“(B) CRITICAL STAFFING REQUIREMENTS.—

“(i) IN GENERAL.—The Director shall use the authority under subchapter VI of chapter 33 of title 5, United States Code, and under section 210 of this title, to meet any critical

staffing requirement while carrying out the activities authorized under this title.

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

(c) ALLOCATION OF FUNDING.—

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

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

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

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

(A) by striking subsection (c); and

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

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

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

**SEC. 11. TECHNICAL CORRECTIONS.**

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

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

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

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

**SA 2675.** Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ ENERGY TECHNOLOGY COMMERCIALIZATION FOUNDATION.**

(a) DEFINITIONS.—In this section:

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

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

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

(b) ENERGY TECHNOLOGY COMMERCIALIZATION FOUNDATION.—

(1) ESTABLISHMENT.—

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

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

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

(ii) to advance collaboration with energy researchers, institutions of higher education, industry, and nonprofit and philanthropic or-

ganizations to accelerate the commercialization of energy technologies.

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

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

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

(2) BOARD OF DIRECTORS.—

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

(B) COMPOSITION.—

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

(ii) BOARD MEMBERS.—

(I) INITIAL MEMBERS.—The Secretary may—

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

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

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

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

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

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

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

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

(C) CHAIR AND VICE CHAIR.—

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

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

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

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

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

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

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

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

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

(D) TERMS AND VACANCIES.—

(i) TERMS.—

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

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

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

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

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

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

(E) MEETINGS; QUORUM.—

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

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

(F) DUTIES.—The Board shall—

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

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

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

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

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

(G) BYLAWS.—

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

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

(II) policies, including ethical standards, for—

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

(bb) the disposition of assets of the Foundation;

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

(IV) the specific duties of the Executive Director.

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

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

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

(H) COMPENSATION.—

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

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

(3) PURPOSE.—The purpose of the Foundation is to increase private and philanthropic

sector investments that support efforts to create, develop, and commercialize innovative technologies that address crosscutting national energy challenges by methods that include—

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

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

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

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

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

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

(4) ACTIVITIES.—

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

(B) FELLOWSHIPS AND GRANTS.—

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

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

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

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

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

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

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

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

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

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

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

(F) STAKEHOLDER ENGAGEMENT.—The Foundation shall convene, and may consult with,

representatives from the Department, institutions of higher education, National Laboratories, the private sector, and commercialization organizations to develop programs for the purpose of the Foundation described in paragraph (3) and to advance the activities of the Foundation.

(G) INDIVIDUAL LABORATORY FOUNDATIONS PROGRAM.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) consist of qualitative and quantitative metrics; and

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

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

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

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

(5) ADMINISTRATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) an evaluation of—

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

(II) the operation of the Foundation; and

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

(F) AUDITS.—The Foundation shall—

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

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

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

(H) INTEGRITY.—

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

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

(I) the individual;

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

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

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

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

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

(6) DEPARTMENT COLLABORATION.—

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

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

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

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

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

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

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

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

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

(B) DEPARTMENT LIAISONS.—The Secretary shall appoint liaisons from across the De-

partment to collaborate and coordinate with the Foundation.

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

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

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

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

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

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

(12) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

**SA 2676.** Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 2657, to support innovation in advanced geothermal research and development, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE IV—ENERGIZING TECHNOLOGY TRANSFER**

**SEC. 4001. SHORT TITLE.**

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

**SEC. 4002. DEFINITIONS.**

In this title:

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

(A) reduces energy use;

(B) increases energy efficiency;

(C) reduces greenhouse gas emissions;

(D) reduces emissions of other pollutants; or

(E) mitigates other negative environmental consequences.

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

**Subtitle A—National Clean Energy Technology Transfer Programs**

**SEC. 4101. ENERGY INNOVATION CORPS PROGRAM.**

(a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SEC. 4102. CLEAN ENERGY TECHNOLOGY TRANSFER COORDINATION.**

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

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

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

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

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

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

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

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

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

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

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

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

**Subtitle B—Technology Development at National Laboratories**

**SEC. 4201. LAB PARTNERING SERVICE PILOT PROGRAM.**

(a) **DEFINITIONS.**—In this section:

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

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

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

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

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

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

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

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

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

(3) develop a website to disseminate information on—

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

(B) National Laboratory experts and research areas; and

(C) National Laboratory facilities and user facilities.

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

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

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

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

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

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

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

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

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

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

**SEC. 4202. LAB-EMBEDDED ENTREPRENEURSHIP PROGRAM.**

(a) **DEFINITIONS.**—In this section:

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

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a National Laboratory;

(B) a nonprofit organization;

(C) an institution of higher education; and

(D) a federally owned corporation.

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

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

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

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

(1) to perform research and development; and

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

(d) **ENTREPRENEURIAL FELLOWS.**—

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

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

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

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

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

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

(B) by an eligible entity with—

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

(ii) engagement with external stakeholders; and

(iii) market and customer development opportunities.

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

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

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

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

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

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

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

**SEC. 4203. SMALL BUSINESS VOUCHER PROGRAM.**

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

(1) in subsection (a)—

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

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

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

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

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

“(2) **RESPONSIBILITIES.**—The Secretary”; and

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

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

(I) by striking “increase” and inserting “encourage”;

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

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

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

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

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

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

(I) by inserting “facilities,” before “training”; and

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

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

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

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

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

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

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

“(c) **SMALL BUSINESS VOUCHER PROGRAM.**—

“(1) **DEFINITIONS.**—In this subsection:

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

“(B) **DIRECTOR.**—The term ‘Director’ means—

“(i) the Director of a National Laboratory;

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

“(iii) the Director of a covered facility.

“(C) **PROGRAM.**—The term ‘program’ means the program established under paragraph (2).

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

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

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

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

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

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

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

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

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

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

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

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

**SEC. 4204. ENTREPRENEURIAL LEAVE PROGRAM.**

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

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

(2) a partial leave of absence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

all relevant conflict of interest requirements apply; or

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

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

#### Subtitle C—Department of Energy Modernization

##### SEC. 4301. MANAGEMENT OF LARGE DEMONSTRATION PROJECTS.

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

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

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

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

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

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

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

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

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

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

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

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

(B) providing those evaluations to the Secretary; and

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

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

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

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

(2) may hire personnel pursuant to section 4306.

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

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

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

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

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

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

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

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

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

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

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

##### SEC. 4302. STREAMLINING PRIZE COMPETITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

##### SEC. 4303. EXTENSION OF OTHER TRANSACTION AUTHORITY.

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

##### SEC. 4304. MILESTONE-BASED DEMONSTRATION PROJECTS.

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

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

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

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

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

(c) AWARDS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

**SEC. 4305. COST-SHARING.**

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

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

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

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

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

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

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

(A) \$25,000;

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

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

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

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

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

(A) the performance of the employee; or

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

**Subtitle D—Reports****SEC. 4401. UPDATED TECHNOLOGY TRANSFER EXECUTION PLAN REPORT.**

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

“(A) an updated execution plan; and

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

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

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

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

“(I) under this title; and

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

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

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

(1) includes an evaluation of the program; and

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

**SEC. 4403. REPORT ON TECHNOLOGY TRANSFER GAPS.**

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

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

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

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

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

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

**SEC. 2. DEFINITIONS.**

In this Act:

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

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

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

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

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

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

(b) DUTIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) ACTIVITIES OF THE JOINT TASK FORCE.—

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

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

(B) consider funding constraints;

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

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

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

(d) MEMBERSHIP.—

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

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

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

(A) The Department of Transportation.

(B) The Department of Homeland Security.

(C) The Department of Health and Human Services.

(D) The Federal Aviation Administration.

(E) The Transportation Security Administration.

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

(G) The Centers for Disease Control and Prevention.

(H) The Occupational Safety and Health Administration.

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

(J) The Pipeline and Hazardous Materials Safety Administration.

(K) The Department of State.

(L) The Environmental Protection Agency.

#### SEC. 4. JOINT FEDERAL ADVISORY COMMITTEE.

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

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

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

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

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

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

(4) Labor organizations representing—

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

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

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

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

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

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

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

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

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

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

(f) PUBLICATION.—Not later than 14 days after the date on which the Advisory Com-

mittee submits policy recommendations to the Joint Task Force pursuant to subsection (b), the Secretary of Transportation shall publish such policy recommendations on a publicly accessible website.

#### SEC. 5. BRIEFINGS AND REPORTS.

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

(b) FINAL REPORT.—

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

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

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

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

#### SEC. 6. TERMINATION.

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

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. LANKFORD. Mr. President, I have 3 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

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

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

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

##### COMMITTEE ON THE JUDICIARY

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

#### RESOLUTIONS SUBMITTED TODAY

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate

proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 730 through S. Res. 741.

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

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

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

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

The resolutions were agreed to.

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

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

The preambles were agreed to.

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

#### HONORING THE LIFE AND LEGACY OF COYA KNUTSON

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

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 687) honoring the life and legacy of Coya Knutson.

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

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

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

The resolution (S. Res. 687) was agreed to.

The preamble was agreed to.

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

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

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

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

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, the preamble be agreed to, 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 otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

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

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

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

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

"(1) IN GENERAL.—The Secretary"; and

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

"(2) PLACEMENT PRIORITIES.—

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

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

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

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

"(3) DURATION.—A fellowship".

(c) ADMINISTRATIVE COSTS.—Section 208(c) (33 U.S.C. 1127(c)) is amended to read as follows:

"(c) RESTRICTION ON USE OF FUNDS.—

"(1) IN GENERAL.—Amounts available for fellowships under this section, including amounts accepted under section 204(c)(4)(F) or appropriated under section 212 to implement this section, shall be used only for award of such fellowships and administrative costs of implementing this section.

"(2) 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.

"(3) ALLOWABLE USES.—Amounts provided to a fellow under subsection (b) may be used by the fellow for the costs of academic travel, including travel costs relating to returning to the home institution of higher education of the fellow to complete degree requirements."

(d) 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.

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

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

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

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

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

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

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

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

(d) CONSTRUCTION.—Nothing in this section shall be construed to limit or otherwise affect

any other amounts available for marine policy fellowships under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)), including amounts—

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

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

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

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

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

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

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

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

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

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

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

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

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

"(1) NOTIFICATION TO CONGRESS OF DESIGNATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(E) \$105,700,000 for fiscal year 2024.”; and

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

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

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

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

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

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

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

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

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

“(1) **ADMINISTRATION.**—

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

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

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

“(B) **CRITICAL STAFFING REQUIREMENTS.**—

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

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

(c) **ALLOCATION OF FUNDING.**—

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

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

(B) in subparagraph (B), in the matter preceding clause (i), by striking “funding among sea grant colleges and sea grant institutes” and

inserting “funding among sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects”.

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

(A) by striking subsection (c); and

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

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

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

**SEC. 11. TECHNICAL CORRECTIONS.**

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

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

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

“(3) **AVAILABILITY OF RESOURCES OF DEPARTMENT OF COMMERCE.**—The Secretary shall”.

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.”)

The bill, as amended, 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, as amended.

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

The bill (S. 910), as amended, 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. 1069 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. 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, 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. 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.

**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 clerk 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 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.

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

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

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

The senior assistant legislative clerk read as follows:

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

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

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

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

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

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

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

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

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

S. 4403

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

**SECTION 1. NUTRIA ERADICATION.**

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

- (1) in section 2—
- (A) in subsection (a)—
- (i) in paragraph (1), by striking “Wetlands and tidal marshes of the Chesapeake Bay and in Louisiana” and inserting “Wetlands, tidal marshes, and agricultural lands”;
- (ii) in paragraph (2), by striking “in Maryland and Louisiana”;
- (iii) by amending paragraph (3) to read as follows:

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

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

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

(2) in section 3—

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

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

(B) by striking subsection (b);

(C) in subsection (d)—

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

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

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

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

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

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

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

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

**EXTENSION OF THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT**

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

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

The senior assistant legislative clerk read as follows:

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

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

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

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

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

**PROTECTING BUSINESS OPPORTUNITIES FOR VETERANS ACT OF 2019**

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

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

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

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

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

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

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

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

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

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

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

Mr. MORAN. Yes.

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

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

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

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

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

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

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

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

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

##### SECTION 1. SHORT TITLE.

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

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

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

##### (b) DUTIES.—

(1) *IN GENERAL.*—The Joint Task Force shall develop recommended requirements, plans, and guidelines to address the health, safety, security, and logistical issues relating to the continuation of air travel during the COVID-19 Public Health Emergency, and with respect to the resumption of full operations at airports and increased passenger air travel after the COVID-19 Public Health Emergency ends. The Joint Task Force shall develop, at a minimum, rec-

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

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

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

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

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

(C) addressing the privacy and civil liberty concerns created by passenger health screenings, contact-tracing, or any other process for monitoring the health of individuals engaged in air travel; and

(D) operating procedures to manage future public health crises affecting air travel.

(2) *APPLICABLE PERIODS.*—For purposes of paragraph (1), the applicable periods are the following:

(A) The period beginning with the date of the first meeting of the Joint Task Force and ending with the date on which the COVID-19 Public Health Emergency ends.

(B) The 1-year period beginning on the day after the period described in subparagraph (A) ends.

##### (c) REQUIREMENTS.—

(1) *IN GENERAL.*—In developing the recommended requirements, plans, and guidelines under subsection (b), and prior to including them in the final report required under subsection (f)(2), the Joint Task Force shall—

(A) consider the consensus recommendations of the Advisory Committee established under subsection (e);

(B) conduct cost-benefit evaluations;

(C) consider funding constraints; and

(D) use risk-based decision-making.

(2) *INTERNATIONAL CONSULTATION.*—The Joint Task Force shall consult, as practicable, with relevant international entities and operators, including the International Civil Aviation Organization, towards the goal of maximizing the harmonization of recommended requirements, plans, and guidelines for air travel during and after the COVID-19 Public Health Emergency.

##### (d) MEMBERSHIP.—

(1) *CHAIR.*—The Secretary of Transportation (or the Secretary's designee) shall serve as Chair of the Joint Task Force.

(2) *VICE-CHAIR.*—The Secretary of Health and Human Services (or the Secretary's designee) shall serve as Vice Chair of the Joint Task Force.

(3) *OTHER MEMBERS.*—In addition to the Chair and Vice Chair, the members of the Joint Task Force shall include representatives of the following:

(A) The Department of Transportation.

(B) The Department of Homeland Security.

(C) The Department of Health and Human Services.

(D) The Federal Aviation Administration.

(E) The Transportation Security Administration.

(F) U.S. Customs and Border Protection.

(G) The Centers for Disease Control and Prevention.

(H) The Occupational Safety and Health Administration.

(I) The National Institute for Occupational Safety and Health.

(J) The Pipeline and Hazardous Materials Safety Administration.

(K) The Department of State.

(L) The Environmental Protection Agency.

(e) *ADVISORY COMMITTEE.*—

(1) *ESTABLISHMENT.*—Not later than 15 days after the date on which the Joint Task Force is established under subsection (a), the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall establish a Joint Federal Advisory Committee to advise the Joint Task Force (in this section referred to as the "Advisory Committee").

(2) *MEMBERSHIP.*—The members of the Advisory Committee shall include representatives of the following:

(A) Airport operators designated by the Secretary of Transportation in consultation with the Secretary of Homeland Security.

(B) Air carriers designated by the Secretary of Transportation in consultation with Secretary of Homeland Security.

(C) Aircraft and aviation manufacturers designated by the Secretary of Transportation.

(D) Labor organizations representing aviation industry workers, including, but not limited to, pilots, flight attendants, maintenance, mechanics, air traffic controllers, and safety inspectors, designated by the Secretary of Transportation.

(E) Public health experts designated by the Secretary of Health and Human Services.

(F) Consumers and air passenger rights organizations designated by the Secretary of Transportation in consultation with Secretary of Homeland Security.

(G) Privacy and civil liberty organizations designated by the Secretary of Homeland Security.

(H) Manufacturers and integrators of air passenger screening and identity verification technologies designated by the Secretary of Homeland Security.

(I) Trade associations representing air carriers, including, but not limited to, major air carriers, low cost carriers, regional air carriers, cargo air carriers, and foreign air carriers, designated by the Secretary of Transportation in consultation with Secretary of Homeland Security.

(J) Trade associations representing airport operators designated by the Secretary of Transportation in consultation with Secretary of Homeland Security.

(3) *VACANCIES.*—Any vacancy in the membership of the Advisory Committee shall not affect its responsibilities, but shall be filled in the same manner as the original appointment and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

##### (4) DUTIES.—

(A) *IN GENERAL.*—The Advisory Committee shall develop and submit policy recommendations to the Joint Task Force regarding the recommended requirements, plans, and guidelines to be developed by the Joint Task Force under subsection (b).

(B) *PUBLICATION.*—Not later than 14 days after the date on which the Advisory Committee submits policy recommendations to the Joint Task Force in accordance with subparagraph (A), the Secretary of Transportation shall publish the policy recommendations on a publicly accessible website.

(5) *PROHIBITION ON COMPENSATION.*—The members of the Advisory Committee shall not receive any compensation from the Federal Government by reason of their service on the Advisory Committee.

##### (f) BRIEFINGS AND REPORTS.—

(1) *PRELIMINARY BRIEFINGS.*—As soon as practicable, but not later than 6 months after the establishment of the Joint Task Force, the Joint Task Force shall begin providing preliminary briefings for Congress on the status of the development of the recommended requirements, plans, and guidelines under subsection (b). The preliminary briefings shall include interim versions,

if any, of the Joint Task Force's recommendations.

(2) FINAL REPORT.—

(A) 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.

(B) CONTENT.—The final report shall include the following:

(i) All of the recommended requirements, plans, and guidelines developed by the Joint Task Force.

(ii) A description of any actions taken by the Federal Government as a result of such recommendations.

(g) TERMINATION.—The Joint Task Force and Advisory Committee shall terminate 30 days after the date on which the Joint Task Force submits the final report required under subsection (f)(2).

(h) DEFINITION.—In this section, the term "COVID-19 Public Health Emergency" means the public health emergency first declared on January 31, 2020, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID-19 and includes any renewal of such declaration pursuant to such section 319.

Amend the title so as to read: "A bill to require a joint task force on air travel during and after the COVID-19 Public Health Emergency, and for other purposes."

Mr. PORTMAN. I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the Markey substituted amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; that the committee-reported title amendment be agreed to; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 2677) in the nature of a substitute was agreed to as follows:

(Purpose: In the nature of a substitute.)

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 3681), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The committee-reported title amendment was agreed to as follows:

Amend the title so as to read: "A bill to require a joint task force on air travel during and after the COVID-19 Public Health Emergency, and for other purposes."

MEASURES READ THE FIRST TIME—S. 4773, S. 4774, AND S. 4775

Mr. PORTMAN. Mr. President, I understand there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time en bloc.

The senior assistant legislative clerk read as follows:

A bill (S. 4773) to establish the Paycheck Protection Program Second Draw Loan, and for other purposes.

A bill (S. 4774) to provide support for air carrier workers, and for other purposes.

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. Objection having been heard, the bills 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 when the Senate completes its business today, it adjourn until 12 noon, Thursday, October 1; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate 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.

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.

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. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (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, 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 on the bill, the bill having been read the third time, 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 are expected in the next decade.

(4) Coastal counties in the United States average 300 persons per square mile, compared with the national average of 98.

(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 this 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 interagency committee that promotes the coordinated development, use, sharing, and dissemination of geospatial data on a national basis.

(4) REMOTE SENSING AND OTHER GEOSPATIAL.—The term “remote sensing and other geospatial” means collecting, storing, retrieving, or disseminating graphical or digital data depicting natural or manmade physical features, phenomena, or boundaries of the Earth and any information related thereto, including surveys, maps, charts, satellite and airborne remote sensing data, images, LiDAR, and services performed by professionals such as surveyors, photogrammetrists, hydrographers, geodesists, 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.—

(1) IN GENERAL.—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 economic growth and development by helping communities address their issues, needs, and challenges through cost-effective and participatory solutions.

(2) DESIGNATION.—The program established under paragraph (1) shall be known as the “Digital Coast” (in this section referred to as the “program”).

(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 at the appropriate National Oceanic 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 information 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 Integration 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 2009 (33 U.S.C. 3601 et seq.), and the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892 et seq.);

(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 Federal 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 13286 of February 28, 2003 (68 Fed. Reg. 10619); and

(5) developing and maintaining a best practices document 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 Integration Act (33 U.S.C. 3501 et seq.), support continue improvement in existing efforts to coordinate the acquisition and integration of key data sets needed for coastal management and other purposes, including—

- (A) coastal elevation data;
- (B) land use and land cover data;
- (C) socioeconomic and human use data;
- (D) critical infrastructure data;
- (E) structures data;
- (F) living resources and habitat data;
- (G) cadastral data; and
- (H) aerial imagery; and

(4) integrate the priority supporting data set forth under paragraph (3) with other available data for the benefit of the broadest measure of coastal resource management constituents and applications.

(e) FINANCIAL AGREEMENTS 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 such 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.

(2) FEES.—

(A) 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.

(B) 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.

(C) USE OF FEES.—Amounts collected by the Secretary in the form of fees under this paragraph may be used to pay for—

(i) the costs incurred for conducting an activity described in subparagraph (A); or

(ii) the expenses described in subparagraph (B).

(3) 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.

(f) OCEAN ECONOMY.—The Secretary may establish publically available tools that track ocean and Great Lakes economy data for each coastal State.

(g) 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 S. 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, U.S.C., SECTION 12203:

##### To be major general

BRIG. GEN. MATTHEW V. BAKER  
BRIG. GEN. VINCENT B. BARKER  
BRIG. GEN. BOWLMAN T. BOWLES III  
BRIG. GEN. MIGUEL A. CASTELLANOS  
BRIG. GEN. MILES A. DAVIS  
BRIG. GEN. MATTHEW P. EASLEY  
BRIG. GEN. JOHN B. HASHEM  
BRIG. GEN. JOSEPH J. HECK  
BRIG. GEN. SUSAN E. HENDERSON  
BRIG. GEN. JAMELLE C. SHAWLEY  
BRIG. GEN. TRACY L. SMITH  
BRIG. GEN. LAWRENCE F. THOMS

##### To be brigadier general

COL. HARVEY A. CUTCHIN  
COL. JOHN M. DRESKA  
COL. CHARLES A. GAMBARO, JR.  
COL. MICHAEL M. GREER  
COL. ANDREW R. HAREWOOD  
COL. DANIEL H. HERSHKOWITZ  
COL. STEPHANIE Q. HOWARD  
COL. MARIA A. JUAREZ  
COL. ROBERT T. KRUMM  
COL. JOCELYN A. LEVENTHAL  
COL. KEVIN F. MEISLER  
COL. ANDREE G. NAVARRO  
COL. ROBERT S. POWELL, JR.  
COL. JEFFREY D. PUGH  
COL. DAVID M. SAMUELSEN

COL. KATHERINE A. SIMONSON  
COL. JUSTIN M. SWANSON  
COL. DEAN P. THOMPSON  
COL. JASON J. WALLACE  
COL. MATTHEW S. WARNE  
COL. MICHAEL L. YOST

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 lieutenant general*

MAJ. GEN. JOHN E. SHAW

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*

MAJ. GEN. JOHN E. SHAW

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14 U.S.C., SECTION 2121(D):

*To be rear admiral*

REAR ADM. (LH) BRENDAN C. MCPHERSON  
REAR ADM. (LH) DOUGLAS M. SCHOFIELD  
REAR ADM. (LH) ANDREW M. SUGIMOTO  
REAR ADM. (LH) RICHARD V. TIMME  
REAR ADM. (LH) TODD C. WIEMERS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

JESSICA R. COLMAN  
THOMAS O. FAUST II  
BRIAN A. THALHOFER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

SCOTT R. MOORE  
SANDRA V. SLATER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

ANNE B. WARWICK

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*

JAKUB H. ANDREWS  
OKERA G. ANYABWILE  
LANCE D. AWBREY  
MICHAEL J. BANCROFT  
JASON C. BARNHILL  
CHAD T. BATES  
CHRISTINA A. BEMBENEK  
JOSEPH C. BILBO  
BRIAN S. BLACKSTONE  
DAVID F. BOWERS  
BYRON J. BROWN  
JAKOB C. BRUHL  
JOSEPH G. BRUHL  
THOMAS E. BURNLEY, JR.  
BOBBY R. BURRUS  
MALCOLM S. BUSH  
SILAS J. CALHOUN  
CHARLES H. CANON  
SCOTT T. CHILDERS  
HEATHER A. CLEVINGER  
MARK A. COBOS  
JENNIFER J. COLVIN  
CLAYTON L. COMBS  
RUSSELL M. CORWIN  
ROBERT H. CREASON  
MARK J. CROW  
RICHARD J. DANIELO  
WILLIAM R. DANIEL II  
BRIAN R. DAVIS  
BRENDON K. DEVER  
JULIA M. DONLEY  
JONATHAN T. DRAKE  
DAMON J. M. DURALL  
CHRISTOPHER I. EASTBURG  
DAVID C. ECKLEY  
JAMES R. ENOS  
DARIUS D. ERVIN  
CRAIG L. EVANS  
REGINALD K. EVANS  
NEIL C. EVERINGHAM  
BENJAMIN J. FERNANDES  
DANIEL R. FITCH  
STANLEY FLOKOWSKI  
ERIC S. FOWLER  
CHAD W. FURNE  
JOSEPH N. GARDNER  
HEATH A. GIESCKE

COREY A. GIVENS  
CASON S. GREEN  
JOHN C. GRISWOLD  
JASON B. HAIGHT  
DAVID L. HALL  
TODD J. HAMEL  
JENNIFER H. HARLAN  
ELIZABETH J. HELLAND  
DOUGLAS C. HESS  
TIMOTHY M. HILL  
JARED A. HOFFMAN  
JOEL L. HOUK  
RONALD IAMMARTINO, JR.  
MATTHEW R. JENSEN  
CHRISTOPHER L. JOHNSON  
CURTIS J. KELLOGG  
JUSTINE S. KRUMM  
THOMAS J. KUICK  
SHAWN W. KYLE  
STEVEN J. LACY  
JEFFREY J. LAKNER  
MICHAEL A. LANDIN  
CHRISTIAN T. LEWIS  
BRIAN P. LUTI  
THANG V. LY  
NATHAN M. MANN  
KYLE B. MARCRUM  
ANGELICA R. MARTINEZ  
DAVID W. MAYFIELD  
CHRISTOPHER S. MCCLURE  
KEVIN J. MCCULLAGH  
ROBERT E. MCGUIRE  
MICHAEL E. MCINERNEY  
TIMOTHY T. MEASNER  
THOMAS H. MELTON II  
CHRISTOPHER J. MILLER  
LOUIS A. MORRIS  
GREGORY W. NAPOLI  
MICHAEL P. NEEHDHAM  
EMANUEL L. E. ORTIZCRUZ  
PETER A. PATTERSON  
GREGORY J. PAVLICHKO  
JEFFREY M. PRAY  
JOSE A. RAMIREZ  
ANGELA E. REBER  
JAMES C. REED  
THOMAS R. RENNER  
KRISTINA L. RICHARDSON  
KEVIN T. RILEY  
TIMOTHY D. RUSTAD  
MICHAEL A. SAPP  
RACHEL E. SARLES  
FRANKLIN B. SCHERRA, JR.  
SEANEGAN P. SCULLLEY  
JOHN W. SHERMER  
ELDRIDGE R. SINGLETON  
DAVID J. SMITH  
MELISSA A. SOLSBURY  
JENNIFER R. SPAHN  
ROBERT J. SPIVEY  
TISSA L. STROUSE  
JAMES C. SULLIVAN  
WILLIAM C. TAYLOR  
MICHAEL J. TEMKO  
LESLIE W. THOMPSON  
ALAN W. THROOP  
KEITH S. VANYO  
ANDREW K. VISSER  
CHRISTOPHER J. WEHRI  
JAMES W. WELCH  
CHRISTOPHER M. WHELAN  
LISA L. WINEGAR  
PRINCETON D. WRIGHT  
WILLIAM C. WRIGHT  
MATTHEW C. YIENGST  
G001139  
G010621  
D002999

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*

MATTHEW T. ADAMCZYK  
GREGORY K. ALEXANDER  
JUSTIN C. AMBARGEY  
LAURENCE H. ARNOLD  
JOHN M. AUTEN III  
JEROME A. BARBOUR  
RYAN D. BARNETT  
JEFFREY J. BARTA  
ANTHONY J. BIANCHI  
JOHN D. BISHOP  
RHETT A. BLACKMON  
SCOTT R. BLANCHARD  
BENJAMIN S. BOARDMAN  
MARTIN J. BOWLING  
DONALD T. BRAMAN  
JESSIE J. BREWSTER  
JAMES L. BROWNING  
JEFFREY T. BURROUGHS  
CRAIG W. BUTERA  
CHAD W. CALDWELL  
MATTHEW B. CHITTY  
CHRISTOPHER M. CHUNG  
CHRISTOPHER H. CLYDE  
CLINTON R. CODY  
MICHAEL R. CONDON  
KATE M. H. CONKEY  
DREW R. CONOVER  
THOMAS B. CRAIG  
AUSTIN S. CRUZ  
KIRBY R. DENNIS  
AARON B. DIXON  
THOMAS P. DONATELLE  
CHRISTOPHER M. ELLIS

JOSEPH E. ELSNER  
DANIEL C. ENSLEN  
TIMOTHY J. FERGUSON  
MICHAEL J. FOOTE  
CHARLES A. FORD  
GREGORY R. FOXX  
REID E. FURMAN  
TIMOTHY D. GATLIN  
MICHAEL J. GEORGE  
JOHN G. GIBSON  
THOMAS A. GOETTKE  
CHARLES A. GREEN  
BRANDON S. GRIFFIN  
TERRY D. HAHN  
DANIEL S. HALL  
CHRISTOPHER C. HAMMONDS  
SALLY C. HANNAN  
RYAN M. HANSON  
ELLIOTT R. HARRIS  
JAMES J. HART  
JAMES P. HARWELL  
JIMMY L. HATHAWAY  
DANIEL J. HERLIHY  
KRISTOPHER H. HOWELL  
WILBUR W. HSU  
TIMOTHY P. HUDSON  
DON P. HURSEY  
BRIAN A. JACOBS  
TIMOTHY R. JAEGER  
BENJAMIN D. JAHN  
MATTHEW J. JEMMOTT  
ERIC B. JOHNSON  
RICHARD B. JOHNSON  
BRYAN C. JONES  
CULLEN A. JONES  
HUGH W. A. JONES  
KENNETH R. JONES  
DAVID J. KACZMAREK  
JOSEPH A. KATZ  
DANIEL P. KEARNEY  
COLLIN K. KEENAN  
JIM D. KEIRSEY  
MATTHEW F. KELLY  
RYAN C. KENDALL  
DANIEL R. KENT  
ADISA T. KING  
CHRISTOPHER J. KIRKPATRICK  
CHRISTOPHER D. KLEIN  
SAMUEL W. KLINE  
ANDREW J. KNIGHT  
RYAN T. KRANC  
ERIC V. KREITZ  
JAMES L. KRUEGER  
KWENTON K. KUHLMAN  
MATTHEW A. LANDRUM  
NEAL J. LAPE  
IAN J. LAUBER  
ALEXANDER R. LEE  
MICHAEL T. LOFTUS  
SEAN P. LUCAS  
TOD T. MARCHAND  
BRYAN M. MARTIN  
LINDSAY R. C. MATTHEWS  
PATRICK M. MCARTHY  
ROBERT S. MCCRISTAL  
MARGARET L. MCGUNEGLE  
STEVEN B. MCGUNEGLE  
NICHOLAS O. MELIN  
ANN M. MEREDITH  
CHRISTOPHER J. MIDBERRY  
TRAVIS W. MILLS  
TROY A. MILLS  
DANIEL D. MITCHELL  
HECTOR A. MONTEMAYOR  
DAVID W. MORGAN  
JOHN A. MORRIS III  
SHELDON A. MORRIS  
KYLE T. MOULTON  
PATRICK R. NELSON  
TOM M. NOBLE  
CHRISTOPHER S. NUNN  
JEFFREY S. PALAZZINI  
ANDY J. PANNIER  
KENT W. PARK  
JEROME A. PARKER  
KEVIN M. PAYNE  
JAMES H. B. PEAY IV  
NORMAN L. POLLOCK  
CHAD M. RAMSKUGLER  
TRAVIS J. RAYFIELD  
JOHN A. REDFORD  
DAVID B. ROWLAND  
AARON J. SADUSKY  
DAVID R. SANDOVAL  
BRIAN D. SAWSER  
VICTOR H. SCHARSTEIN  
RYAN L. SCHROCK  
KIRSTEN T. SCHWENN  
JAMES H. SCOTT III  
ROBERT M. SHAW  
COURTNEY A. SHORT  
DAVID E. SHORT  
DEREK A. SMITH  
WILLIAM H. SNOOK  
SHAWN D. SUMPTER  
JOHNNY R. SUTTON III  
GABRIEL A. SZODY  
RICHARD P. TAYLOR  
JOSHUA P. THIEL  
ISRAEL A. THOMPSON  
JOHN E. TIEDEMAN  
WILLIAM J. TOLBERT  
RICARDO A. TURIBEL  
JULIAN T. URQUIDEZ  
ROGER P. WALESKI, JR.  
SCOTT D. WENGE  
GRAHAM R. WHITE

JOHN M. R. WILCOX  
MARTIN A. WOHLGEMUTH  
BRYAN T. WOODY  
MATTHEW T. WORK  
FREDRICK J. WRIGHT, JR.  
JAYSAN A. YOCHIM  
JAMES A. ZANELLA  
D012380  
D002680  
D015515

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  
ADONTIS ATKINS  
REBEKAH L. BARNES  
DEAN J. CASE II  
DAVID P. T. DAVID  
MATTHEW D. GIOVANNI  
MICHAEL K. GOODWIN  
BRADLEY S. LOUDON  
GARY M. L. LYKE  
JAVIER MADRIGAL  
WILLIAM C. MOODY  
JOSEPH E. OHANLON III  
MELAN P. SALAS  
BENJAMIN F. SANGSTER  
TIMOTHY M. SAWYER  
DANIEL E. WELSH  
WILLIAM J. ZIELINSKI  
JOHN J. ZOLLINGER

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*

CORNELIUS L. ALLEN, JR.  
REGAN J. ALLEN  
KAREN A. BAKER  
JEROME K. BARNARD  
CHRISTOPHER P. BARTOS  
JASON A. BERDOU  
DANIEL J. BIDEITTI  
BOYD R. BINGHAM  
CHAD J. BLACKETER  
THOMAS R. BOLAND  
FREEMAN T. BONNETTE  
MEGAN A. BROGDEN  
HENRY C. BROWN  
JOSIEL CARRASQUILLOMORALES  
MARTIN J. CHEMAN  
MICHAEL C. CHERRY  
ERIC P. CHRISTIANSEN, JR.  
JAMES G. CLARK  
JOHN D. CLEMONS  
FRANKIE C. COCHIAOSUE  
BRIAN M. COZINE  
GEORGE S. CROCKATT  
SHERMOAN L. DAIYAAN  
KENNETH R. DARNALL  
PAUL R. DAVIS  
LARRY R. DONAHUE  
BRIAN T. DOWNING  
AMY E. DOWNING  
ALAIN G. FISHER  
MARC J. FLEURANT  
CHRISTOPHER L. FOSTER  
MISTI L. FRODYMA  
VINCENTE GARCIA  
CHAE GAYLES  
JESSIE K. GRIFFITH III  
STEVEN D. GUTIERREZ  
TODD C. HANKS  
SCOTT E. HELMORE  
LUCAS S. HIGHTOWER  
CHRISTOPHER M. HILL  
JAMES E. HOWELL III  
MICHAEL R. HUTCHINS  
JEFFREY J. IGNATOWSKI  
SEAN P. IMBS  
SEANA M. JARDIN  
CHRISTOPHER D. JOHNSON  
RICARDO D. JONES  
VERNON L. JONES, JR.  
JENNIFER S. KARIM  
CODY W. KOERWITZ  
WILLIAM R. KOST  
MATTHEW L. KUHN  
JANELLE V. KUTTER  
WESLEY J. KWASNEY  
WILLIAM E. LAASE  
BARRCARY J. LANE  
TASHA N. LOWERY  
ANTHONY P. MARANTE  
JESSE R. MARSALIS  
RICHARD J. MARSDEN  
KATIE E. MATTHEW  
JULIE A. MAXWELL  
JENNIFER MCDONOUGH  
THOMAS G. MCFALL  
DANIELLE R. MEDAGLIA  
JONATHAN W. MEISEL  
MICHAEL K. MEUMANN  
JASON L. MILES  
SAMUEL R. MILLER  
DAVID A. MITCHELL  
KEITH C. MIXON  
SHAWN M. OBRIEN  
PHILBERT J. PALMORE  
MATTHEW C. PAUL  
BRIDGETTE L. PAYTON  
KEVIN D. PIERCE  
MARTIN P. PLYS, JR.

STEVEN POWER  
RHEA M. PRITCHETT  
ELDRRED K. RAMTAHAL  
LEON L. ROGERS  
THOMAS H. RUTH III  
DONALD C. SANTILLO  
TONYA L. SEBOLD  
DENNIS L. SHELDEN  
FRANYATE D. TAYLOR  
DAVID L. THOMPSON  
MATTHEW R. WESTERN  
ANTHONY K. WHITFIELD  
CARL D. WHITMAN, JR.  
DENNIS F. WILLIAMS  
MICHAEL A. ZWEIFEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 7433(B) AND 7436(A).

*To be lieutenant colonel*

COREY M. JAMES

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

JOHN H. MITCHELL

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 605:

*To be lieutenant commander*

ROBERT M. KNAPP

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

JOLINE A. MANCINI  
SAMUEL D. YOUNG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

BRIAN E. LAMARCHE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

TERENCE M. MURPHY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

ROLDAN J. CRESPOBAPON

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTIONS 1944 AND 2126:

*To be captain*

CORINNA M. FLEISCHMANN

*To be commander*

KIMBERLY C. YOUNG-MCLEAR

## CONFIRMATIONS

### Executive nominations confirmed by the Senate September 30, 2020:

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 general*

LT. GEN. CHRISTOPHER G. CAVOLI

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

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*

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF OF THE AIR FORCE AND AP-

POINTMENT 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*

LT. GEN. ANDREW P. POPPAS

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 NAVY

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, AND FOR APPOINTMENT AS A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

*To be vice admiral*

LISA M. FRANCHETTI

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be brigadier general*

COL. WILLIAM F. MCCLINTOCK

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601:

*To be lieutenant general*

MAJ. GEN. MICHAEL S. GROEN

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR 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., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JAMES C. DAWKINS, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. SEAN C. BERNABE

BRIG. GEN. PATRICK D. FRANK

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN H. ADAMS AND ENDING WITH MARY JEAN WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2020, AIR FORCE NOMINATION OF JAMES E. KEY III, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH PAUL JEFFREY AFFLECK AND ENDING WITH JOSEPH F. ZINGARO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2020.

AIR FORCE NOMINATION OF MICHAEL B. PARKS, TO BE COLONEL.

AIR FORCE NOMINATION OF BRIAN P. O'CONNOR, TO BE MAJOR.

AIR FORCE NOMINATION OF SAMUEL P. BAXTER, TO BE COLONEL.

AIR FORCE NOMINATION OF RYAN M. VANARTSDALEN, TO BE MAJOR.

IN THE ARMY

ARMY NOMINATION OF MARK J. RICHARDSON, TO BE MAJOR.

ARMY NOMINATION OF LUIS O. RODRIGUEZ, TO BE COLONEL.

ARMY NOMINATION OF KYLE C. FURFARI, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH EDWARD J. COLEMAN AND ENDING WITH MICHAEL E. KELLY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 13, 2020.

ARMY NOMINATION OF RENN D. POLK, TO BE COLONEL. ARMY NOMINATIONS BEGINNING WITH WILLIAM R. BROWN AND ENDING WITH PAUL S. WINTERTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 13, 2020.

ARMY NOMINATIONS BEGINNING WITH JONATHAN BENDER AND ENDING WITH CHRISTOPHER J. VITALE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 13, 2020.

ARMY NOMINATIONS BEGINNING WITH RAYMOND COLSTON, JR. AND ENDING WITH MATTHEW J. RIVAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 13, 2020.

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. BERTOGGIO, 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. RUSNOK, TO BE COLONEL.

MARINE CORPS NOMINATION OF DAMON K. BURROWS, TO BE COLONEL.

#### IN THE NAVY

NAVY NOMINATION OF BRIAN 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. SHROY, 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 NATHAN D. HUFFAKER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF EMILY M. BENZER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF DAVID M. LALANNE, 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.