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...
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. Sonia Sotomayor was going to send vulnerable people into the Dark Ages. John Roberts was going to declare war on health insurance.

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

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

These baseless attacks over healthcare are supposedly founded on a technical argument in a 4-year-old scholarly article. Then-Professor Barrett in her 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 mere speculation 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 protection is still in effect.

Our Democratic colleagues are grasping at straws. Now they want Judge Barrett to promise to recuse herself from whole categories of cases. Of course, that is ridiculous. It is hard to think of anyone in the country over whom a President has less leverage than a judge with a lifetime appointment. Nobody suggested Justice Sotomayor or Justice Kagan needed to categorically sit on the sidelines until President on a one-woman crusade to hurt Americans with preexisting conditions. Nobody suggested Justice Barrett to recuse herself. This is a 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 heaped upon her jurisprudence even by famous liberal lawyers. Judge Barrett has already stated in writing to the Senate that she has given nobody in the White House any hints or any assurances about any kind of cases, real or hypothetical. It is only Senate colleagues 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 institutional-shattering step.

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

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

CORONAVIRUS

Mr. MCCONNELL. If Senate Democrats want to play politics 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; the money for vaccines, money for safe schools, money for small businesses, and money for unemployed workers—just 3 weeks ago. Fifty-two Republicans voted to pass all of these policies and every single Democrat who showed up voted to filibuster it and prevent the House from even getting a vote. This Democrat who argues 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 demands a single cent of new money toward the Paycheck Protection Program to help small businesses that are going under. It does nothing to help schools, universities, doctors, nurses, or employers avoid frivolous lawsuits. But the House did find room to provide special treatment to the marijuana industry. Their bill mentions the word "cannabis" more times than the words "job" or "jobs." They still want to send taxpayer-funded stimulus checks to people in our country illegally. They still want to hand a massively expensive tax cut to millionaires and billionaires in places like New York City and San Francisco, a pet priority of the Speaker. The Democratic leader that would do nothing to help working families through this pandemic.

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll of the bipartisan members.
The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

PRESIDENTIAL DEBATE

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

One can become inured to the President’s tendency to melt down when confronted with his facts, his brazen lack of self-awareness, his stunning lack of regard for others, but it was maddening to watch the President last night—angry and small—unable to 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 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 a far-right group of violent White supremacists, and they told him to 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, profoundly, 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 said that the Supreme Court would “have to invalidate” the law if it had read the statute the way she does.

I will tell you what: This is not a joke to the American people. This is not a joke to the 20 million Americans who could lose their health insurance if the ACA is struck down—not a joke to the parents of a child who has cancer and who would have to watch helplessly as their child’s protections for preexisting conditions are struck down; not a joke to the millions of Americans on Medicare, whose drug prices would soar; not a joke to women across the country who could, once again, be charged more for their 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 fully expose the healthcare of hundreds of millions of Americans and prevent efforts by the Department of Justice—Donald Trump’s Department of Justice—to advocate that courts strike down the Affordable Care Act. Leader McCONNELL and all of my Republican colleagues will have to vote on that shortly. Let me repeat. Leader McCONNELL and all of my Republican colleagues will have to vote very soon on whether the Senate would consider a bill to protect Americans with preexisting conditions. With that vote, we will see just how much of a joke it is that Senate Republicans and their Supreme Court nominees want to eliminate Americans’ healthcare.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.
CONTINUING APPROPRIATIONS ACT, 2021 AND OTHER EXTENSIONS ACT—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 8337, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 8337) making continuing appropriations for fiscal year 2021, and for other purposes;

Pending:

McConnell Amendment No. 2663, to change the enactment date.

McConnell Amendment No. 2664, of a perfecting nature.

The PRESIDING OFFICER. The Senator from South Dakota.

NOMINATION OF AMY CONEY BARRETT

Mr. THUNE. Mr. President, on Saturday the President announced his nominee to fill the Supreme Court seat left vacant by Justice Ginsburg. As the Nation mourns the death of this trailblazing Justice, it is fitting that the President has nominated an outstanding woman to replace her.

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

She is supremely qualified. Like Justice Ginsburg, Judge Barrett was first in her class in law school—in this case, at Notre Dame. She was a clerk for DC Circuit Judge Laurence H. Silberman and then for Supreme Court Justice Antonin Scalia.

She worked at a prestigious law firm and served as a visiting professor at the George Washington University Law School before accepting a position at the University of Notre Dame Law School, where she went on to teach for 15 years.

During her time at Notre Dame, Judge Barrett built a distinguished record. She was published repeatedly in prominent law journals and was chosen by Chief Justice John Roberts to serve on the Advisory Committee for the Federal Rules of Appellate Procedure. She was elected Distinguished Professor of the Year by the law school’s graduating class three times.

She also served as a visiting associate professor at another prominent law school, the University of Virginia School of Law.

In 2017, she moved to the U.S. Court of Appeals for the Seventh Circuit, winning bipartisan confirmation in a bi-partisan vote. During her confirmation to the Seventh Circuit, support for Judge Barrett poured forth from her students, colleagues, and peers from both sides of the aisle.

Every one of the Supreme Court clerks who had served with Judge Barrett during her clerkship with Justice Scalia wrote a letter to the then-chairman and ranking member of the Judiciary Committee expressing their support for her confirmation. This included Justice Ginsburg’s clerks and other clerks from the liberal wing of the Court.

Here is what they said to say:

We are Democrats, Republicans, and independents, and we have diverse points of view on politics, judicial philosophy, and much else. Yet we all write to support the nomination of Professor Barrett to be 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 supremely qualified for the job.

Judge Barrett’s colleagues from Notre Dame sent a similar letter. They said:

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

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

Four hundred seventy Notre Dame Law graduates, former students of Judge Barrett, sent a letter as well. Here is what they said:

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

They went on:

We are convinced that Professor Barrett would bring the same intelligence, fairness, decency, generosity, and hard work she has demonstrated at Notre Dame Law School. She will treat each litigant with respect, and conscious of the reality that judicial decisions greatly affect the lives of those before the court. And she will apply the law faithfully and impartially.

I could go on for a while here. There are a lot of tributes to Amy Coney Barrett out there, like the ones 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 qualified” or the recent tribute from Harvard law professor Noah Feldman, one of the House Democrats’ star impeachment witnesses, who stated: “Barrett is highly qualified to serve on the Supreme Court.” But I will stop here because it is abundantly obvious to everyone—my colleagues across the aisle included—that Judge Barrett is supremely qualified to be a Supreme Court Justice, which is why Democrats have resorted to scare tactics to try to sink her nomination.

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

It is both ridiculous and offensive to suggest that Judge Barrett, the mom of seven children, who has faced medical challenges—is out to eliminate Americans' healthcare.

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

As Judge Barrett noted in her speech accepting the President's nomination, "A judge must apply the law as written. Judges are not policymakers, and they must be resolute in setting aside any policy views that they might hold." That is the kind of Justice that Judge Barrett would be, and that is the kind of Justice that all of us, Democrat or Republican, should want—someone who will protect the principles of justice and equality under the law by judging according to the law and the Constitution and nothing else; someone who will leave her personal beliefs at the courtroom door; someone who will, as Judge Barrett said last week, quoting the judicial oath, "administer justice without respect to persons, do equal right to the poor and rich, and faithfully and impartially discharge my duties under the United States." One of the reasons I ran for the Senate was that 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 (Mr. ROMNEY). 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 fulfill their unconstitutional 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 is not favorable. We just use 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. 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. He and I have worked 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 provided to the American 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, Republicans blocked 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—this golden rule—the American people have to vote 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 anyone who has been appointed to the Supreme Court for a lifetime appointment, the highest Court in the land.

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 to declare the Affordable Care Act will be eliminated. You see, 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, 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 melancholy, just walk by 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, as a member of the Senate judiciary committee, 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 tonight, Senator MCCONNELL 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—no not on the floor of the Senate, not in the newspaper, 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 took it done on 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 putting your 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 law that eliminated 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 he 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. That is why, in a letter to the President, 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 bench.

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.

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 newsmen 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 marched. When asked later, President Trump said: Nobody does it 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, Mr. President 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 protest or vocal.

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 marches. Finally, the President will declare civil rights and those who went down to march, and finally, chant, what was used during the time of the German rise of Nazism, their anti-Semitic chant. They grabbed their torches and marches. Finally, the President will declare: I disapprove of violence; I am against 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...
The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTHCARE

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

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

Vice President Biden says he is for Medicare. 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 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 and Senate that ultimately convinced President Clinton to sign the Balanced Budget Act of 1997. That act of 1997 extended the life of the health insurance trust fund for 14 years. If not for that bu-lletin to solve the Medicare Program's long-term financial challenges.

For many years, spanning both Democratic and Republican administrations, the Medicare trustees have cautioned that the program's financial shortfalls require further legislative action. The trustees reported repeatedly—advised Congress to enact such legislation sooner rather than later to minimize the impact on beneficiaries, healthcare providers, and taxpayers. Republican efforts to weaken or destroy Medicare, even when we have had a Republican majority in the White House, we repeatedly hear from Republicans that proposals aimed at making Medicare more efficient, more cost-effective, and more accountable for the 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. We 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 continue their campaign of fear. The facts tell a much different story.

The trustees said that Medicare's financial challenges are the same.

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.
Rather than confront the looming cri-

sis in 2009, President Obama, Vice

President Biden, and Washington

Democrats raided more than $700 bil-

lion 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 pro-
gram called ObamaCare. It was the
Democrats who pushed ObamaCare
through Congress without a single Re-
publican 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 mil-
lion 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 Fed-
eral spending by $32 trillion over the
next 75 years. This Democrat
scheme would fund the Medicare for All
Proposition and the cost of Medicare for All
would cause Federal spending to balloon
to unthinkable levels.

Democrats used the very same dirty
tricks related to Social Security, as I just
said, and with Medicare. Some across the aisle recently concocted a
hypothetical proposal that eliminates
the funding source for Social Security and asked the program's 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 malar-
key, 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 de-
stroy Social Security, Senate Demo-
crats 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 exhaust-
on and even to improve the program.

There was no privatization of any-
thing, and the only thing that could be
constructed was a benefit cut directly
from President Obama.

You will not hear anything about that from these Senate Democrats. In-
stead, they just bring out their stale
talking points. Instead, Democrats want to try to
destroy the program. Now they are applying
the same wornout, baseless scare tactics to this Supreme Court con-
firmation process.

Democrats want to make the Presi-
dent'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
testimony: "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 that frustrated this nominee the audacity to sug-
gest judges interpret law as written.

There is an old saying in the legal
profession: If the law isn't on your side, you should stick to the facts. If the facts aren't on your side, you should just
pound the table.

That is what we see yet again from
our Democratic colleagues. It is ludic-
rous to pick one pending case and pre-
dict how every member of the Court, including one just starting the con-
firmation 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 health care coverage would dis-
appear 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 ac-
complish through this branch of gov-
ernment, 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 ar-
guments in 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 de-
cision, no one will lose healthcare cov-
verage 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 Execu-
tive order that he signed last week.
That Executive order states that it has
been, and will continue to be, the pol-
icy 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 peo-
lies private insurance, result in worse
care, and bankrupt the country.

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

Americans deserve better. We can do
better.

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

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

RECESS

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

The PRESIDING OFFICER (Mr.
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).

CONTINUING APPROPRIATIONS
ACT, 2020 AND OTHER EXTEN-
SIONS ACT—Continued

The PRESIDING OFFICER. The Sen-
ator 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 exer-
cise of religion and 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 con-
istitutionally protected right to the
Amy Coney Barrett’s confirmation one draws is that the dogma lives loudly when you read your speeches, the conclusion has its own dogma. The law is totally different and honestly discharge their obligations as a judge. And were I confirmed as a judge, I would recuse. I would have some conscientious objection to the 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 talk about those things, the one thing one draws is that the dogma lives loudly within you.

Senator DURBIN from Illinois just asked an incredibly 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 for the first time, 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 often criticized because she is Catholic.

There is a 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 underrace. However, why shouldn’t Justice Barrett be shy about the fact that she was Jewish—nor should she have been. We have heard a lot about the fact that she was the longest serving Jewish Justice and the first Jewish person to lie in state in the Capitol. Why is it OK for Justice Ginsburg to talk about her faith and not Judge Barrett? Why is Justice Ginsburg’s faith celebrated and Judge Barrett’s faith currently being demonized? Is it because there is the belief that her religion—be it 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 has been 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, there would be the unlikely pair. She was Jewish. He was Catholic. Scalia was an original 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 mentor. Justices Scalia and Ginsburg disagreed fiercely in print without rancor in person. Their ability to maintain a rich friendship despite their differences even inspired an opera. These two great Americans demonstrated that arguments, even about matters of great consequence, need not destroy affection.

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

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

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

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

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

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

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

The president has asked me to become the next justice, and it is an honor 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, that his brothers and sisters unreservedly identify him as their favorite sibling.

Every day, every hour of our life very full. While I am a judge, I am a 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 the last 45 years.

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 children learned at an early age 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 of my plate. And that’s not because he has a lot of free time. He has a busy law practice. It is because he is a superb and generous husband, and I am very fortunate.

Faith, her family—why are we doing personal attacks on a qualified candidate for the Supreme Court of the United States? First, in her clarity, recognized by 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 is incumbent upon 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, this 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 cleaned up.

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 public opinion 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 president, we are still positioning our hands for the day that we have a rabbi, a Hindu, a Buddhist, a Jain, a Muslim, a Taoist, a Quaker, a Baptist, an Anglican, a Presbyterian, a Catholic, a Lutheran—yes, even a Mormon will be a viable person to be able to serve the Court.

Finally, I believe in an America where religious intolerance will someday end; where all men and all churches are treated as equals; 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 follow 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 have known it was going to be a problem for a long time. That is why we have been working for months on bipartisan solutions to the problems in the Paycheck Protection Program. This summer, Senator Menendez and I brought together a bipartisan coalition and introduced the Paycheck Protection Small Business Forgiveness Act. Here is what it does.

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—"strongly encouraged them"—to use the program, and it worked.

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

History will be the judge of the long-term success of the CARES Act. For sure, but it is unquestionable that in the short term, this program succeeded. It is time for us now to uphold our commitment.

America’s lenders and borrowers are ready to take that next step, proving that they have complied with the rules so they can receive forgiveness for these loans.

Well, here we are. Our businesses are still struggling but, with the help of the unprecedented threat, 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.

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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 weeks ago. Many of thelements of our bipartisan bill were in that package. Many bipartisan plans from all Senators were in it, but politics prevailed, and we came up short. That happens around here. Just because our total package was blocked doesn’t mean our small businesses and lenders who gave them PPP funds don’t still need relief. That is what we have heard from our communities and hundreds of association leaders from across the country. On their behalf—on behalf of the small businesses that need help and the lenders we encouraged to help them—I am going to ask for unanimous consent to pass S. 4117.

Mr. President, I ask unanimous consent that the Committee on Small Business be discharged from further consideration of S. 4117 and the Senate proceed to its immediate consideration of S. 4117 at the desk, and agreed to, the bill, as amended, be 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, but when it went to the Senate, we worked with Senator Risch—Republican and Democrat—and other members of our committee

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

Just because our total package was blocked doesn’t mean our small businesses and lenders who gave them PPP funds don’t still need relief. That is what we have heard from our communities and hundreds of association leaders from across the country. On their behalf—on behalf of the small businesses that need help and the lenders we encouraged to help them—I am going to ask for unanimous consent to pass S. 4117.

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

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

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

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

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

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

The Economic Injury Disaster Loan Program, EIDL, is desperately in need of congressional attention. We have bipartisan support for significantly increasing the resources going into the EIDL Program—Senator Cortez, Senator Alexander—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 bipartisan bill 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 event 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 would 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, 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 what will happen.

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

Lastly, this consent also deals with safe harbor for the PPP lenders. It would provide safe harbor from claims under the Small Business Act, the False Claims Act, the Financial Institutions Reform, Recovery, and Enforcement Act, the Federal Deposit Insurance Act, and the Bank Secrecy Act. They are all doing this under one or more 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 Senate has brought to the floor. I can assure him that I will continue to work with Senator Rуно in a bipartisan fashion 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 top, not 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, credits are under a whole different jurisdiction. There is not a nuclear modernization, and there is not unemployment insurance. There are lots of things that aren’t in it. Yet politics is the art of the possible, and around here, big packages become very difficult, and politics gets in the way.

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

I look forward to working with the Senator. I appreciate his work on the CARES Act and the PPP and his work with Chairman Rуно 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 work together.

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 hours, spending 35 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 Federal Government on four or five occasions before the loan is forgiven is a daunting task when you are still trying to do, and that we are going to include the provision to make it easier for businesses that stepped up and applied for Paycheck Protection Program loans, and thank goodness for the banks that were willing could make payroll—could keep people on their benefits, could keep people on their healthcare—and could work 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 being built, while banks were going on all across this country. They were closing down businesses or, certainly, dramatically reducing their business.

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 or federal agencies or occasions before the loan is forgiven is a daunting task when you are still trying to figure out how you can make payroll and how you can keep your business going.

Then you have the banking industry that we rely on for moving all of this capital out there and making sure that payrolls can be met and want to be prepared for the next tranche of CARES Act Paycheck Protection Program loans. Yet we are going to tie them up in paperwork with these small business loans that we can forgive? It is not like we are turning a blind eye to compliance. We will look at that loan portfolio with the same sort of sampling that the IRS does to make sure there is not any fraud or abuse and to make sure people are held accountable.

If Senator CARDIN really wants to get to the work of the next Paycheck Protection Program, let’s lay the ground-work 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 cannot handle their backlogs so they will have the capacity to do it as fast as possible.

Senator CARDIN is right in that we have a lot more to do. This is a step in a long journey. It is a forgivable program—the measure that Senator CARDIN objected to—we would have the opportunity to take a straw off the camel’s back. We have to do something. We continue following up on the CARES Act, but I am very disappointed that we are where we are in this Chamber when everybody knows this is good legislation.

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

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. Rounds. Mr. President, first of all, let me thank my colleague from North Dakota for his continuing this conversation 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 limit congressional Republicans. It affects all businesses. You are talking about 4.2 million small businesses across the United States that are being impacted by this that have borrowed money in good faith and that have kept their businesses open. Now, surprisingly, when it comes time for the forgiveness portion of this to occur, we have a very challenging process put in place—a burden—some process—that could only have been done with the clout of our presence 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 you after we asked him for information concerning how the banks will try to handle this.
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Remember, the banks didn’t have to participate in this, but they did so, in a way, to literally get money out in a very short period of time to the businesses that desperately needed the money in order to survive.

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

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

Let me share with you what this CEO writes. This has to do with his version of what is going on. We have literally received dozens of these types of comments from bank loan officers in the Upper Midwest, particularly in South Dakota, by the way 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 are 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 and are 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 Sixth Circuit, Court of Appeals. She would fill the vacuum 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 strong conservative 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 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 this weekend. That is, of course, what they plan to do if they win the White House, they have already announced their plan. The Vice President and the Senate Republican Conference.

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

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

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

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

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

She is being attacked as a mother, being attacked for her religious beliefs. The far left, in their haste to attack the judge, never mention that she has seven children. Now, two of those seven children were adopted last year. 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 President 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 a fair 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 even more. 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 has her day.

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 job she is nominated for, 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.

Klobuchar. 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 on how to keep their students, employees, and customers safe.

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

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

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

This is personal to me. When the President was telling the American people that this was all going to go away; that it was going to go away by Easter, that is not what 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 and the 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 flucl— 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 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 the package 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 had promised? That is sitting on the President's desk.

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 last week. That didn't work. They 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 fail, my fellow colleagues and I said something the President has claimed to be trying to do something about in the last month of his administration.

We'll, 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.

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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 name 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 am 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 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 that.

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, we already had a vote, 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 decision was made 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. 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.

With 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 fact 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 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 value their right to use this rare form 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 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 Stanford, CT, and she tells a story that is going to sound incredibly familiar to folks who have been part of this healthcare debate over the last 10 years in this Chamber. She said:

When my daughter was 15, she was diagnosed with a type of bone cancer and underwent a year of treatment. We were hopeful that she was cured, but exactly 1 year ago—she had just 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 chemotherapy, 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 she will no longer be covered, which she 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 optional employer-based healthcare. She is a young woman who has already gone through so much in these short years. There are enough unknowns. Please consider.

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 data suggests that the number is 130 million Americans who have some form of pre-existing condition that, if insurance companies were allowed to, would either result in rate hikes for them because of their diagnosis, or insurance would be made unavailable to them entirely.

Now, it has almost been 10 years since we lived in a world where insurance companies could deny you coverage because of a preexisting condition or could raise your rate simply because you are a woman. So for many Americans, it is even hard to remember those days in which you could be discriminated against just because of a childhood cancer. But those days are about to 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 say nothing in defense of 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 ended up because the American people rose up.

Phone lines lit up, townhall meetings exploded, and Republicans in the end
could not find the votes, even with majorities in both Houses and control of the White House, to repeal the Affordable Care Act.

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

So Republican attorneys general filed a lawsuit seeking to overturn the entirety of the Affordable Care Act on a legal theory 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 could not get in the elected branch of American government—the full repeal and elimination of the Affordable Care Act with nothing to replace it.

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

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

It will be a humanitarian catastrophe in this country, in the middle of a pandemic—a pandemic that is killing 1,000 people a day; 44,000 new infections that we know of on a daily basis; 30 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. Republicans in the Senate and the White House have no plan to replace it, and if that case is successful, millions and millions of Americans are going to have their rates go up because they are eliminating the Affordable Care Act 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 and the new Supreme Court Justice couldn’t be higher. Senator KLOBUCAR 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 who have had COVID have some lasting 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 that shows 70 to 80 percent of people who have had COVID have some lasting damage to their heart. COVID is a preexisting condition.

Now, you may think, I haven’t had COVID, so I am not at risk of that preexisting condition causing my rates to go up if Amy Coney Barrett gets confirmed to the Court. Well, you don’t know if you have had COVID or not, and let me tell you that insurance companies are not going to play dumb. Many people who are asymptomatic are going to be eliminated 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 go up because they had COVID, whether they were asymptomatic or symptomatic. That, in and of itself, is a healthcare crisis in this country.

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But then, all those people with preexisting conditions—and, remember, we now have a new preexisting condition. That is COVID. What are we learning about COVID-19 is very, very worrying. Researchers have observed a constellation of symptoms or organ 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 that shows 70 to 80 percent of people who have had COVID have some lasting damage to their heart. COVID is a preexisting condition.

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during a global pandemic, when cities and towns are struggling to stay afloat and Americans are trying to figure out how they are going to continue to pay the rent and put food on the table. With more than 200,000 Americans, including 459 Granite Staters who have died from COVID–19, we are seeing 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 food workers employed across the country, and many are unable to go back to work because of the availability of testing capability. They have had orders that never arrived at their facility, despite commitments from the companies who are supposed to be sending them.

But the leadership and the staff at St. Joseph remain committed to serving our community, as do all of the hospitals across New Hampshire, so many medical facilities are facing 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 my State, 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. And, as well, the state-wide hotline has 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:

Many of these vulnerable families are struggling to make ends meet. 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 play in mitigating the spread of COVID–19.

He says:

We are providing essential support and guidance to small businesses, record numbers of our clients 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 does not 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 respect fully 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 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,

Hon. JEANNIE 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 escalating needs of survivors of domestic and sexual violence in our state. Such funding is imperative to further the life-saving work of 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 has become increasingly evident that we have transitioning to unintended crisis. 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 continue to face 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 survivors 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 trafficked individuals experiencing mental health crises. Overall, the state-wide 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 life-saving packages to 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 supports to intervene.

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 30 percent 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, many of our members 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.


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 all 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 across our community, in concert with other businesses across the country. As we begin to see a significant change, older and middle age people [a major part of our audience] will not travel in great numbers because of reduced funding assistance. We have 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 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 up to the most part because of donor fatigue and significantly reduced funds. I think 2021 will be much more for tourist—based businesses and our organizational sector as a whole, as 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 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. More importantly, I will certainly add even more to the huge debt that we are already leaving on the shoulders of the younger generations. I suggest that they stop arguing to get everything, but get SOMETHING—those things they agree upon now—so our businesses can stay in business. They can argue about the content of the articles later, which may or may not happen.

From a Historic Museum: By our interactions, based here at the historic museum, that preserves and shares the cultural heritage, we have played a significant part in creating and maintaining a vibrant economy. With our physical distance, though, our places in the economy have evaporated. In the absence of the PPP loan program, it seems doubtful that our organizational sector would have been able to cover payroll costs this summer, and our prospects are looking increasingly dim if the federal government does not provide additional funding in order to ensure the essential community organizations like ours. Cultural and historic nonprofits are key to the local tourism economy, and to the economy of downtown Portsmouth. We urge Congress to rally behind them.

From a Catering Company: We have furloughed a significant number of workers and have had to reinvent our business model in order to 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.

PAMELA KEILIG
President, Hampton Area Chamber of Commerce.
JENNIFER WHEELER
President, Exeter Area Chamber of Commerce.
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. The businesses need funding, while the other funding is being debated, it’s not helping anyone at all. Could help many small businesses by getting the funding out as quickly as possible. We need some nonprofit funding to help us get back on our feet.

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Thank you for your consideration.

PAMELA KEILIG
Public Policy Specialist.
COUNTY OF CHESTER,


HON. JEANNE SHAHEEN,
U.S. Senator,
Washington, DC.

DEAR SENATOR SHAHEEN: I write to you today in my position as County Administra-
tor of Cheshire County to first and foremost thank you for your leadership, guid-
ance and advocacy on this seemingly never-
ending COVID 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 were there, and continue to be there, today in my position as County Adminis-
tor, Senator Shaheen has been an effective advocate for our nonprofit organization (and many others), and I am happy she is con-
tinuing this fight.

DEAR SENATOR SHAHEEN: I write to you today in my position as County Administra-
tor of Cheshire County. This is 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 resi-
dents of Cheshire County continue to feel the devastating effects on our health and eco-
nomic structures. The Delivering Immediate Relief to America’s Families, Schools and Smaller Communities Act, which was voted down yesterday, fell short in many areas but espe-
cially for counties due to the lack of pro-
viding direct flexible relief to counties, cities and towns of all sizes.

When 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 reali-
ties, I was extremely disappointed that the new supplemental aid package being consid-
ered in the U.S. Congress does not contain the new fiscal re-
lied 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 both parties in the House and Senate to resume negotia-
tions on a bipartisan relief package that pro-
vides this missing direct, flexible aid to communities. Counting cities and national numbers showing that last week that 1.7 mil-
lion Americans filed new jobless and unem-
ployment claims, we now stand with 30 mil-
lion Americans.

If a new stimulus agreement is not reached prior to the seating of the new congress the fiscal ramifications could be devastating. Counties could be looking at tax payments from towns and cities that may be substan-
tial short of normal revenues and services that are dictated by state statute may need to be immediately reduced. A stimulus pack-

age that allows municipalities to utilize fed-
eral funding to offset lost revenue could ad-
vert what may happen 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 containing the spread of the COVID-19 virus. We are providing essen-
tial support and guidance to small busi-
nesses, record numbers of unemployed indi-
viduals, and those suffering from mental ill-
nesses and substance use disorders. We re-
maintain 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 fed-
eral resources are utilized wisely and respon-
sibly at the local level to address the imme-
diate and far-reaching impacts of the current pandemic, and to make our nation more re-
silient and safer at the individual commu-
nity level.

I therefore request, with the utmost re-
pect and gratitude for your tireless and steadfast work during this pandemic, that you continue to fight to help Cheshire County and others.

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 flexi-
ble funding to build infrastructure to address revenue shortfalls will strengthen all of our communities, but especially Cheshire County.

Thank you, thank you for your voice in Wash-
ington, you make a difference.

CHRISTOPHER C. COATES,
County Administrator.

MRS. SHAHEEN, So in the middle of this pandemic, the likes of which we have never seen in 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.

As the Senate faces a vote this week, Senator ROY, who understands that White supremacist violence is the most significant terrorism-re-

lated threat right here in the United States,

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

Against this backdrop, the President’s shocking remarks last night were, in fact, a continuation of deeply disturbing patterns of racist and anti-Semitic behavior that this President has allowed to take place on his watch. Three years ago in Charlottesville, violence and hatred were on full display for the world to see. As neo-Nazis openly marched in the streets, they chanted: “Jews will not replace us” and “blood and soil.”

President Trump not only didn’t denounce this anti-Semitic and racist rhetoric, he did something much worse. He did something much worse. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. He praised the White nationalists. 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would name the currently under-construction air traffic tower after Senator Kay Hagan. The late Senator Hagan worked tirelessly to secure the funding for the new tower, and it will serve as a fitting tribute to her legacy as a Senator and her work on behalf of the citizens of North Carolina.

Once completed in 2022, the 180-foot tower will not only provide a state-of-the-art facility for PTSD 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 a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

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

S. 4762

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

SECTION 1. DESIGNATION. The airport traffic control tower located at Piedmont Triad International Airport in Greensboro, North Carolina, and any successor airport traffic control tower at that location, shall be known and designated as the “Senator Kay Hagan Airport Traffic Control Tower”.

SEC. 2. REFERENCES. Any reference in a law, map, regulation, document, or other record of the United States to the airport traffic control tower referred to in section 1 shall be deemed to be a reference to the “Senator Kay Hagan Airport Traffic Control Tower”.

SENATE RAPIDSHARE

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 things that we can 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 Senators 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 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 225,000 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 1, 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 counting 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 the 2020 field data collection and self-response operations would be shortened by a month, ending today, September 30. This decision to curtail operations was not based on the advice of career Census Bureau experts. Census data collection operations are incredibly complicated even under the best of conditions, but their complexity is greatly exacerbated by the COVID–19 pandemic. In fact, this spring, experts made clear that a 4-month delay of statutory deadlines was necessary.

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

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

That was back in May.

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

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 has made other attempts to 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 acknowledges 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 South. This has delayed operations in those regions.

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

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

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

This last-minute attempt to shorten data collection and data processing isn’t surprising, sadly. The Trump administration has 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. In fact, the 5th District of Georgia and the State of Georgia have cited that they are in dire need of Federal assistance.

WICKER—and Georgia. Some of these States are on the bubble of gaining or losing Representatives, so an undercount, which is a real risk if operations are rushed and shut down prematurely, would have serious repercussions.

That is why I call on my colleagues to pass a 4-month extension of the Census’s statutory deadlines so that the Trump administration is compelled to stick to the timeline it had originally announced. Congress already missed an opportunity to address this issue as part of the continuing resolution.

Again, there is bipartisan support for this extension, with a bipartisan bill filed. In addition, a bipartisan group of 48 Senators sent a letter to Senate and House leadership that called for the inclusion of legislation to extend the statutory deadlines as part of the next coronavirus relief package, as the House has done in the updated Heroes Act that was released recently. We should also ensure that the data collection operations, including nonresponse followup and self-response, continue through October 31.

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

The PRESIDING OFFICER. The Senator from Montana.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.
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.

I urge Congress to provide the funds needed to rebuild rural water systems to be rebuilt in order to provide Montanans access to reliable, safe water in central and eastern Montana. I don’t think that is asking for too much. All we are asking for is reliable and safe water for thousands of Montanans. Both of these rural drinking water projects have been working with the Bureau of Reclamation for over 15 years to gain Federal authorization, and they can’t wait any longer.

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

The PRESIDING OFFICER. The Senator from Mississippi.

GREG KELLY

Mr. WICKER. Madam President, I have a serious matter to discuss with the Senate as well as 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 as partners, working in the alliance between Japan and the United States, and I hope it grows stronger in the days ahead.

I regret that today I must be sharply critical of the Japanese Government. I rise to express concern over Japan’s unjust treatment of an American citizen, Greg Kelly. It is a concern that raises questions about whether Americans can be comfortable about Japan’s adherence to the basic rule of law. Mr. Kelly has become the latest victim of Japan’s criminal justice system. Some have called it a hostage justice system.

Even some leaders in Japan have called it a hostage justice system, because it is. It is unfair, harsh, and arbitrary. Japanese prosecutors have an alarming conviction rate of 99 percent, which is clearly designed to produce guilty verdicts.

Greg Kelly is a Tennessee resident who joined Nissan in 1988 and became a respected employee. He rose steadily through the ranks to become a general manager of Nissan’s board. Yet, shortly before his native Lebanon after being 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, who managed to escape, 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 authorities may deny it, but it looks an awful lot like there is a double standard in Japan’s justice system—a lenient standard for native Japanese and a much harsher one for Americans. This double standard is not lost on American businesses, and it is not lost on this Senator. Japan should worry about the consequences of its behavior. A perceived legal bias could put a seriously chilling effect on our economic relationship as more Americans think twice about doing business in Japan or doing business with Japan.

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

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

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

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

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

This is a matter that should have been resolved in the board room and by shareholders. This needless ordeal sends an unmistakable message to the Japanese 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.

I applaud 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 levels and under the same terms and conditions contained in the fiscal year 2020 appropriations bills.

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

While I believe more fiscal year reforms and stronger oversight are needed at USCIS, this legislation will help stave off the immediate crisis while we work on a long-term solution. I am also glad the bill includes nearly $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 keep the table fed.

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.

Appropriately, the Republican leader did not allow for the Senate 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, but in 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—should we really be holding them back educationally? 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 growing during this enormous economic downturn. Today, in America, the wealthiest country in the world, one in four households are experiencing food insecurity during this pandemic.

Nobody in this room has looked their child in the eyes with the knowledge that you do not know where the next meal will come from. Think of those people who do, day by day, have to look at their children, knowing that their next rent payment or mortgage payment 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 are refusing to spend 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 the American people are demanding to be respected.

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 lifetime, 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 precedents—should 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.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
September 30, 2020

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 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. Are 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.]

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The bill (H.R. 8337) was passed.

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. The bill clerk proceeded to call the roll.

The following Senators were present and voting: the Senator from Virginia (Mr. RICHARD), the Senator from California (Ms. HARRIS), the Senator from Texas (Mr. CORTEZ MASTO), the Senator from Oregon (Ms. O’ROURKE), and the Senator from Montana (Mr. TESTER).

The PRESIDING OFFICER. The motion was agreed to.

The motion to concur with amendment No. 2652 was agreed to.

Pending: The PRESIDING OFFICER. The motion to concur in the amendment of the House of Representatives to the bill, with McConnell Amendment No. 2663, is 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 Senate from Kentucky (Mr. CONROY), 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.

(Motion 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:

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The motion was rejected.
The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, history 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 move to 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 to consider Calendar No. 865.

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 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 move to 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. 867.

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 Alicea珊瑚, 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. 868.

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 Anthony Kennedy, of Ohio, to be United States District Judge for the Northern District of Ohio.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I move to 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.
under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

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

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

LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

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

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, Martha Blackburn, John Thune, James E. Risch, Mike Braun, Tim Scott.

The PRESIDING OFFICER. The Senator from Florida.

UNANIMOUS CONSENT REQUEST—S. RES. 526

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

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

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

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

General Secretary Xi has established a surveillance system in Beijing that tracks every movement you make online and in person. The actions of Xi and the Chinese Communist Party fly in the face of the fundamental values that unite freedom-loving countries throughout the world. The Olympic Games are meant to foster and promote. Yet, in just 2 years, Communist China is slated to host the 2022 Olympic Games. The International Olympic Committee’s Charter states: “The Olympic Games are the world’s greatest sporting event and they have the power to inspire, serve as a means of peace between nations, and bring together athletes from every corner of the world.”

For this reason, the United States Senate, standing with a growing number of our allies, has introduced legislation to move the 2022 Winter Olympics out of the hands of the Chinese Communist Party. The Senate passed bipartisan 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 sensor 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 sensor 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 Hong Kongers. We also have to consider the safety of athletes and spectators from all over the world. For the hundreds of millions who will watch the games, we must again lead by example and refuse to give Communist China a platform to whitewash its crimes.

I stand with the freedom-loving people of Hong Kong, the historically persecuted people of Tibet, the peaceful community of Chinese Muslims, including Uighurs, Falun Gong, and the entire Muslim community of 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?

Senator from New Jersey.

MR. MENENDEZ. Mr. President, regarding the resolution, I ask unanimous consent that S. Res. 526 be considered read a second time.

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?

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 rights.
dignity. The Olympic Charter states that the goal of Olympism is to promote “a peaceful society concerned with the preservation of human dignity.” Beijing has not, by a long shot, earned the honor of hosting the 2022 games.

Now, my record is crystal clear when it comes to calling out and condemning China’s horrific record on human rights and the threat it poses to the United States and the rest of the international community. As my colleagues know, during my years in Congress, I have introduced, advocated for, and helped pass legislation on behalf of the people of Xinjiang, Tibet, Chinese civil society, and a democratic and autonomous Hong Kong, and supporting democracy across the Indo-Pacific region. Just recently, I introduced a comprehensive bill to strengthen the United States across various sectors to best counter and discourage 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 resolution, and I am sure our colleagues on the Foreign Relations Committee have been discussing these issues merit serious discussion in drafting of the appropriate language before the Senate Foreign Relations Committee. I have been urging Chairman Risch to hold a legislative markup for months to discuss the many pressing pieces of legislation that Members on both sides of the aisle have had pending for many months.

Mr. 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 modifications. I believe the bill 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.

No. 1, I am disappointed that 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 one-time odd-thousand Venezuelans, we need more green cards, ultimately, for permanent status. This would be increased employment-based visas.

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

Mr. PAUL. Mr. President, I object to the modification, and I object to Senator MENEDEZ’s motion.

The PRESIDING OFFICER. Does the Senator from Florida wish to be heard?

Mr. PAUL. Mr. President, I object to the modification, and I object to Senator MENEDEZ’s motion.

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

The PRESIDING OFFICER. Objection is heard to both requests.

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

Mr. SCOTT. Mr. President, what my colleague knows is that the bill he is proposing would never get done. I have colleagues who want to reform and fix the TPS program. I worked with my colleagues—all 53 Republican colleagues—and they said that as long as we do a common-place form of the TPS program, we would go ahead and do TPS for Venezuelans. So that is a bill we could do today.
We could have done it a couple of times, but my colleague on the other side of the aisle—another—blocked it. It doesn’t make any sense to me why we are not getting this done. We can both talk about all of the problems and issues that Venezuelans are dealing with. It is very disappointing.

I don’t know what the reason is. I have been trying to work with my colleagues on the other side of the aisle to ask: What is the problem? And nobody will say: This is exactly what it is, and this is what we need to change to get it done. I don’t know how we get things done here if people are not willing to sit down and talk to each other to figure out how to get it done.

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

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

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

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

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

The PRESIDING OFFICER. The Senator from New Jersey.

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

Let me just say, first, that we don’t even need legislation for Venezuelans to get TPS. Let’s not lose sight of that. President Trump, with a stroke of his pen, and without even need legislation for the 200,000 Venezuelan 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 sends them, so we don’t even need legislation.

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

Unfortunately, every time Senator SCOTT has come to offer what he calls a reform of TPS, it is really basically the same thing. You know why we have to deny those who presently have TPS and whose country’s status may not have changed—saying their status in order to give it to Venezuelans. I am not that Solomonic. So that is why there has been no reform.

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 would include 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 happen.

Let’s not assume that 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 if it is not there has to be urgency, you have to urge your colleague, the chairman, to hold markups to consider your legislation.

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

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

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

I hope my colleague will stop blocking that bill. Also, Mr. MENENDEZ. Has the Senator yielded the floor?

Mr. SCOTT of Florida. I yield the floor.
The very same corporations whose CEOs sent that friendly message through the Business Roundtable voice 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.

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 a regime that resulted in the President holding 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 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 system as a whole. That's what fossil fuels banned, and in the case of fossil fuels, they recommend, is a correction to that market failure.

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So it if are economics 101 that a product's price should reflect its true cost, and if, in the case of fossil fuels, they are not, then a price on carbon pollution, consistent with the Paris Agreement, and specifically endorsed carbon pricing—from Verizon, to Chevron, to Apple, to Wells Fargo, to McKinsey, to American Airlines, to Amazon, to Pfizer, to Ford. It is quite the who's-who of America.

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

For climate change, for the big carbon polluters, this is big bucks. The International Monetary Fund calculates that fossil fuel enjoys a $600 billion subsidy every year. It's called 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.

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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 not, then a price on carbon pollution, consistent with the Paris Agreement, and specifically endorsed carbon pricing—from Verizon, to Chevron, to Apple, to Wells Fargo, to McKinsey, to American Airlines, to Amazon, to Pfizer, to Ford. It is quite the who's-who of America.

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

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The very same corporations whose CEOs sent that friendly message through the Business Roundtable voice 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.

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 system as a whole. That's what fossil fuels banned, and in the case of fossil fuels, they recommend, is a correction to that market failure.

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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.

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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. Some things 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. But in its own internal communications they say climate 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 at least $94,000. 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 efforts on Coca-Cola’s capitalization of just Apple. Quartz reported that Coca-Cola was one of the companies, with Senators Schatz and Gillibrand, that introduced carbon pricing legislation that is not at all different from the CLC proposal. Senators Coons and Feinstein have a carbon pricing bill. But the truth is 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 find out that stuff. Coons and Feinstein—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 and to you, why do you fund that stuff? Why do you fund that stuff?

So which voice of AT&T’s are we to listen to—the CLC and Roundtable positive voice or the CLC’s roar against carbon pricing, the roar that says 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. AT&T’s oral internal 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 recently, 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, Marriot, Abbott, Morgan Stanley, Microsoft, Cisco, Adobe, Leo, 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 obstruction. I think this is beginning to change.

Last week, I spoke at a CERES, C-E-R-E-S, event on corporate climate lobbying during New York Climate Week. Over 100 people from scores of different companies participated. The interest among corporations and investors in getting a handle on anti-climate lobbying is surging. To all of them I said: Change the chamber. Get it to follow the Business Roundtable and support carbon pricing. Get it to come to Congress in favor of science-based climate policy, and I know we can get a sea change, a sea change indeed. That would help finally break the logjam that the fossil fuel industry has created here in Congress.

September 30, 2020
CONGRESSIONAL RECORD—SENATE
S5929
NOMINATION OF AMY CONEY BARRETT
J. 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 differences, are united in their admiration for Judge Barrett. They will second what I tell you here.

Amy Coney Barrett’s qualifications to fill this seat are beyond question. Her character demonstrates, once in a lifetime, 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 Law School where she was the Distinguished Professor of the Year three times.

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

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

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

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

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

Judge Barrett has said: “She is obligated 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 the 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 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 Judge Barrett’s resume, they rumbled through and purposely warped Judge Barrett’s record. They warped her legal writings to position her as the mortal enemy of Obamacare. This is a lie. Her scholarship is impeccable. It is not the reason why those who oppose her do so and do so with such rage. It is not the reason why Republicans have, time and time again, committed to protect, while working to make healthcare more affordable and more accessible.

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 has blocked 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 retreat this refrain: We do not have a religious test for public service in the United States of America, and we never have.

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

In 1793, George Washington penned a letter to the members of the New Jersey Court of Chancery. If 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 Court of the Trump era? 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.
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, 9th Circuit 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 someone 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 Senate majority are fairly and legitimately elected. The last time we spoke as a nation, two years ago, we had a Republican President's nominee, and a Republican Senate did what Democratic colleagues will at least meet 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 concerns, 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 consider 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:

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 nominate the President.

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

By the way, she has been highly regarded from folks across a wide variety of legal philosophies. They say she is smart. They say she understands the law. They say she is well qualified. In 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 been there and performed 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, her record 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 guarantees by interpreting laws 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 it put 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 lawyer, who abides by the rule 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 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.

This will give all members of the committee plenty of time to ask questions, to express their concerns, 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 consider 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.
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:

\[\text{To be general}\]

Lt. Gen. Christopher G. Cavoli

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:

\[\text{To be general}\]

Lt. Gen. David D. Thompson

The following officer for appointment in the permanent grade indicated in the United States Space Force under title 10, U.S.C., section 718:

\[\text{To be major general}\]

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:

\[\text{To be general}\]

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:

\[\text{To be lieutenant general}\]

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 171:

\[\text{To be vice admiral}\]

Lisa M. Franchetti

IN THE MARINE CORPS

The following named officer for appointment in the Reserve of 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:

\[\text{To be brigadier general}\]

Col. William F. McCintock

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:

\[\text{To be lieutenant general}\]

Maj. Gen. Michael S. Groen

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.

\[\text{To be alternate representative}\]

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.

\[\text{To be Ambassador}\]

NOMINATIONS PLACED ON THE SECRETARY’S DESK IN THE AIR FORCE

PN 788 AIR FORCE nominations (31) beginning BRIAN H. ADAMS, and ending MARY JEAN WOOD, which nominations were received by the Senate and appeared in the Congressional Record of May 4, 2020.

PN 2195 AIR FORCE nomination of James E. Key, III, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.

PN 2215 AIR FORCE nominations (129) beginning PAUL JEFFREY AFFLECK, and ending JOSIELAL P. ZINGARO, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2020.

PN 2229 AIR FORCE nomination of Michael B. Parks, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

PN 2217 AIR FORCE nomination of Brian P. O’Connor, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

PN 2219 AIR FORCE nomination of Samuel P. Baxter, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

PN 2220 AIR FORCE nomination of Ryan M. Vanartsdalen, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

PN 1851 ARMY nomination of Mark J. Richardson, which was received by the Senate and appeared in the Congressional Record of May 11, 2020.

PN 2166 ARMY nomination of Luis J. Rodriguez, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.

PN 2107 ARMY nomination of Kyle C. Furfar, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.

PN 2158 ARMY nominations (2) beginning EDWARD J. COLEMAN, and ending MICHAEL KELLY, which nominations were received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN 2181 ARMY nomination of Renn D. Polk, which was received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN 2182 ARMY nominations (8) beginning WILLIAM R. BROWN, and ending PAUL S. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN 2183 ARMY nominations (14) beginning JOSEPHINE BRENNER, and ending CHRISTOPHER J. VITALE, which nominations were received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN 2184 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.

PN 2185 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.

PN 2186 ARMY nominations (10) beginning ANDREW T. CONA, and ending RAVID RA V. WAGH, which nominations were received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN 2222 MARINE CORPS nomination of Fred J. Gospin, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.

PN 2223 MARINE CORPS 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

PN 2170 MARINE CORPS nomination of Anthony J. Bertoglio, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.

PN 2171 MARINE CORPS nomination of John Stephens, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.

PN 2172 MARINE CORPS nomination of Angela M. Nelson, which was received by the Senate and appeared in the Congressional Record of August 13, 2020.

IN THE NAVY

PN 2168 NAVY nomination of Brian F. O’Bannon, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.

PN 2169 NAVY nomination of Inaraquel Mirandavargas, which was received by the Senate and appeared in the Congressional Record of August 6, 2020.

PN 2187 NAVY nomination of Kristen L. Kinner, which was received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN 2188 NAVY nomination of Jeffrey B. Parks, which was received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN 2189 NAVY nomination of William F. Blanton, which was received by the Senate and appeared in the Congressional Record of August 13, 2020.

PN 2190 NAVY nomination of Michael J. Armstrong, which was received by the Senate and appeared in the Congressional Record of August 13, 2020.

IN THE DEPARTMENT OF STATE

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:

\[\text{To be lieutenant general}\]

P.N2223 NAVY nomination of Terrance L. Leighton, III, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.
P.N2224 NAVY nomination of Todd D. Strong, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.
P.N2225 NAVY nomination of Nathan D. Huffaker, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.
P.N2226 NAVY nomination of Emily M. Benzer, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.
P.N2227 NAVY nomination of David M. Lalanne, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.
P.N2228 NAVY nomination of Jean E. Knowles, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.
P.N2229 NAVY nomination of Kevin M. Ray, which was received by the Senate and appeared in the Congressional Record of September 10, 2020.
P.N2172 SPACE FORCE nominations (5) beginning DAVID L. RANSOM, and ending JAMES C. KUNDERT, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2020.
P.N2172 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 homegoing 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 homegoing were Chicago Mayor Lori Lightfoot and Cook County Board President Toni Preckwinkle. More than two generations of Chicago leaders whose careers in public service Rev. Finney helped to nurture. Another public servant whose work as a community organizer on the South Side of Chicago was well known was Rev. Vivian. It was Rev. Finney who 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.

Rev. Finney was a Chicagoan by choice, not birth. He was born 83 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 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 keep 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 the 1960s, and TWO’s executive director. In 1969, TWO created a nonprofit development organization, WCDC—the Woodlawn Community Development Corporation—and named Rev. Finney as its president.

TWO organized Woodlawn residents to stand up to absentee slumlords, who owned much of the housing in Woodlawn and other low-income neighborhoods on the South and West sides. It pushed back against efforts 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” housing, which included unemployement, 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 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 1964 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 North 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 is 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 — and not lose sight of — 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 South Chicago, but Leon Finney worked for more than 50 years to make that better, fairer Chicago a reality. The good he achieved will benefit our city, our State, and our Nation for years to come.

REMEMBERING GALE SAYERS

Mr. DURBIN. Mr. President, when Chicago Bears football great Gale Sayers was 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 instantaneous receiver, a star returner, 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 needed to be quick and be able to find and run 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 IA 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 four 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 filled with 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 play run 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 not recover. Piccolo was cut from the team, but Piccolo’s encouragement, Gale was able to return the following year.

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

He underwent surgery, but the disease had spread to other organs. In May, Gale earned the George S. Halas Award, an award recognizing the league’s most courageous player. In his speech for the award, Gale dedicated it to Brian Piccolo. Piccolo died on June 16, 1970, at the age of 26. Gale was a member of the Pro Football Hall of Fame. He is the only member of 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. He 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, organizing the labor-driven segments of the American labor movement. But Mark Guethle has worked harder to help good women get
elected to public office in my State of Illinois than almost any man I know.

At a time when many Americans feel understandably dismayed about the state of our politics, Mark Guethle has helped to introduce new candidates, new ideas, and a new sense of hope in government and hope in the future in Kane County, Ill., one of the “collar counties” surrounding Chicago. That is what Mark has achieved in nearly 20 years as chairman of the Kane County Democratic Party. But that is just one part of Mark’s story and his busy life.

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

Interestingly, he didn’t start out to be a labor leader. At Rivi- ver High School in Hillside, Ill., he was a star athlete in three sports: baseball, basketball, and football. It was his performance as a linebacker that drew the most attention. He was recruited by coaching legend Bo Schembechler to play for one of the best college football teams in the Nation, the University of Michigan Wolverines, but a bad accident during the summer after his high school graduation set his life on a different course. During a robbery at a gas station where he was working, Mark’s arm was badly injured by a piece of shattered glass. The University of Michigan said it would wait for Mark’s arm to heal but Mark’s dad, a union carpenter, suggested the 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. 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. His 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 discuss issues with constituents 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—not one. Today, Democrats hold every congressional and state legislative seat of those in Kane County, and of the 13 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.

“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 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 have been blessed to have a 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 Re- publican 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 Loretta, to 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. 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 notification 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 proposed Letter(s) of Offer and Acceptance to the Government of India for defense articles and
This proposed sale will support the foreign policy and national security of the United States by helping to strengthen the U.S.-India strategic relationship and improve the security of a key supplier and partner, which continues to be an important force for political stability, peace, and economic growth 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 services and equipment will enable the Indian Air Force to sustain a mission-ready status with respect to the C-130J Super Hercules. There will be no difficulty absorbing this additional 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 defense cooperation personnel to support.

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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 defense cooperation personnel to support.

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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.

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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 defense cooperation personnel to support.
Missiles (RAM) Block 2 Tactical Missiles, RIM-116C. Also included are RAM Guided Missile Round Pack Tri-Pack shipping and storage containers, operator manuals and technical documentation, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support. The estimated cost is $55,115,000.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security, stability and economic progress in the Asia-Pacific region. It is vital to U.S. national interest to assist Japan in developing and maintaining 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 that 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 information 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 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 $121 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.


Total $121 million.

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


Non-MDE: Also included are eight (8) kitted 2-pack PAC-3 MSE Empty Round Trainers (MRT), six (6) kitted 2-pack PAC-3 MSE Empty Round Trainers (ERT), four (4) PAC-3 MSE Empty Round Kits, one (1) Lot of Classified PAC-3 MSE Concurrent Spare Parts (CSPs), one (1) Lot of Unclassified PAC-3 MSE CSPs, and PAC-3 MSE repair and return processing support services, and other related elements of logistics and program support.


(v) Prior Related Cases, if any: NE–B–WB.

(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.


* As defined in section 47(b) of the Arms Export Control Act.

POLICY JUSTIFICATION

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

The Government of the Netherlands has requested a sale of thirty-four (34) Patriot Advanced Capability-3 (PAC-3) Missile Segment Enhancements (MSE) missiles. Also included are eight (8) kitted 2-pack PAC-3 MSE Empty 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 estimated cost is $121 million.

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

The Patriot Advanced Capability-3 (PAC-3) Missile Segment Enhancements (MSE) is a small, highly agile, kinetic kill interceptor for defense against tactical ballistic missiles, cruise missiles and air-breathing threats. The MSE variant of the PAC-3 missile represents the next generation in hit-to-kill interceptors and provides expanded battlespace against evolving threats. The PAC-3 MSE improves upon the original PAC-3 capability with a higher performance solid rocket motor, modified lethality enhancer, more responsible control surfaces, upgraded guidance software and insensitive munitions improvements.

2. The highest level of classification of defense articles, components and systems 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 sensitive 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 notice of certain proposed arms sales as defined by that statute. Upon such notice, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

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

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

DEFENSE SECURITY

COOPERATION AGENCY

Arlington, VA.

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

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20–43 concerning the Army’s proposed Let- ter(s) of Offer and Acceptance to the Governor of Switzerland—Patriot Configuration-3+ Modernized Fire Units, consisting of: (5) Patriot Configuration-3+ Modernized Fire Units, consisting of: (5) AN/MPQ-65 Radar Sets; (5) AN/MSQ–132 Engagement Control Stations; seventeen (17) M903 Launching Stations; supporting requirements of Section 36(b)(l) of the Arms Export Control Act.

The Government of Switzerland has requested the possible sale of five (5) Patriot Configuration-3+ Modernized Fire Units, consisting of: (5) AN/MPQ-65 Radar Sets; (5) AN/MSQ–132 Engagement Control Stations; seventeen (17) M903 Launching Stations; supporting requirements; and other related elements of logistics and program support.

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: (5) AN/MPQ-65 Radar Sets; (5) AN/MSQ–132 Engagement Control Stations; seventeen (17) M903 Launching Stations; supporting requirements; and other related elements of logistics and program support.

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 procurer typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

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.

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.

DEFENSE SECURITY

COOPERATION AGENCY

Arlington, VA.

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

Dear Mr. Chairman:

This transmittal is an 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 edge over other systems. 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 of software, reverse engineering techniques.

3. 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.

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.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Switzerland.
the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20–35 concerning the Air Force’s proposed Letter(s) of Offer pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Proposed to be Sold: Government of Switzerland

(ii) Total Estimated Value:

Major Defense Equipment* $4.08 billion.
Other Major Equipment $0.50 billion.
TOTAL $4.58 billion.

(iii) Description and Quantity or Quantities of Services or Support services considered for Sale:

Major Defense Equipment (MDE):
Forty-six (46) Pratt & Whitney F–135 Engines (49 installed and 6 spares).
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 Training Missiles (TTMs).
Ten (10) Sidewinder AIM–9X Block II CATM Guidance Units.
Eighteen (18) KMU–372 JDAM Guidance Kits for GBU–54; twelve (12) Bomb MK–82, Inert; twelve (12) GBU–53/B Small Diameter Bomb II (SDB II) All-Up Round (AUR); and eight (8) GBU–53/B SDB II Guided Test Vehicle (GTV).

Non-MDE: Also included are Electronic Warfare Systems; Command, Control, Communications, Computers and Intelligence/Communications/Comptrollers/Computers and Intelligence (C3I/COMINT); Autonomic Logistics Global Support System (ALGS); Autonomic Logistics Information System (ALIS); Full Mission Trainer; Weapon Delivery and Support Equipment; and other Subsystems, Features, and Capabilities; F–35 unique infrared features; reprogramming center access; F–35 Performance Based Logistics (PBL) Integration; flight test instrumentation; aircraft ferry and tanker support; Detector Laser DSU–38A/B, Detector Laser DSU–38A/D–2/B, FMU–139D/B Fuze, KMU–572D–2/B Trainer (J DAM), 40 inch Wing Release Lanyard.

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–33/B SDB II Guided Test Vehicle (GTV).


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

NOTICE OF PROPOSED 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 (40) Pratt & Whitney F–135 engines; forty (40) Sidewinder AIM–9X Block II+ (Plus) Tactical Missiles; (six) Sidewinder AIM–9X Block II Special Air Training Missiles (NATMS); four (4) Side- winder AIM–9X Block II Tactical Training Missiles; sixteen (16) KMU–372 JDAM Guidance Units; ten (10) Sidewinder AIM–9X Block II CATM Guidance Units; eighteen (18) KMU–372 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, Computers and Intelligence/Communications/Computers and Intelligence (C3I/COMINT); Autonomic Logistics Global Support System (ALGS); Autonomic Logistics Information System (ALIS); Full Mission Trainer; Weapon Delivery and Support Equipment; and other Subsystems, Features, and Capabilities; F–35 unique infrared features; reprogramming center access; F–35 Performance Based Logistics (PBL) Integration; flight test instrumentation; aircraft ferry and tanker support; Detector Laser DSU–38A/B, Detector Laser DSU–38A/D–2/B, FMU–139D/B Fuze, KMU–572D–2/B Trainer (J DAM), 40 inch Wing Release Lanyard.

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–33/B SDB II Guided Test Vehicle (GTV).

Non-MDE: Also included are Electronic Warfare Systems; Command, Control, Communications, Computers and Intelligence/Communications/Computers and Intelligence (C3I/COMINT); Autonomic Logistics Global Support System (ALGS); Autonomic Logistics Information System (ALIS); Full Mission Trainer; Weapon Delivery and Support Equipment; and other Subsystems, Features, and Capabilities; F–35 unique infrared features; reprogramming center access; F–35 Performance Based Logistics (PBL) Integration; flight test instrumentation; aircraft ferry and tanker support; Detector Laser DSU–38A/B, Detector Laser DSU–38A/D–2/B, FMU–139D/B Fuze, KMU–572D–2/B Trainer (J DAM), 40 inch Wing Release Lanyard.

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–33/B SDB II Guided Test Vehicle (GTV).

NOTE: Two (2) F–35s and associated missiles and munitions will be provided to the Government of Switzerland with a credible defense capability to deter aggression in the region. The aircraft will 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 enhance the basic military balance in the region.

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

The proposed sale will require multiple trips to Switzerland involving U.S. Government and contractor representatives for technical reviews/support, program management and training over the life of the program. U.S. contractor representatives will be required in Switzerland to support the program. Contractors, Test and 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.
broad spectrum of secure, anti-jam voice and data communications, precision radio navigation and landing capability, self-identification, beyond visual range target identification, and an advanced technology integrated source of information. It also includes an inertial navigation and global positioning system (GPS) for precise location information. The system is tightly integrated within the mission system to enhance efficiency.

2. The aircraft CH/CNI system includes two data links: the Multi-Function Advanced Data Link (MADL) and Link 16. The MADL is designed specifically for the F-35 and allows secure, very low probability 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.

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

5. The F-35 Training System includes several training devices to provide integrated training for pilots and maintainers. The integrated 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 Systems Trainer (EST) and a Water Line (OML) Lab, Flexible Linear Shaped Charge (FLSC) Trainer, F135 Engine Module Trainer, and Weapons Loading Trainer (WLT). The F-35 Training System is fully integrated, both pilots and maintainers train in the same Integrated Training Center (ITC). Alternatively, the pilots and maintainers can train in separate facilities (Pilot Training Center and Maintenance Training Center).

6. Other subsystems, features, and capabilities include the F-35’s low observable air frame, Integrated Core Processor (ICP) Central Processor, Helmet Mounted Display System (HMDS), Off-Board Mission Support (OMS) System, and publications/maintenance manuals. The HMDS provides a fully sunlit, night vision compatible, head-up 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 PSSS provides a measure of Pilot Chemical, Biological, and Radiological Protection through use of an On-Board Oxygen Generation System (OBGS), and an advanced life support system that provides additional protection to the pilot. OBGS takes the Power and Thermal Management System (PTMS) air and fuel removal gas (carbon monoxide and nitrogen monoxide) by adsorption, thereby increasing the concentration of oxygen in the product. A tiny 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.

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

8. 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 maneuvering, enhanced countermeasure rejection capability, low drag/high angle of attack airframe and the ability to integrate with the F-35 Weapon 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 (P3I) program to improve counter-countermeasure capabilities. Purchase will include AIM-9X Guidance Sections.

9. The GBU-53/B Small Diameter Bomb Increment II (GBU-53/B SDB II) is a 250-lb class precision-guided munition that can be used with the F-35 to place munitions on a target, the GBU-53/B SDB II ormall 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-53 consists of a laser guidance set, KMU-762 airframe specific kit, and MK-82 bomb body.

10. The GBU-33/B Small Diameter Bomb Increment II (GBU-33/B SDB II) is a 500-lb class precision-guided munition that can be used with the F-35 to place munitions on a target, the GBU-33/B SDB II ormall 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-33 consists of a laser guidance set, KMU-752 airframe specific kit, and MK-82 bomb body.

11. The GBU-32/B Small Diameter Bomb Increment II (GBU-32/B SDB II) is a 1,000-lb class precision-guided munition that can be used with the F-35 to place munitions on a target, the GBU-32/B SDB II ormall 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-32 consists of a laser guidance set, KMU-742 airframe specific kit, and MK-82 bomb body.

12. The GBU-53/B Small Diameter Bomb Increment II (GBU-53/B SDB II) is a 500-lb class precision-guided munition that can be used with the F-35 to place munitions on a target, the GBU-53/B SDB II ormall 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-53 consists of a laser guidance set, KMU-762 airframe specific kit, and MK-82 bomb body.

13. The GBU-32/B Small Diameter Bomb Increment II (GBU-32/B SDB II) is a 1,000-lb class precision-guided munition that can be used with the F-35 to place munitions on a target, the GBU-32/B SDB II ormall 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-32 consists of a laser guidance set, KMU-742 airframe specific kit, and MK-82 bomb body.

14. The GBU-53/B Small Diameter Bomb Increment II (GBU-53/B SDB II) is a 500-lb class precision-guided munition that can be used with the F-35 to place munitions on a target, the GBU-53/B SDB II ormall 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-53 consists of a laser guidance set, KMU-762 airframe specific kit, and MK-82 bomb body.

15. The GBU-32/B Small Diameter Bomb Increment II (GBU-32/B SDB II) is a 1,000-lb class precision-guided munition that can be used with the F-35 to place munitions on a target, the GBU-32/B SDB II ormall 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-32 consists of a laser guidance set, KMU-742 airframe specific kit, and MK-82 bomb body.

16. The GBU-53/B Small Diameter Bomb Increment II (GBU-53/B SDB II) is a 500-lb class precision-guided munition that can be used with the F-35 to place munitions on a target, the GBU-53/B SDB II ormall 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-53 consists of a laser guidance set, KMU-762 airframe specific kit, and MK-82 bomb body.

17. The GBU-32/B Small Diameter Bomb Increment II (GBU-32/B SDB II) is a 1,000-lb class precision-guided munition that can be used with the F-35 to place munitions on a target, the GBU-32/B SDB II ormall 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-32 consists of a laser guidance set, KMU-742 airframe specific kit, and MK-82 bomb body.

18. The GBU-53/B Small Diameter Bomb Increment II (GBU-53/B SDB II) is a 500-lb class precision-guided munition that can be used with the F-35 to place munitions on a target, the GBU-53/B SDB II ormall 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-53 consists of a laser guidance set, KMU-762 airframe specific kit, and MK-82 bomb body.

19. The GBU-32/B Small Diameter Bomb Increment II (GBU-32/B SDB II) is a 1,000-lb class precision-guided munition that can be used with the F-35 to place munitions on a target, the GBU-32/B SDB II ormall 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-32 consists of a laser guidance set, KMU-742 airframe specific kit, and MK-82 bomb body.
Government and contractor technical assistance; and other related elements of logistical and program support.


(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.


*As defined in Section 476 of the Arms Export Control Act.*

**POLICY JUSTIFICATION**

Switzerland—F/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) F/A–18F Super Hornet aircraft; eighty (80) AIM–9X Block II Sidewinder tactical missiles; and twenty-six (26) AIM–9X Block II Sidewinder tactical air-to-air missiles.

The proposed sale of this equipment and services 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, Lansdowne, VA; General Dynamics Land 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. Government contract specialists to Switzerland.

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

Transmittal Note No. 29–34

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. Air-to-Air (F/A–18E/F Super Hornet aircraft) is a single seat and two-seat, twin engine, multiple mission fighter/attack aircraft that can operate.
from either aircraft carriers or land bases. The F/A-18E/F Super Hornet fields a variety of roles and provides air superiority, fighter escort, suppression of enemy air defenses, reconnaissance, air control, and strike missions. It also provides deep air support, and day and night strike missions.

The AN/ALR-69/3 Airborne Electronic Countermeasures System is capable of providing threat assessment, threat identification, threat classification, threat prioritization, target track, and threat assessment data for use by the mission planning system. The AN/ALR-69/3 is a two-channel, multi-frequency, multi-mode, coherent threat responder that can be deployed on both land-based and shipborne platforms.

The AN/AVS-9 Night Vision Goggles (NVG) provide high-resolution imagery for both aviators and ground forces. The AN/AVS-9 provides a wide field of view and high sensitivity for low-light conditions. The AN/AVS-9 is equipped with an electronic system that provides automatic gain control and automatic white balance to enhance image quality. The NVG also includes a compass and a digital clock, which provide方位 information for the pilot.

The AN/ARQ-23 Combined Interrogator/Transponder (C1/TC) provides secure and reliable data communications for aircraft. The C1/TC is a two-channel system that transmits and receives data using frequency division multiplexing. The system is used for data link communications, flight data management, and aircraft identification. The C1/TC is also used for the transmission and reception of data for air traffic control, weather information, and flight planning.

The AN/AVQ-136 Advanced Microelectronics Module (AMM) is a high-speed, high-data-rate, secure data communications system that provides secure and reliable data communications for aircraft. The AMM is used for data link communications, flight data management, and aircraft identification. The AMM is also used for the transmission and reception of data for air traffic control, weather information, and flight planning.

The AN/AVQ-136 Advanced Microelectronics Module (AMM) is a high-speed, high-data-rate, secure data communications system that provides secure and reliable data communications for aircraft. The AMM is used for data link communications, flight data management, and aircraft identification. The AMM is also used for the transmission and reception of data for air traffic control, weather information, and flight planning.
improving overall functionality. DTF-N enabled geo-registration and targeting enhancements, when used in conjunction with the advanced networking capabilities, will provide a pressurized Data Link and fully autonomous warfighting data thereby reducing kill chain times.

The AIM-9X Block II Sidewinder 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 to guide and sustain control signals. The GU provides countermeasures, improved reliability and maintainability over earlier Sidewinder models. Improvements include: (1) upgrade/redesign to the Electronics Unit Circuit Card Assemblies, (2) a redesigned center section harnessing, and (3) a larger capacity missile battery.

l. AIM-9X BLK II Tactical GU, WGU-57/B, is identical to the tactical GU except the GU contains an inert warhead and fuze. The GU provides countermeasures, improved reliability and maintainability over earlier Sidewinder models. Improvements include: (1) upgrade/redesign to the Electronics Unit Circuit Card Assemblies, (2) a redesigned center section harnessing, and (3) a larger capacity missile battery.

mm. 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 GU provides countermeasures, improved reliability and maintainability over earlier Sidewinder models. Improvements include: (1) upgrade/redesign to the Electronics Unit Circuit Card Assemblies, (2) a redesigned center section harnessing, and (3) a larger capacity missile battery.

The AIM-9X Block II Multi-Purpose Training Missile (MPTM) is a ground training device used to train ground personnel in aircraft loading, sectionalization, maintenance, and test equipment, and test equipment. The missile is explosively and electrically inert and is not functional if a test failure occurs.

The AIM-9X BLK II Dummy Air Training Missile (DATM) is used to train ground personnel in missile maintenance, loading, and testing. The missile contains all components are inert. The missile contains all components and is not approved for flight.

The Active Optical Target Detector (AOTD) is newly designed for Block II. The AOTD/Link (AOTD/DL) uses the latest laser technology allowing significant increases in sensitivity, aerosol performance, low altitude performance, and detection capability.
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 re-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.

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.
(iii) Description and Quantity or Quan-
ties Articles or Services under Consider-
ation for Purchase:
Major Defense Equipment (MDE):
None.
Non-MDE: Follow-on C-17 aircraft Con-
tractor Logistical Support (CLS) to include aircraft component spare and repair parts; accessories; publications and technical docu-
mentation; software and software support; U.S. Government and contractor engineer-
ing, 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 Of-
fered, or Agreed to be Paid: None.
(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.
*As defined in Section 47(6) of the Arms Exports Control Act.

POLICY JUSTIFICATION

United Kingdom—Follow-on Contractor Logistical Support for 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 operational readiness demands of the Royal Air Force. Its C-17 aircraft fleet provides strategic airlift capabilities that directly support U.S. and coalition forces and 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 maintain the basic military balance in the region.

The prime contractor will be The Boeing Company of Chicago, IL. There are no known offset agreements associated 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 through each 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 country, 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 as the virus and our communities feel 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 my hometown of 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. Prior to the pandemic, 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 Mississippian.

Larue’s 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, her love 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 group 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 submitted 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, the President hereby report that I have issued an Executive Order declaring a national emergency to deal with the threat posed by our Nation’s undue reliance on critical minerals, in processed or unprocessed form, from foreign adversaries.

A strong America cannot be dependent on imports from foreign adversaries for the critical minerals that are increasingly necessary to maintain our economic and military strength in the 21st century. Because of the national importance of reliable access to critical minerals, I signed Executive Order 13817 of December 20, 2017 (A Federal Strategy To Ensure Secure and Reliable Supplies of Critical Minerals), which required the Secretary of the Interior to identify critical minerals and made it the policy of the Federal Government “to reduce the Nation’s vulnerability to disruptions in the supply of critical minerals.” The critical minerals identified by the Secretary of the Interior are necessary inputs for the products our military, national infrastructure, and economy depend on the most. Our country needs critical minerals to make airplanes, computers, cell phones, electricity generation and transmission systems, and advanced electronics.

Though these minerals are indispensable to our country, we presently lack the capacity to produce them in processed form in the quantities we need. American producers depend on foreign countries to supply and process them. Whereas the United States recognizes the continued importance of cooperation to supply critical minerals to our 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 are acting to reverse foreign government action, natural disaster, or other supply disruptions. Our national security, foreign
policy, and economy require a consistent supply of each of these minerals.

Using the authority vested in me by IEEPA, the Executive Order requires the Secretary of the Interior, in consultation with the Secretary of the Treasury, the Secretary of Defense, the Secretary of Commerce, and the heads of other executive departments and agencies, as appropriate, to investigate our Nation’s undue reliance on critical minerals, in processed or unprocessed form, 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, the Secretary of Energy, and other relevant officers, are directed to take various actions to protect and expand the domestic supply chain for minerals, consistent with applicable law, such as the publication of guidance, the revision of regulations, and the acceleration of the issuance of permits.

I am enclosing a copy of the Executive Order I have issued.

DONALD J. TRUMP,

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 359. An act to provide for certain programs and developments in the Department of Energy to enhance 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. 369. 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. 2468. An act to amend the Public Health Service Act to reauthorize school-based health centers, and for other purposes.

H.R. 2469. 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 unanticipated mental health episode and are present for care in an emergency department, 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 new 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 Health Act: Women’s Health Awareness Requires Learning Young Act of 2009.

H.R. 4349. 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 provide for and extend continuous coverage for certain individuals, and for other purposes.

H.R. 4969. 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 individuals who are at risk of suicide, 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.

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. 7494. 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 Health and Human Services to 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 hazardous consumer products, and for other purposes.

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 individuals 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).

MEASURES REFERRED

The following bills were read the first and, in some cases, the second time 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 programs relating to consumer education, and for other purposes; to the Committee on Education, Labor, and Transportation.

H.R. 2488. 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.

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

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.
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 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. 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. 4295. 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 health teams across the United States, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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 October 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. 892. 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 read 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 “Tolerance; Final Rule, Afidopyropen; 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 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 Implementation of Administrative Forbearance 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, Federal Food, Drug, and Cosmetic, Office of the President of the Senate on September 23, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5577. A communication from the Acting General Counsel, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled “Participation of Distributed Energy Resource Aggregators as Market Participants through Independent Transmission Organizations and Independent System Operators” (RIN1902–AF73) received in the Office of the President of the Senate on September 23, 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–BD39) 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–BD68) 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” (RIN1018–BD68) received in the Office of the President of the Senate on September 23, 2020; to the Committee on Environment and Public Works.
EC–5583. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Asylum Interview Interpreter Reimbursement Rule” (FR No. 10014–86–Region 8) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 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. 10015–82–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 Priority” (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–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 “Reimbursement of Sun Payroll Tax Assumptions” (RIN1221–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 “Temporary Protected Status as Controlled Foreign Corporation or Status as Controlled Foreign Corporation or Treasury’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 20–190) 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–5592. 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” (FCC 20–190) 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–5593. A communication from the Program Analyst, Media Bureau, Federal Communications Commission, 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 to be Treated as a Single Election” (FCC 20–189) received in the Office of the President of the Senate on September 30, 2020; to the Committee on Finance.

EC–5594. 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 to be Treated as a Single Election” (FCC 20–189) received in the Office of the President of the Senate on September 30, 2020; to the Committee on Finance.

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 “Treasury Decision (TD): Ownership Attribution Under Section 958 Including for Purposes of Determining Status as Controlled Foreign Corporation or United States Shareholder” (RIN1545–B052) 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) 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 “Additional Administrative Relief with Respect to Deadlines and Other Filing Deadlines; 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–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 and Other Filing Deadlines; 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. 10014–98–Region 6) received in the Office of the President of the Senate on September 30, 2020; to the Committee on Environment and Public Works.

EC–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 (20–1LM)” (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 - Pesticide Abatement” (FRL No. 10013–52–OCSPP) received in the Office of the President of the Senate on September 30, 2020; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitude:


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


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:

S. 3599. A bill to establish the United States-India Clean Energy and Power Transmission Partnership to facilitate renewable energy.
S. 4760. A bill to establish a program to develop antimicrobial innovations targeting the most pressing pathogens and most threatening infections; to the Committee on Health, Education, Labor, and Pensions.

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.

S. 4762. A bill to designate the airport traffic control tower located at Piedmont Triad International Airport in Greensboro, North Carolina, as the Kay Hagan Airport Traffic Control Tower; considered and passed.

S. 4764. 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; referred (or acted upon), as indicated:

S. 4766. A bill to ensure that personal protective equipment for health port research and development with respect to personal protective equipment for health port research and development; to the Committee on Finance.

S. 4767. 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 media; to the Committee on Commerce, Science, and Transportation.

S. 4772. A bill to establish the Future of American Journalism Commission and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 4773. A bill to establish the Paycheck Protection Program Second Draw Loan, and for other purposes; read the first time.

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

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

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 Mr. CASEY (for himself and Mrs. SHAKENEN): S. Res. 727. A resolution designating September 29, 2020, as “National Urban Wildlife 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. BROWN, Mr. ROBERTS, Mr. Kaine, Ms. WASSERMAN SCHULTZ): 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. ROEVEN (for himself, Mr. HENRICH, Mr. MORA, Mr. ROBERTS, Mr. CRAMER, Mr. TESTER, Ms. SMITH, Ms. BALDWIN, Mr. MURDOCK, Mr. THUNE, Mr. BRAUN, Mr. UDALL, Mr. WHITAKER, Mr. INHOFE, Mr. CORNYN, Mr. ENZI, Mr. BOOZMAN, Mr. ROUNDS, Mr. PORTMAN, Mr. CUNNINGHAM, Mr. MARKKKELA, 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. GRAHAM, Mr. HASAN, Mr. LANKFORD, Mr. CASEY, Mr. KLOBUCHAR, Mr. SCOTT of South Carolina, Ms. CORTEZ CASTRO, Ms. SINEMA, Mr. ROBERTS, Mr. UDALL, Mr. VAN HOLLLEN, Ms. BALDWIN, Mr. KANIE, Mr. BROWN, Mr. SCHUMER, and Mr. BRAUN): S. Res. 736. A resolution designating September 29, 2020, as “National Kinship Care Month”; considered and agreed to.

By Mr. KAIN (for himself, Mr. WICKER, Mr. MORA, 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. BUCHANAN, Mr. WHITEHOUSE, Mr. WICKER, Mr. REED, Mr. RUBIO, and Ms. KLOBUCAR): S. Res. 769. 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. COTZER 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. 749. 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. MURkowski, 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 of the nuclear weapons program of the United States; considered and agreed to.

By Ms. WARREN (for herself, Mr. COTTON, Mr. PETERS, Ms. ROSEN, Mr. JOHNSON, and Mr. LANKFORD):

S. Con. Res. 48. A concurrent resolution expressing support for the designation of October 28, 2020, as "Honoring the Nation's First Responders Day"; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 195

At the request of Mr. PORTMAN, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 195, a bill to require the Director of the Government Publishing Office to establish and maintain a website accessible to the public that allows the public to obtain electronic copies of all congressionally mandated reports in one place, and for other purposes.

S. 311

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 311, a bill to promote 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 provide the benefits and services provided by the Department of Veterans Affairs to women veterans, and for other purposes.

S. 194

At the request of Mr. BOOZMAN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 194, 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. 1125

At the request of Mr. CASSEY, the name of the Senator from Vermont (Mrs. CAPITO) was added as a cosponsor of S. 1125, a bill to amend the Postsecondary Student Data System Act of 2008 to require the United States Department of Education to establish a postsecondary student data system.

S. 463

At the request of Mr. CASSEY, the name of the Senator from Alabama (Mr. JONES) and the Senator from Florida (Mr. SCOTT) were added as cosponsors of S. 463, a bill to amend the Privacy Act of 1974 to require the Director of the National institutes of Health to make publicly available a list of all clinical trials being conducted by the United States government.

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 Ms. BOOZMAN, the name of the Senator from Kansas (Ms. SMITH) 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. 2735

At the request of Ms. GILLIBRAND, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Oregon (Mr. MERKLEY) and the Senator from Minnesota (Ms. KLOBUCAR) were added as cosponsors of S. 2735, a bill to provide access to counsel for children and other vulnerable populations.

S. 2736

At the request of Mr. MARKEY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2736, 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 (Ms. STABENOW) was added as a cosponsor of S. 2753, a bill to amend title XV 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 the human rights and enhance opportunities for LGBTQI people around the world, and for other purposes.
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.

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.

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.

At the request of Mr. CASSIDY, the names of the Senator from Montana (Mr. DAINES) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 3353, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immuno-suppressive drugs for kidney transplant patients, and for other purposes.

At the request of Mr. KING, the name of the Senator from North Carolina (Mr. BEAN) 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.

At the request of Ms. KLOBUCHAR, the name of the Senator from Nevada (Ms. WARRIN) 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.

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.

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.

At the request of Mr. TRUM, 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.

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. 4122, 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.

At the request of Ms. SINEMA, the name of the Senator from New Hampshire (Mr. SHAFER) was added as a cosponsor of S. 4146, 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 cause of death, and for other purposes.

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.

At the request of Mr. CORNYN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 4256, a bill to establish a grant program for small live event operators and talent representatives.

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 to establish a regional office of the Taiwan Fellowship Program, and for other purposes.

At the request of Mr. SCHATZ, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 4349, a bill to establish a Coronavirus Rapid Response Federal Labor-Management Task Force, and for other purposes.

At the request of Mr. KAINES, 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.

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 include 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.

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.

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

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 extend certain deadlines for the 2020 decennial census.

At the request of Ms. HIRONO, the name 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.

At the request of Mr. SCHATZ, the name of the Senator from Utah (Ms. SHARRI) was added as a cosponsor 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. 4841

At the request of Mr. Enzi, the name of the Senator from Delaware (Mr. Carper) was added as a cosponsor of S. 4841, 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. 4760

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. 4760, a bill to obtain and direct the placement in the Monument to Honor Associate Justice Alwyn C. Cashe for acts of valor during Operation Iraqi Freedom.

S. 4762

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.

STATMENTS 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.

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 coronavirus pandemic; read the first time.

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.
Sec. 2. Table of contents.
Sec. 3. Division A—Liability Protections, Continued Relief for Small Businesses and Workers, Public Health Enhancements, and Educational Support.

DIVISION A—LIABILITY PROTECTIONS, CONTINUED RELIEF FOR SMALL BUSINESSES AND WORKERS, PUBLIC HEALTH ENHANCEMENTS, AND EDUCATIONAL SUPPORT

TITLE I—SUNSETS AND OFFSETS

Sec. 1001. Emergency relief and taxpayer protections.
Sec. 1002. Direct appropriations.
Sec. 1003. Termination of authority.
Sec. 1004. Rescissions.

TITLES II—CORONAVIRUS LIABILITY RELIEF

Sec. 2002. Findings and purposes.

SUBTITLE A—Liability Relief

PART I—LIABILITY LIMITATIONS FOR INDIVIDUALS AND ENTITIES ENGAGED IN BUSINESSES, SERVICES, ACTIVITIES, OR ACCOMMODATIONS

Sec. 2121. Application of part.
Sec. 2122. Liability; safe harbor.

PART II—LIABILITY LIMITATIONS FOR HEALTH CARE PROVIDERS

Sec. 2141. Application of part.
Sec. 2142. Liability for health care professionals and health care facilities during coronavirus public health emergency.

PART III—SUBSTANTIVE AND PROCEDURAL PROVISIONS FOR CORONAVIRUS-RELATED ACTIONS GENERALLY

Sec. 2161. Jurisdiction.
Sec. 2162. Limitations on suits.
Sec. 2163. Procedures for suit in district courts of the United States.
Sec. 2164. Demand letters; cause of action.

PART IV—REFERENCE TO LABOR AND EMPLOYMENT LAWS

Sec. 2181. Limitation on violations under specific laws.
Sec. 2182. Liability for conducting testing at workplace.
Sec. 2183. Joint employment and independent contracting.
Sec. 2184. Exclusion of certain notification requirements as a result of the COVID–19 public health emergency.

SUBTITLE B—Products

Sec. 2281. Applicability of the targeted liability protections for pandemic and epidemic products and security countermeasures with respect to covid–19.

SUBTITLE C—General Provisions

Sec. 2301. Severability.

TITLES III—ASSISTANCE FOR AMERICAN FAMILIES

Sec. 3001. Short title.
Sec. 3002. Extension of the Federal Pandemic Unemployment Compensation program.

TITLES IV—SMALL BUSINESS PROGRAMS

Sec. 4001. Small business recovery.

TITLES V—POSTAL SERVICE ASSISTANCE

Sec. 5001. COVID–19 funding for the United States Postal Service.

TITLES VI—EDUCATIONAL SUPPORT AND CHILD CARE

SUBTITLE A—Emergency Education Freedom Grants; Tax Credits for Contributions to Eligible Scholarship-granting Organizations

Sec. 6001. Emergency education freedom grants.
Sec. 6002. Tax credits for contributions to eligible scholarship-granting organizations.
Sec. 6003. Education Freedom Scholarships.
Sec. 6004. 329 account funding for homeschool and additional elementary and secondary expenses.

SUBTITLE B—Back to Work Child Care Grants

Sec. 6101. Back to Work Child Care grants.

TITLES VII—PANDEMIC PREPARATION AND STRATEGIC STOCKPILE

Sec. 7001. Sustained on-shore manufacturing capacity for public health emergencies.
TITULI XVIII—CORONAVIRUS RELIEF FUND EXTENSION

Sec. 9001. Extension of period to use Coronavirus Relief Fund payments.

Sec. 1001. EMERGENCY RELIEF AND TAXPAYER PROTECTIONS.

Section 4003 of the CARES Act (15 U.S.C. 9603) is amended by adding at the end the following:

"(d) REDUCTION.—The appropriation made under this section shall be reduced, on January 4, 2021, by the amount equal to the difference between $146,000,000,000 and the aggregate amount of loans, loan guarantees, and other investments that the Secretary has made or committed to make under section 4003(b)(4) as of such date."

TITULI XV—CRITICAL MINERALS

Sec. 1001. Mineral security.

Sec. 1002. Rare earth element advanced coal technologies.

TITULI XI—MISCELLANEOUS PROVISIONS

Sec. 11001. Emergency designation.

DIVISION B—CORONAVIRUS RESPONSE ADDITIONAL SUPPLEMENTAL APPROPRIATIONS ACT, 2020

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:

(Tabulation of findings not included in text)

(b) OBJECTIVES.—The objectives of this title are to (1) provide resources to assist States in their efforts to assist individuals and families, protective equipment and supplies for health care workers, and other personal protective equipment to health care facilities, to support the local and State economies; and to support other essential activities, (2) provide assistance to States in the area of mental health, and (3) increase the Federal share of Medicaid costs.

SEC. 2003. AUTHORITY TO MAKE PAYMENTS TO STATES.

(a) IN GENERAL.—The Secretary of Health and Human Services may make payments to States under this title for purposes described in section 2002(b)(2) of this title.

SEC. 2004. ELIGIBILITY CRITERIA.

(a) IN GENERAL.—The Secretary of Health and Human Services may make payments to States under this title for purposes described in section 2002(b)(2) of this title.

(b) DETERMINATION.—The Secretary of Health and Human Services shall make the determination described in paragraph (a) of this section as soon as practicable after the date of enactment of this title.

SEC. 2005. LIMITATION ON PAYMENTS TO INDIVIDUALS.

(a) IN GENERAL.—The Secretary of Health and Human Services may not make payments to individuals under this title.

(b) APPLICABILITY.—This section shall not apply to payments made under section 2002(b)(2) of this title.

SEC. 2006. FIVE-YEAR PAYMENT LIMITATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make payments under this title only for 5 years after the date of enactment of this title.

(b) DETERMINATION.—The Secretary of Health and Human Services shall make the determination described in paragraph (a) of this section as soon as practicable after the date of enactment of this title.

SEC. 2007. FUNDING LIMITATION.

(a) IN GENERAL.—No payments may be made under this title unless the amount of such payments does not exceed the amount of tax credit provided under section 2002(b)(2) of this title.

(b) DETERMINATION.—The Secretary of Health and Human Services shall make the determination described in paragraph (a) of this section as soon as practicable after the date of enactment of this title.

SEC. 2008. CONSTRUCTION.

Sections 2001 through 2007 of this title shall be construed to ensure that any funds provided under this title are intended to provide additional relief to States in response to the COVID-19 pandemic, to the extent that such funds are necessary to minimize costs to taxpayers and reduce the economic harm caused by the COVID-19 pandemic.
issued by local governments, State governments, and the Federal Government. They confront this risk notwithstanding equipment and staffing shortages. And they confront this risk without any guidance from the Federal Government. They confront this risk without any guidance from the Federal Government, or any State or local government, without any guidance from the Federal Government, or any State or local government, guidance about 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 workforce 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 cases creates a hazardous and unpredictable risk for everyone participating in interstate commerce and acts as a significant drag on national recovery. The aggregated 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 tort 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 substantially affect interstate commerce.

(18) Lawsuits against health care workers and facilities 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 the 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 courthouses.

(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 the interstate commerce could fully re-engage.

(21) Congress also has the authority to determine the jurisdiction of the courts of the United States. If the statute of limitations 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. They face the intertemporal trade-off that they must extend no further than necessary to meet this uniquely national crisis. Otherwise, the free and fair network 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 coronavirus, we cannot establish temporary rules that may prove to be meritless. These lawsuits further threaten to undermine the Nation’s fight against the virus by exposing our health care workforce to liability for difficult medical decisions they have made under trying and uncertain circumstances.

(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, 2, 8, and 9, in Article I, section 8, 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 appropriate risk management by small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, and local government agencies, and health care providers;

(4) ensure that the Nation’s recovery from the coronavirus 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 that 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. 3003. 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 prevention or mitigation of the transmission of coronavirus issued by the Federal Government, or a State or local government with jurisdiction over the individual or entity.

(2) CORONAVIRUS-RELATED ACTION.—The term ‘‘coronavirus-related action’’ means an action by a person who suffered personal injury or is at risk of suffering personal injury, that—

(A) is brought by a person who suffered personal injury or is at risk of suffering personal injury or is at risk of suffering personal injury; and

(B) is brought by a person engaged in 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; and

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

(B) the assessment or care of an individual or entity with respect to an individual or entity that is engaged in businesses, services, activities, or accommodations of the individual or entity; and

(2) occurring—

(aa) before December 1, 2019; or

(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–6(b)) (relating to medical countermeasures) that the effect of the coronavirus is that the Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against the Novel Coronavirus that was made 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 at locations where the services are provided, that relate to—

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

(B) the assessment or care of an individual with a confirmed or suspected case of coronavirus; or

(C) care of any individual who is admitted to, presents to, receives services from, or resides at, a health care provider for any
(17) **STATE.**—The term “**State**” includes—
(A) any State of the United States, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision or instrumentality thereof; and
(B) includes any agency or instrumentality of 2 or more of the entities described in subparagraph (A).

(18) **TRIBAL GOVERNMENT.**—
(A) **In General.**—The term “**Tribal government**” means the recognized governing body of any Indian tribe included on the list published by the Secretary of the Interior pursuant to section 106(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 513i(a)).

(B) **Inclusion.**—The term “**Tribal government**” includes any subdivision (regardless of the laws and regulations of the jurisdiction in which the subdivision is organized or incorporated) of a governing body described in paragraph (A) that—
(i) is wholly owned by that governing body; and
(ii) has been delegated the right to exercise 1 or more substantive 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.

## Title II—Liability Relief

### Part I—Liability Limitations for Individuals and Entities Engaged in Businesses, Services, Activities, or Accommodations

#### Subtitle A—Liability Relief

(a) **OF AN 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 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 provisions 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 Governor of a Tribe of sovereign immunity and stating claims within the scope of this part.

(b) **PREEMPTION AND SUPERSEDURE.**—
(1) IN GENERAL.—Except as described in paragraphs (2) through (6), this part pre-empts 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 provision of any Federal, State, or Tribal law seeking for a claim for benefits under a workers’ compensation scheme or program, or to pre-empt 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 any State, local, or Tribal govern- ment, to bring any criminal, civil, or ad- ministrative 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 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 se- curity’s right to maintain and cure benefits.

(7) STATUTE OF LIMITATIONS.—A coronavirus exposure action may not be commenced in any Federal, State, or Tribal court more than 1 year after the date of the actual, alleged, feared, or potential for exposure to coronavirus.

SEC. 2122. LIABILITY; SAFE HARBOR.

(a) REQUIREMENTS FOR LIABILITY FOR EXPOSURE ACTIONS.—Notwithstanding any other provision of law, and except as otherwise provided in this section, no individual or entity engaged in businesses, services, activities, or accommodations shall be liable in any coronavirus exposure action unless the plaintiff can prove by clear and convincing evidence that—

(1) the defendant 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.—In any 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 section (1) 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 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) personal injury or death;

(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 THE COVID-19 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 if the court 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 GENERAL.

SEC. 2161. JURISDICTION.

(a) Jurisdiction.—The district courts of the United States shall have concurrent original jurisdiction of any coronavirus-related action.

(b) Removal.—

(1) Removal.—A coronavirus-related action of which the district courts of the United States have original jurisdiction under subsection (a) that is brought in a State court may be removed to a district court of the United States in accordance with section 1446 of title 28, United States Code, except that—

(A) notwithstanding subsection (b)(2)(A) of such section, such action may be removed by any defendant without the consent of all defendants; and

(B) notwithstanding subsection (b)(1) of such section, for any cause of action that is a coronavirus-related action that was filed in a State court before the date of enactment of this Act and on which a motion for 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 (a) 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 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 loss incurred by the plaintiff.

(b) Proportional Liability.—

(1) 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.

(2) Proportionate Liability.—For purposes of this section, acts, omissions, or decisions results from a resource or staffing shortage shall not be considered willful misconduct or gross negligence.

(3) Joint Liability for Specific Intent or Fraud.—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 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 Specificity.—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 alleged; and

(2) the complaint shall plead with particularity—

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

(B) 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 plaintiff's share of any action against the plaintiff from another source in connection with the personal injury, harm, damage, breach, or tort, such as insurance or reimbursement by a governmental entity.

(b) Preemption and Supersede.—

(1) In General.—Except as described in paragraphs (2) and (3), any pre-empted or superseded 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 from any coronavirus-related action.

(c) Strict Preemption or Supersede.—Nothing in this section shall be construed to affect the applicability of any provision of any Federal, State, or Tribal law that—

(1) 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;

(2) otherwise affords a greater degree of protection from joint and several liability than is afforded by this section; or

(3) 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.

(2) 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 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).
(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, the complaint shall include a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(2) **Required State of Mind.**—In any coronavirus-related action filed in or removed to a district court of the United States, the plaintiff shall include a verification, made by affidavit of the plaintiff under oath, stating that the pleading is true to the knowledge of the plaintiff, 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 plaintiff, except as to matters specifically identified as being alleged on information and belief, and that as to those matters the plaintiff has knowledge to make it true.

(B) **Identification of Matters Alleged Upon Information and Belief.**—Any matter that is not specifically identified as being alleged on information and belief, and that is asserted in the complaint, shall be regarded for all purposes, including a criminal prosecution, as having been made upon the knowledge of the plaintiff.

(2) **Materials Requested.**—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 alleged in the complaint.

(d) **Application With Federal Rules of Civil Procedure.**—This section applies exclusively to coronavirus-related actions 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.**—

(I) **Timing.**—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, 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) **Discovery.**—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 benefit to such request equal or exceed the burden or cost for the responding party of providing such response.

(2) **Interlocutory Appeal and Stay of Discovery.**—The courts of appeals of the United States shall have jurisdiction of an appeal from a motion to dismiss that is denied in a civil proceeding 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 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 law of the court 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 any amount that shall 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 Litigation.**—

(A) **Trial Prohibition.**—In any coordinated or consolidated proceedings conducted pursuant to section 1407(b) of title 28, United States Code, and the judge or judges to whom such proceedings 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 over the United States having jurisdiction over the transferree 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 im- mediate 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 that is meritless, the Attorney General may commence a civil action in any appropriate district court of the United States.

(b) **Relief.**—In a civil action under paragraph (1), the court may, to vindicate the public interest, assess a civil penalty against the defendant in an amount not exceeding $50,000 per transmitted demand for remuneration in exchange for settling, releasing, waiving or otherwise not pursuing a claim that is meritless.

(c) **Distribution of 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 SPECIFIC LAWS.

SEC. 2181. **Limitation on Violations under Specific Laws.**

(a) **Definition.**—In this subsection, the term “covered Federal employment law” means any of the following:

(I) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.)


(b) **Covered Federal Employment Law.**—

(1) **Limitation.**—Notwithstanding any provision of a covered Federal employment law, in any action, proceeding, or investigation under 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 telework or other remote communication strategies);
(ii) implementing interim alternative protection measures or other health and safety benefits;
(iii) following guidance issued by the relevant agency with jurisdiction with respect to any exemptions from such obligation;
(b) DETERMINATION LAWS.—In this subsection—
(A) the term “auxiliary aids and services” has the meaning given the term in section 4 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12103);
(B) the term “covered public accommodation law” means—
(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 title III 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's failure to—
(i) determined that the significant risk of substantial harm to public health or the health of employees cannot be reduced or eliminated by 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 paragraphs (A)(i) and (ii), 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 aid 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 owns, leases, 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 to such employer or other person 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 INDEMNIFICATION.
Notwithstanding any other provision of Federal or State law, including any covered Federal employment law (as defined in section 505G of the Federal Food, Drug, and Cosmetic Act), biological product (including a vaccine) (as such term is defined in section 201(h) of the Federal, Food, Drug, and Cosmetic Act) that—
(a) in General.—Section 318F–3 of the Smallpox Vaccination Act (42 U.S.C. 247d–21(1)) is amended by striking “December 27, 2020” and inserting “December 31, 2020”;
(b) AMOUNT.—Section 318D–2 of the Smallpox Vaccination Act (42 U.S.C. 247d–22) is amended by striking “$20,000,000” and inserting “$100,000,000”.
(c) 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. 6302(e)(2)) is amended by striking “July 31, 2020” and inserting “December 31, 2020”.
(b) AMOUNT.—Section 2104(b) of division A of the CARES Act (15 U.S.C. 6302(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 September 30, 2020, $600.

(B) For weeks of unemployment beginning after the last week under subparagraph (A) and ending on or before December 27, 2020, 50% of the amount under subparagraph (A)."

(2) TECHNICAL AMENDMENT REGARDING APPLICABILITY TO SHORT-TIME COMPENSATION PROGRAMS AND AGREEMENTS.—Section 2104(h)(2) of the CARES Act (15 U.S.C. 9023(b)(2)) is amended by—

(A) in subparagraph (A), by adding at the end and inserting “; and”;
(B) by adding at the end the following new subparagraph (B):

“(B) in subparagraph (A), by striking ‘the aggregate benefits under paragraph (1)(A).’.“.

(3) AMENDMENTS TO UNEMPLOYMENT INSURANCE.—Section 2104(h)(3) of the CARES Act (15 U.S.C. 9023(b)(3)) is amended by—

(A) in clause (ii), by striking the period at the end and inserting “; and”;
(B) by adding at the end the following new clause (iii):

“(iii) the amount:

(A) in paragraph (1)(B), by striking “of

(B) in paragraph (2)(B), by striking “of

(C) in paragraph (3)(B), by striking “of

(4) 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) ADMINISTRATOR; ADMINISTRATOR.—The term “Administrator” means 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) Extension of Certain Benefits Under the Railroad Unemployment Insurance Act—Section 2310(r)(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 paragraphs (3), (4), and (7), subparagraph (A) does not include any supplemental unemployment compensation 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).

TITLES V—SMALL BUSINESS PROGRAMS

SEC. 5000. 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) ADMINISTRATOR; 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) Extension of Certain Benefits Under the Railroad Unemployment Insurance Act—Section 2310(r)(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 paragraphs (3), (4), and (7), subparagraph (A) does not include any supplemental unemployment compensation 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).
any form related to borrower demographic information; and
(ii) review by the lender of an application submitted by the eligible recipient for loan forgiveness under this section shall be limited to whether the required complete application, with all fields completed, initialed, or signed, as applicable; and
(iii) the Administrator shall submit the application submitted by the eligible recipient for loan forgiveness under this section; and
(iv) 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—
(A) the amount of a covered loan described in subparagraph (A); or
(B) 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 issuance of the Continuing the Paycheck Protection Program Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Committee on Small Business of the House of Representatives an audit plan that—
(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 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).


(5) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding after "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); and
(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 less than 50 percent less than the gross receipts of the entity during the same quarter in 2019;

(DD) 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;

(E) 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;

(FF) 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 fourth quarter of 2019 that are less than 35 percent of the amount of the gross receipts of the entity during the first quarter of 2020;

(G) includes an organization described in subparagraph (D)(vii) of paragraph (4) 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

(H) does not include—
(1) any 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);
(2) any business entity that;

(aa) is a type of business concern described in subsection (b), (c), (d), (e), (f), (h), (j) (m), (p), (q), (r), or (s) of section 120.110 of title 13, Code of Federal Regulations, or any successor regulation;
(bb) is a type of business concern described in subsection (b), (c), (d), (e), (f), (h), (j), (m), (p), (q), (r), or (s) of section 120.110 of title 13, Code of Federal Regulations, or any successor regulation; and

(bb) any entity that;

(a) is a type of business concern described in subsection (b), (c), (d), (e), (f), (h), (j) (m), (p), (q), (r), or (s) of section 120.110 of title 13, Code of Federal Regulations, or any successor regulation; or
(bb) is a type of business concern, meets the alter-

(EE) is a type of business concern described in section 120.110(n) 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—Eligibility of Certain Electric Cooperatives’ (85 Fed. Reg. 58547 (May 19, 2020)) and ‘Business Loan Program Temporary Changes: Paycheck Protection Program—Eligibility of Certain Telephone Cooperatives’ (85 Fed. Reg. 35500 (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(n) 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

(FF) is a type of business concern defined in section 1 of the Small Business Act (15 U.S.C. 631) or entitled ‘Federal Funds for Small Business Research and Development’ (54 Fed. Reg. 40304 (September 30, 1989)) and ‘Small Business Act Amendments—1996’ (59 Fed. Reg. 32597 (July 8, 1994)) or any other guidance or rule issued or that may be issued by the Administrator; or

(FF) is an entity that would be described in subsections listed in subitems (AA) through (FF) if the entity were a business concern;

(HH) is assigned, or was approved for a loan under paragraph (36) with, a North American Industry Classification System code beginning with 52; or

(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—

(a) the election of the eligible entity, the average total monthly payment for payroll costs incurred or paid by the eligible entity—

(II) the amount described in clause (ii);

(III) the amount equal to the quotient obtained by dividing—

(a) 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

(b) the number of months in which those payroll costs were paid or incurred; by

(ii) 2.5; or

(ii) the amount described in clause (ii) by 2.5.

(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 to 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 be limited to $2,000,000.

(D) Exception from Certain 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 (19)(A), the Administrator shall collect no fee.

(F) Eligible Churches and Religious Organizations.—(G) Receipts of Nonprofit and Veterinarians Organizations.—For purposes of calculating gross receipts (as described in subparagraph (A)(v)(D)(c)(ii) 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));

(II) revenues from a supporting organization;

(III) grants from private foundations that are disbursed over the course of more than 1 calendar year;

(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 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;

(IX) 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—

(a) the amount of the covered loan used for payroll costs during the covered period; and

(b) 0.6.

(L) 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).

(M) Reimbursement for Loan Processing and Servicing.—The Administrator shall reimburse a lender authorized to make a covered loan under paragraph (36) for the following:

(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.

(N) SET ASIDE FOR SMALL ENTITIES.—Not less than $5,000,000 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.

(1) Set aside for community financial institutions;

(ii) insured depository institutions with consolidated assets of more than $10,000,000,000; and

(iv) institutions of the Farm Credit System.

(A) means an institution of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), consolidated associations, or an agricultural credit association as described 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 an applicable to that covered loan based on the

an increase in the covered loan amount even if—

(A) the initial covered loan amount has been fully disbursed; or

(B) the initial covered loan has submitted to the Administration a Form 1902 report related to the covered loan.

(I) Calculation of Maximum Loan Amount for Farmers and Ranchers—

(i) General. Section 7(a)(36)(S) of the Small Business Act (15 U.S.C. 636(a)(36)(S)), as amended by subsection (b) 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”;

(B) by adding at the end the following:

(ii) in clause (i)—

(II) shall not be included in the calculation of any applicable leverage ratio or other applicable capital ratio of that covered loan if—


(A) in clause (x), 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 that were not more than 33.33 percent of the gross receipts of the employer for the other 6 months of that year.’’.

(2) IN GENERAL.—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 (vi) 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 for the purpose of promoting or participating in a political campaign or other activity) shall be eligible to receive a covered loan if—

‘‘(aa) the organization does not receive more than 10 percent of its receipts from lobbying activities;

‘‘(bb) the lobbying activities of the organization do not comprise more than 10 percent of the total activities of the organization; and

‘‘(cc) the organization employs not more than 150 employees.

‘‘(II) DESTINATION MARKETING ORGANIZATIONS.—Notwithstanding 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; and

‘‘(cc) the destination marketing organization employs not more than 150 employees; and

‘‘(dd) the destination marketing organization—

‘‘(AA) is described in section 501(c) of the Internal Revenue Code and is exempt from taxation under section 501(a) of such Code; or

‘‘(BB) is a quasi-governmental entity or is a political subdivision of a State or local government exercising 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 government;

‘‘(III) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order or exercise of authority by any Congress or any State government, State legislature, or local legislature or legislative body.

‘‘(E) 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 11 of the Code (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)).’’;

(f) 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 grant relief as a final judgment on a claim or a right, or a right to an award of money, to a person in connection with a case under title 11 if—

‘‘(I) the person shows that the person has a claim against the debtor that—

‘‘(aa) is a claim arising from a transaction, relationship, or occurrence before the commencement of the case or a claim that arises from a transaction, relationship, or occurrence after the commencement of the case but before the date of the order for relief;

‘‘(bb) is not a claim arising from a transaction, relationship, or occurrence that is part of or connected with the fraudulent transfer or conveyance or the making of an order for relief; or

‘‘(cc) is at least 90 days old but not more than 1 year old;

‘‘(II) the person does not have, at least 90 days before the filing of the petition, an adequate means, other than through the estate, to obtain relief against the debtor with respect to such claim or right; or

‘‘(III) the person was a grantor of the claim or right, or the holder of an interest in the claim or right, for substantially all of the period during which the claim or right was pending.

‘‘(2) The court may not grant relief in a case under title 11 if—

‘‘(I) the person has the ability to pay the person’s debts—

‘‘(aa) in full;

‘‘(bb) at least 45 days after the date of the order for relief; or

‘‘(cc) by liquidating the person’s interest in the estate pursuant to—

‘‘(A) a plan proposed under section 1129(b)(5) of title 11, United States Code; or

‘‘(B) a plan proposed under section 1129(b)(6) of title 11, United States Code.

‘‘(3) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1129(b)(6) of title 11, United States Code, is amended—

‘‘(A) in paragraph (9), by striking ‘‘and’’ at the end and inserting ‘‘or’’;

‘‘(B) in paragraph (9), by striking ‘‘or’’ and inserting ‘‘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:

‘‘(4) 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 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 provides for 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:

‘‘(b) 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 provides for 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) apply to any case pending on or commenced before the effective date of this Act;

(ii) apply to any case pending on or commenced on or after the date described in clause (i).

(B) SUNSET.—(1) IN GENERAL.—If the amendments made by this subsection take effect under subparagraph (A), 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 (e);

(II) section 365 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 1111 of title 11, United States Code, is amended by striking subsection (f); and

(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).

(2) 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.

(C) 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 or the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and Entrepreneurship of the House of Representatives a notification that includes a detailed justification for the inability of the Administrator to comply with 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 clause (i), the Administrator shall, during that 30-day (or such later) period, submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and Entrepreneurship of the House of Representatives a notification that includes a detailed justification for the inability of the Administrator to comply with the request or inquiry.

(C) TESTIMONY.—Not later than the date that is 30 days after the date of enactment of this Act.
(1) COMMITTEE AUTHORITY AND APPO
(1) COMMITTEE AUTHORITY.—Section 1102(b) of the CARES Act (Public Law 116-196) is amended—
(A) in paragraph (1)—
(i) in the paragraph heading, by inserting "AND SECOND DRAW" after "PPP";
(ii) by striking "December 31, 2020" and inserting "December 31, 2021";
(iii) by striking "(36) and (37)" and inserting "(36) and (37) and (38)";
and (B) by amending paragraph (2) to read as follows: "(2) OTHER TAA 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)) for the heading ‘Small Business Administration—Business Loans Program Account’ in the Financial Services and General Government Appropriations Act, 2020 (division C of Public Law 116-194) 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 MEDIA.
(B) 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:
1. $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 paragraphs (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;
2. $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
3. $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 (i) of section 1106 of the CARES Act (15 U.S.C. 9005), as amended by this Act.

(3) AVAILABLE APPROPRIATIONS.—
(A) for the Inspector General of the Postal Regulatory Commission under section 3654 of title 39, United States Code, to provide 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; or (iii) allocate at least 90 percent of qualified contributions to qualifying scholarships on an annual basis; and
(B) availability of amounts appropriated for the Office of Inspector General—Postal Regulatory Commission under section 3654 of title 39, United States Code, to provide scholarships to individual elementary and secondary students, including scholarships for attending private schools; or (ii) an organization identified by the Governor of a State to receive a grant from the State under subsection (d).

(2) EMERGENCY EDUCATION FREEDOM GRANT PROGRAM.
(1) MAY ONLY USE AMOUNTS BORROWED UNDER SUBSECTION (A) OF THIS SECTION.—(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 student’s career and technical education, as defined by section 3(5) of the Carl D. Perkins

TITLE VI—EDUCATIONAL SUPPORT AND CHILD CARE
Subtitle A—Emergency Education Freedom Grants; Tax Credits for Contributions to Eligible Scholarship-Granting Organizations
(1) 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; and
(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; or
(iii) allocate at least 90 percent of qualified contributions to qualifying scholarships on an annual basis; and
(iii) qualifies as a tax-exempt organization under section 501(a) of the Internal Revenue Code of 1986; and
(iv) is a 501(c)(3) qualified scholarship-granting organization; or (ii) is a charitable organization performing similar functions, of the outstanding amount of any class of equity interest in an entity. (B) PREFERRED INTEREST.—The term "preferred interest" means any direct or indirect control of an entity seeking to enter a transaction described in subparagraph (A) that is—
(i) a share in an entity, without regard to whether the share is—
(I) transferable; or
(II) subject to a first call or similar right, and the holder is—
(I) a direct or indirect owner of the entity; or
(II) liable for a share or interest described in clause (i) or (ii), respectively.
(2) REQUIREMENT.—The principal executive officer, 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 preferred entity.
(3) APPLICABILITY.—The requirement under paragraph (2)—
(A) shall apply with respect to any transaction described in subparagraph (A) 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.

Title V—Postal Service Assistance
Subtitle A—Emergency Funding for the United States Postal Service
Section 6001 of the CARES Act (Public Law 116-196; 134 Stat. 424) is amended—
(1) in the section heading, by striking "BORROWING AUTHORITY" and inserting "FUNDS";
(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.

(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 15(b) 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) POSTAL REGULATORY COMMISSION.—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 included under that paragraph to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives."
State, as determined by the Secretary on the basis of individuals aged 5 through 17 in the State, as determined by the Secretary, in accordance with the purpose of this section.

(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—

(1) 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 such 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 such individuals, as so determined, in all such States that submitted approved applications.

(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 by the Secretary, on the basis of the State's need, to eligible scholarship-granting organizations in the State.

(2) INITIAL TIMING.—The Secretary shall carry out subsection (c) and award emergency education freedom grants to States with approved applications, in order to be used to provide subgrants to eligible scholarship-granting organizations under subsection (d).

(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 elementary and secondary students, including scholarships for attending private schools.

(4) PARENTAL RIGHTS TO USE SCHOLARSHIPS.—No participating State shall disfavor, discriminate against, or otherwise disadvantage a participating State's eligible scholarship-granting organizations under subsection (a)(1)(B) in the State in proportion to the contributions received in calendar years preceding the calendar year 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.

(5) STATE AND LOCAL AUTHORITY.—Nothing in this section shall be construed to modify 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 is amended by adding after section 52D the following new section:

"SEC. 25E. CONTRIBUTIONS TO ELIGIBLE SCHOLARSHIP-GRANTING ORGANIZATIONS.

"(a) ALLOWANCE OF CREDIT.—Subject to section 6033(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 any 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 with respect to the contributions described in clause (i), and

"(iii) is a member of a group of related organizations described in section 509(d) of the Internal Revenue Code of 1986, and

"(B) Nothing in this section shall be construed to modify the authority of a State or local government to designate as tax credit scholarship-granting organizations, and shall be used in the furtherance of the public interest.

"(2) FEDERA LLY 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 benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds, or otherwise.

"(3) PROHIBITION OF CONTROL OVER NONPUBLIC EDUCATION PROVIDERS.—

"(A) IN GENERAL.—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.

"(B) 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.
"(2) QUALIFIED CONTRIBUTION.—The term ‘qualified contribution’ means a contribution of cash to any eligible scholarship-granting organization.

"(3) QUALIFIED EXPENSE.—The term ‘qualified expense’ means any educational expense that is—

(A) for an individual student’s elementary or secondary education, as recognized by the State, or

(B) for the secondary education component of an individual elementary or secondary education program, as defined by section 3(5) of the Carl D. Perkins Career and Technical Education Act of 1965 (20 U.S.C. 6331(c)), and the Department of Education (as defined in section 1112 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(c)), and the Department of Education (as defined in section 1112 of the Commonwealth of Puerto Rico, the outlying areas (as defined in section 1121(c) of the Commonwealth of Puerto Rico, the outlying areas (as defined in section 1121(c) of the Commonwealth of Puerto Rico, the outlying areas (as defined in section 1121(c) of the Commonwealth of Puerto Rico, the outlying areas (as defined in section 1121(c) of the Commonwealth of Puerto Rico, the outlying areas (as defined in section 1121(c) of the Commonwealth of Puerto Rico, the outlying areas (as defined in section 1121(c) of the

(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 Education (as defined in section 1112 of the

(d) RULES OF CONSTRUCTION.—

(1) QUALIFYING SCHOLARSHIP AWARD.—A qualifying scholarship awarded to a student from the proceeds of a qualified contribution under this section shall not be considered as 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 control by an eligible scholarship-granting organization 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 purpose of providing elementary and secondary education services, including those services provided by private or nonprofit entities, such as faith-based providers.

(B)(i) STATE AUTHORITY.—Nothing in this section shall be construed to modify the authority of a State or local government’s authority and responsibility to fund education.

(c) QUALIFIED EXPENSE.—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 taxpayer receiving a Federal tax credit in any taxable year does not exceed the sum of the qualified contributions made by the taxpayer for the taxable year.

(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.

(1) TERMINATION.—This section shall not apply to any contributions made in taxable years beginning after December 31, 2022.

(b) AMOUNT OF CREDIT.—The credit allowed under subsection (a) for any taxable year shall be determined by the Secretary of the Treasury, for purposes of section 25E, in the case of a domestic corporation, shall be subject to the provisions of section 25E (including subsection (d) of such section), to the extent applicable.

(2) EFFECTIVE DATE.—The amendments made by this section shall be applicable 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 filing;

(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, shall maintain a receipt 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) keep a record of the remaining amounts following allocations made under clause (i), allocate to each participating State an amount equal to the sum of—

(A) the product 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; and

(B) the sum of—

(a) the number of those individuals in all such States, as so determined; and

(2) by the striking the end of paragraph (33) and inserting ‘‘plus’’; and

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

‘‘(e) CREDIT PURCHASE TAXES.—Subject to section 6003(c)(5) of the Delivering Immediate Relief to America’s Families, Schools and Small Businesses Act, for purposes of section 25E, 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 tax credit from the Secretary of the Treasury, for purposes of section 25E, in the case of a domestic corporation, shall be subject to the provisions of section 25E (including subsection (d) of such section), to the extent applicable.

(d) EFFECTIVE DATE.—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) Transitional Provisions.—This section shall not apply to any contributions made in taxable years beginning after December 31, 2022.

(f) CREDIT PARTIAL GENERAL BUSINESS CREDIT.—Sections 38, in the case of a domestic corporation, the percentage of funds an organization may use for program administration; and

(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—
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 individuals in all such States, as so determined.

(B) MINIMUM ALLOCATION.—Notwithstanding paragraph (A), no State receiving aid under this section may receive less than 1/2 of 1 percent of the amount allocated for a fiscal year.

(3) ALLOWABLE PARTNERSHIPS.—A State may reallocate the amount required under subsection (A) only to other States that have eligible scholarship-granting organizations under subparagraph (A) and (B) of paragraph (2).

(4) 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 the "applicable year"), or as early as practicable with respect to the first year, the Secretary of the Treasury shall determine the State allocations under paragraph (2) for the applicable year.

(B) LIST OF ELIGIBLE SCHOLARSHIP-GRANTING ORGANIZATIONS.—

(1) IN GENERAL.—Not later than January 1 of each fiscal year, or as early as practicable with respect to the first year, every State shall provide the Secretary of the Treasury a list of eligible scholarship-granting organizations, including a certification that the State submits the list on behalf of the States.

(2) REALLOCATION OF UNCLAIMED CREDITS .—On or after April 1 of any applicable year, the Secretary of the Treasury may reallocate 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.

(3) 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 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.—

(1) IN GENERAL.—Not later than January 1 of each fiscal year, or as early as practicable with respect to the first year, every State shall provide the Secretary of the Treasury a list of eligible scholarship-granting organizations, including a certification that the State submitting the list on behalf of the States has the authority to perform this function.

(2) INTERIM 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, the amount of 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. 528 ACCOUNTING FOR HOME LEARN 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, this section shall include the term ‘qualified higher education expense’ shall include a reference to the following expenses in connection with enrollment or attendance at, or for students enrolled at or attending, an elementary or secondary public, private, or religious school:

(i) Tuition and fees at a public, private, or religious school.

(ii) Concentrate or home school materials.

(iii) Books or other instructional materials.

(iv) Online educational materials.

(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) Expenses by private organizations for students with disabilities provided by a licensed or accredited practitioner or provider, including occupational, behavioral, physical, and speech-language therapists.

"(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 homschool or a private school for purposes of paragraph (1) of section 529A of the Internal Revenue Code of 1986 (26 U.S.C. 9765 et seq.) in accordance with subsection (e)(2) of this section.

(f) 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 the funding available 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.

(g) RESERVATION.—The Secretary shall reserve not more than 1 percent of the amount appropriated to carry out this section to pay for the administrative 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 the fiscal year.
such amount to make allotments and pay- 
ments, to States, Indian tribes, and tribal or- 
ganizations that submit such a notice of in-
tent to provide assurances, in accordance with 
subsection (c) of paragraph (2) of 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). 

(1) ASSURANCES.—A State, Indian tribe, or 
tribal organization that receives a grant 
under subsection (c) shall provide to the Sec- 
retary assurances that the lead agency will— 

(i) require as a condition of subgrant fund-
ing under subsection (c) that each eligible 
child care provider applying for a subgrant 
from the lead agency— 

(A) has been an eligible child care provider 
in continuous operation and serving children 
through a child care program immediately 
prior to March 1, 2020; 

(B) agree to follow all applicable State, 
local, and tribal health and safety require-
ments and, if applicable, enhanced protocols 
for child care services and related to COVID-
19 or another health or safety condition; 

(C) agree to comply with the documenta-
tion and reporting requirements under sub-
section (b); and 

(D) certify in good faith that the child care 
program of the provider will remain open for 
not less than 1 year after receiving such a 
subgrant; and 

(ii) the subgrantee agrees to— 

(A) notify the lead agency in writing of any 
extraordinary events, including a state of 
emergency declared by the Governor 
or a major disaster or emergency declared by 
the President under section 401 or 501, re-
spectively, of the Robert T. Stafford Disaster 
Relief and Emergency Assistance Act (42 
U.S.C. 5170, 5191); 

(B) provide subgrant funds directly to 
urban, suburban, and rural areas that 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; 

(C) ensure that subgrant funds are made 
available to eligible child care providers re-
gardless of whether the eligible child care 
provider is providing services for which as-
sistance is made available under the Child 
Care and Development Block Grant 
Act of 1990 (42 U.S.C. 9857 et seq.) at the time of 
application for a subgrant; 

(D) for grantees under section 658O of the 
Child Care and Development Block Grant 
Act of 1990 (42 U.S.C. 9857 et seq.) for the pur-
purpose of continuing payments and assistance to 
qualifying providers on the list of applica-
tible reimbursements prior to March 2020; 

(E) undertake a review of burdensome 
State, local, and tribal regulations and re-
quirements that hinder the opening of new 
licensed child care programs to meet the 
needs of the working families in the State or 
tribal area; 

(F) 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 deter-
mine and disburse funds in accordance with 
subparagraphs (D) and (E) of subsection 
(2)(A). 

(2) SUBGRANTS.— 

(A) In general.—A lead agency that re- 
ceives a subgrant under subsection (c) shall 
make subgrants to qualified child care pro-
viders as described in the lead agency’s as-
surances pursuant to subsection (f); 

(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 and the cost of supplies; 

(ii) personnel costs associated with a 
breakout of COVID-19, of a child care 
program used to provide child care services; 

(iii) recruiting, retaining, and compen-
sating staff; 

(iv) providing professional development to the staff 
related to child care services and applicable State, 
local, and tribal health and safety require-
ments and, if applicable, enhanced protocols 
for child care services and related to COVID-
19 or another health or safety condition; 

(v) acquiring equipment and supplies (in- 
cluding personal protective equipment) nec-
essary to ensure safe operations in a manner 
that is safe for children and staff in according 
with applicable State, local, and tribal health and safety 
requirements, to— 

(A) maintain, improve, or expand child care 
infrastructure and capacity; and 

(B) meet any other operations costs 
attributable to child care and related to 
COVID-19; and 

(3) Obligation and return of funds.— 

(1) I N GENERAL .—A lead agency that re-
ceives a grant under subsection (c) shall 
make subgrants to qualified child care pro-
viders to— 

(A) pay the costs incurred by the eligible 
child care provider for— 

(i) rent or mortgage, utilities, insurance, 
employee benefits, mortgage or rent, 
utilities, and insurance; 

(ii) paying for fixed operating costs associ-
ated with providing child care services, in-
cluding the costs of payroll, the continu-
ance of existing (as of March 1, 2020) em-
ployee benefits, mortgage or rent, utilities, 
and insurance; 

(iii) replacing materials that are no longer 
safe to use as a result of the COVID-19 public 
health emergency; 

(iv) 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 chil-
dren can safely occupy a child care facility; 

(vi) purchasing or updating equipment and 
supplies to serve children during nontradi-
tional hours, 

(vii) adapting the child care program or 
curricula to accommodate children who have 
not had recent access to a child care setting; 

(viii) carrying out any activity related to 
child care program of a qualified child 
care provider; and 

(ix) reimbursement of expenses incurred be-
fore the provider received a subgrant under 
this paragraph, if the expenses are incurred in 
accordance with clauses (i) through (x) and is 
disclosed in the subgrant application for such subgrant. 

(B) SUBGRANT APPLICATION.—To be 
qualified to receive a subgrant under this para-
graph, an eligible child care provider shall 
submit an application in such form and contain-
such information as lead agency may reasonably 
require, including— 

(i) a budget plan that includes— 

(A) information describing how the eligible 
child care provider will use the subgrant 
unds to pay for fixed costs and increased op-
etering expenses, including, as applicable, 
payroll, employee benefits, mortgage or rent, 
utilities, and insurance, described in subpar-
graphs (B)(ii); 

(ii) data on current operating capacity, 
taking into account previous operating ca-
pacity for a period of time prior to the 
COVID-19 public health emergency, and 
updated group size limits and staff-to-child ra-
tios; 

(iii) child care enrollment, attendance, and 
related projections baseline on current oper-
ating capacity and previous enrollment and 
revenue for the period described in subclause 
(Ii); and 

(iv) a demonstration of how the subgrant 
unds will assist in promoting the long-term 
viability of the eligible child care provider 
and how the eligible child care provider will 
sustain operations following the cessation of 
funding under this section; 

(C) SUBGRANT USE.—A lead agency 
that receives a grant under subsection (c) 
shall use the funds to— 

(i) provide assistance for the purposes of 
receiving subgrant funds; 

(ii) provide the necessary documentation 
under subsection (h) to the lead agency, 
including providing documentation of expendi-
itures of subgrant funds; and 

(iii) ensure that the lead agency, States, 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 one month following the date on which the grant was received; and
(iv) a description of the program under this paragraph, unless such program is closed due to extraordinary circumstances described in subsection (c)(1)(D).

(2) REPORTS.—
(A) LEAD AGENCY REPORT.—A lead agency under subsection (c)(3) shall, not later than 12 months after receiving such grant, submit a report to the Secretary for the State or tribal community involved in a description of the program under this paragraph, that were open for attendance, before and during the COVID–19 public health emergency and after the expiration of State, local, and tribal stay-at-home orders; and
(B) DISBURSEMENT.—The lead agency may, notwithstanding this section, including—
(i) the prioritization for the subgrants, including the development of State or tribal expendi-
tures from grant funds received under subsection (g)(4); and
(ii) the criteria for awarding subgrants for qualified child care providers, including the methodology the lead agency used to deter-
mine that the qualified 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 attend-
ance of children on March 1, 2020, and each of the 11 months following, disaggregated by age of children served, geography, region, con-
centration of child care setting, and family child care setting;
(iv) the number of qualified child care providers that received a subgrant under subsection (g)(4), disaggregated by age of children served, geography, region, con-
centration of child care setting, and family child care setting, and the average and range of the amounts of the subgrants awarded; and
(v) information concerning how qualified child care providers receiving subgrants under subsection (g)(4) used the subgrant funding received, disaggregated by the allow-
able uses of funds described in subsection (g)(4)(B).

(3) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums as may be necessary to carry out the activities under this section.

(4) EXCLUSION FROM INCOME.—For purposes of the Internal Revenue Code of 1986, gross
income of the lead agency under subsection (c) shall not include any amount re-
ceived by a qualified child care provider under this section.
(4) in subsection (e)(1)—
(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and
(B) by striking after subparagraph (A), the following:

"(B) Temporary flexibility.—During a public health emergency under section 319, the Secretary, with the approval of the Director of the National Center for emerging and other applicable supplies required for the appropriate 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 501 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 280a(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 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, at a minimum, information about 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 a recipient of an award under section 319C-1(b), which may be a recipient of an award under section 319C-2(b).

(C) Supplement not supplant.—Awards, contracts, or grants awarded under this subsection shall supplement, not supplant, the appropriate health care providers and health officials, and shall not reduce the amount of funds otherwise available by and for the Strategic National Stockpile under subsection (a).

(D) Administrative expenses.—More than 5 percent of the amount awarded 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 paragraph, 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 $15 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 shall, 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 required for the State stockpile plan developed pursuant to paragraph (2)(A)(i), including by establishing metrics to ensure that appropriate, the contents of such stockpile or stockpiles, including to address potential depletion.

(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 that are part of the State 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 the extent of practicable, advanced technologies and medical products are considered.

(G) Carrying out exercises, drills, and other training for purposes 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-3.

(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 emergency 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 other State or local supplies to secure new or alternative supplies. The Secretary shall use information obtained from State stockpile plans to inform the maintenance and inventory 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) report on 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 training and testing on progress toward achieving outcome goals, based on criteria established by the Secretary.

(9) 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 and the terms of this subsection. Such process shall provide such entities with the opportunity to correct such
noncompliance. An entity that fails to correct such noncompliance shall be subject to subparagraph (C).

(2) WITHHOLDING OF CERTAIN AMOUNTS FROM SCHEDULE OF AID PROCEEDS.—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 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. 247f–4b) is amended—

(A) in paragraph (2)(A), by adding “and the contracts issued under paragraph (5)” after “paragraph (1);”

(B) in paragraph (3)(F), by striking “Secretary of Homeland Security” and inserting “Secretary of Health and Human Services, in coordination with or at the request of, the Secretary of Homeland Security;”;

(C) by redesigning paragraph (5) as paragraph (6); and

(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 (4), may (A) enter into contracts or cooperative agreements with vendors for procurement, management, 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 and their supplies), 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 include 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 produced 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 subparagraphs (A) and (B);

(E) in subparagraph (A) of paragraph (6), as so redesignated—

(i) in clause (viii), by striking “; and” and inserting “; or”;

(ii) in clause (ix), by striking the period and inserting “; and”;

(iii) by adding at the end the following:

“(k) if the contractor or cooperative agreements entered into pursuant to paragraph (5);”;

and

(2) in subsection (c)(2)(C), by striking “on an annual basis” and inserting “not later than March 15 of each year”.

TITLE VIII—CORONAVIRUS RELIEF FUND EXTENSION

SEC. 8001. EXTENSION OF PERIOD TO USE CORONAVIRUS RELIEF FUND PAYMENTS.


TITLE IX—CHARITABLE GIVING

SEC. 9001. INCREASE IN LIMITATION ON PARTIAL ABOVE THE LINE DEDUCTION FOR CHARITABLE CONTRIBUTIONS.

(a) INCREASE.—

(1) IN GENERAL.—Paragraph (2)(C) of section 62(a) of the Internal Revenue Code of 1986 is amended to read as follows:

“(C) CHARITABLE CONTRIBUTIONS.—In the case of a taxable year beginning in 2020 of an individual to whom section 62(b) applies for such taxable year, the deduction under section 170(c)(1)(A) 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 section (b))” and inserting “(determined without regard to subsection (b))”;

(4) 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 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 understatements of qualified charitable contribution (as defined in section 62(f)), subsection (a) shall be applied with respect to such portion by substituting ‘50 percent’ for ‘30 percent’;

(2) Exception to Approval of Assessment.—Section 6751(b)(2)(A) is amended by striking “or 6655” and inserting “6655, or 6662”;

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 30, 2020.

TITLE X—CRITICAL MINERALS

SEC. 10001. MINERAL SECURITY.

(a) DEFINITIONS.—In this section:

(1) BYPRODUCT.—The term “byproduct” means a critical mineral—

(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 provide for, develop, and produce critical minerals and to construct critical mineral manufacturing facilities in accordance with applicable environmental and land management laws;

(2) CRITICAL MINERAL.—

(A) in general.—The term “critical mineral” means any mineral, element, substance, or material designated as critical by the Secretary of the Interior;

(B) exclusions.—The term “critical mineral” does not include—

(i) 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 30 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) by striking paragraph (6), by striking “and” after the semicolon at the end; and

(C) by striking paragraph (7) and inserting the following:

“(7) facilitate the availability, development, and environmentally responsible production of domestic resources to meet national material or critical mineral needs;”;

(2) avoid duplication of effort, prevent unnecessary paperwork, and minimize delays in the administration of applicable laws (including regulations) and the issuance of permits and authorizations required to explore for, develop, and produce critical minerals and to construct critical mineral manufacturing facilities in accordance with applicable environmental and land management laws;

(3) establish contingencies for the production of, or access to, critical minerals for which viable sources do not exist within the United States;”;

(4) 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)” and inserting 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 of the Interior under section 318(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 final methodology used to identify a draft list of critical minerals; and
(B) a draft list of minerals, elements, substances, or materials as critical minerals; and
(C) a draft list of critical minerals recovered as byproducts.

(iii) designate additional minerals, elements, substances, or materials as critical minerals.

(6) NOTICE.—On finalization of the methodology under paragraph (5), the Secretary shall submit to Congress written notice of the action.

(7) 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).

(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).

(9) 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).

(10) 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).

(11) 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).

(12) 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).

(13) 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).

(14) 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).

(15) 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).

(16) 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).

(17) 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).

(18) 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).

(19) 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).

(20) 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.
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; and

(C) is submitted to Congress not later than 1 year and 300 days after the date of enactment of this Act, and annually thereafter, by the Secretaries generated 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 (5); and

(B) using the performance metric described in paragraph (4), and annually thereafter, the Secretary shall monitor progress made by the executive branch, as compared to 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) describes actions carried out pursuant to paragraph (2); and

(B) describes actions carried out pursuant to paragraph (2).

(4) PERFORMANCE METRIC.—Not later than 90 days after the date of submission of the report required by paragraph (3), the Secretary, 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 in expediting the permitting of activities that will increase exploration for, and development of, domestic critical minerals, while maintaining environmental standards.

(5) ANNUAL REPORTS.—Beginning with the first budget submission by the President under 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 (5); and

(B) using the performance metric described in paragraph (4), describes progress made by the executive branch, as compared to 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) describes actions carried out pursuant to paragraph (2); and

(B) describes actions carried out pursuant to paragraph (2).

(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 are duplicative, inefficient, duplicative, or excessively burdensome.

(8) FEDERAL REGISTER PROCESS.—

(A) FEDERAL REGISTER TRANSMISSION.—The preparation of Federal Register notices required by law associated with the issuance of a critical mineral exploration or mine permit shall be described in the organizational level within the agency responsible for issuing the critical mineral exploration or mine permit.

(B) FEDERAL REGISTER NOTICES.—The 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—

(i) the documents or meetings are held; or

(ii) the action is taken.

(9) REPORTS.—Not later than 2 years after the date of enactment of this Act, the Secretaries shall submit to Congress a report summarizing the activities, findings, and progress of the program.

(10) ANALYSIS AND FORECASTING.—

(A) ESTABLISHMENT.—The Secretary of Energy (referred to in this subsection as the "Secretary") shall conduct a program of research and development for—

(i) to promote efficient production, use, and recycling of critical minerals throughout the supply chain; and

(ii) develop alternatives to critical minerals that do not occur in significant abundance in the United States.

(B) COOPERATION.—In carrying out the program, the Secretary shall cooperate with appropriate Federal agencies and the—

(i) Federal agencies and National Laboratories;

(ii) critical mineral producers;

(iii) critical mineral processors;

(iv) critical mineral manufacturers;

(v) trade associations;

(vi) academic institutions;

(vii) small businesses; and

(viii) other relevant entities or individuals.

(11) ACTIVITIES.—Under the program, the Secretary, after consultation with the Energy Information Administration, the States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral domestically produced during the preceding year; and

(B) the quantity of each critical mineral domestically consumed during the preceding year;

(C) the market price data or other price data for each critical mineral; and

(D) 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;

(iv) the quantity of each critical mineral recycled during the preceding year; and

(v) the market penetration during the preceding year of alternatives to each critical mineral; and

(vi) a discussion of international trends associated with the discovery, production, consumption, use, costs of production, and recycling of each critical mineral and the development of alternatives to critical minerals; and

(vii) such other data, analyses, and evaluations as the Secretary finds necessary to achieve the purposes of this subsection; and

(B) a comprehensive forecast, entitled the "Annual Critical Minerals Outlook", of projected critical mineral production, consumption, and recycling patterns, including—

(i) the quantity of each critical mineral projected to be domestically produced over the subsequent 1-year, 5-year, and 10-year periods;

(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—
September 30, 2020

CONGRESSIONAL RECORD — SENATE

(1) critical mineral requirements to meet projected national security, energy, economic, industrial, technological, and other needs of the United States; and

(II) the Secretary, in consultation with the Secretary of the Interior, shall jointly enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering under which the Secretary shall coordinate with the National Science Foundation on conducting a study—

(A) to design an interdisciplinary program on critical minerals to 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 in the development of graduate level programs of research and instruction that lead to advanced degrees with an emphasis on the critical minerals industry and how the demographics of the critical minerals sector will evolve under the influence of factors such as an aging workforce; and

(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, development, production, manufacturing, and recycling;

(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).

(2) PROGRAM.—

(A) ESTABLISHMENT.—The Secretary and the Secretary of Labor shall jointly conduct a competitive program under which institutions of higher education may apply for funding 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 program under which—

(i) educational and workforce training programs in critical mineral education, research, innovation, training; and workforce development programs consistent with paragraph (2); and

(ii) institutional research, fellowships and scholarships for students enrolled in programs related to critical minerals; and

(iii) equipment necessary for integrated critical mineral research, development, production, manufacturing, and recycling workforce development programs; and

(iv) research of critical minerals and their applications, particularly concerning the manufacturing of critical components vital to national security.

(B) RENEWAL.—A grant under this paragraph shall be renewable for up to 2 additional 3-year periods subject to criteria outlined under paragraph (2)(A)(iv).

(C) NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA 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 2009" and inserting "$5,000,000 for each of fiscal years 2021 through 2030, to remain available until expended".


(2) 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 "Secretary of the Interior, Secretary of the Department of Energy, Secretary of Commerce, Secretary of Defense," and inserting "Secretary of the Interior, Secretary of the Department of Energy, Secretary of Commerce, and 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.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2019 through 2028.

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 the extraction of a byproduct is of sufficient grade that, when converted to a critical mineral, the byproduct is economic to recover, as determined by the applicable Secretary in accordance with subparagraph (B).

(B) REQUIREMENTS.—In making the determination under subparagraph (A)(i), 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.

35975
TITLE XI—MISCELLANEOUS PROVISIONS
SEC. 1101. EMERGENCY DESIGNATION.
(a) In General.—The amounts provided by this division and the amendments made by this division are designated as an emergency requirement pursuant to section 251(b) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 938(g)).

(b) Division 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. 3 and pursuant to section 303(c) of H. Res. 98, to require a 10 percent reduction in 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
PAYOUTS 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, in cases not covered by other appropriations provided in this Act, to support 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. That the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile fund, $31,000,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally. That of the amount appropriated under this paragraph in this Act, $2,000,000,000 shall be for emergency management costs to the states, $10,000,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, prior to the date of enactment of this Act. That the amount appropriated under this paragraph in this Act, $2,000,000,000 shall be available to the Bio-medical Advanced Research and Development Authority for purposes 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 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 leverage of existing manufacturing capacity, if such capacity is leveraged, enhancements or new infrastructure that may be built, considerations for moving the vaccine distribution infrastructure to other parts of the commercial market: Provided further, That the Secretary, through the Director of CDC, shall ensure that vaccines, therapeutics, and diagnostics, shall be purchased in accordance with Federal Acquisition Regulations and fair and reasonable pricing: Provided further, That the Secretary may take such measures authorized under current law to ensure that vaccines, therapeutics, and diagnostics, purchased pursuant to funds provided in this paragraph in this Act will be affordable in the commercial market: Provided further, That in carrying out the previous proviso, the Secretary shall use existing authorities to develop the plans and contracts for the purchase of vaccines, therapeutics, and diagnostics, that will be purchased in accordance with Federal Acquisition Regulations and fair and reasonable pricing: Provided further, That the Secretary shall ensure that funds provided in this paragraph in this Act will be used for the construction, alteration, or renovation of facilities, and the purchase of equipment, for the production of vaccines, therapeutics, diagnostics, and medical supplies where the Secretary determines that such a contract is necessary to secure the manufacture of such supplies: Provided further, That not later than 30 days after enactment of this Act, such amounts may be used to continue development of such products: Provided further, That funds appropriated under this paragraph in this Act may be used for the construction, alteration, or renovation of facilities, and the purchase of equipment, for the production of vaccines, therapeutics, diagnostics, and medical supplies where the Secretary determines that such a contract is necessary to secure the manufacture of such supplies.
Act, and every 30 days thereafter until funds are expended, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on uses of funds under this heading, including detailing current obligations by Department or Agency, or component thereof broken out by the coronavirus supplemental appropriations Act, that provided the source of funds.

SEC. 102. (a) GRANTS.—From funds reserved for that purpose under this paragraph in this Act shall be made available within 30 days of the date of enactment to the Secretary to provide grants to local educational agencies in each State 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.

The Secretary of Health and Human Services Emergency Deficit Control Act of 1985.

(2) 40 percent on the basis of their relative number of children counted under section 18003 of division B of the CARES Act (Public Law 116–136).

(b) ALLOCATIONS.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State as follows:

(c) USES OF FUNDS.—Grants funds awarded under subsection (a) shall:

(1) provide emergency support through grants to local educational agencies that the State educational agency deems most significantly impacted by coronavirus to support the ability of such local educational agencies to continue to provide educational services to their students and to support the on-going functionality of the local educational agency;

(2) provide emergency support through grants to institutions of higher education, and other educational or educational-related entities within the State that the Governor deems essential for carrying out emergency educational services to students for authorized activities described in this section of this Act.

Provided further, That funds an entity receives from amounts described in this first proviso in this paragraph may also be used for the acquisition, construction, alteration, renovation, or equipping of non-federally owned facilities to improve coronavirus preparedness and response or support the ability of such institutions to continue to provide educational services to students for authorized activities described in this second proviso in this paragraph.

Provided further, That the Secretary of Health and Human Services, upon the request of a State in which the Governor determines have been most significantly impacted by coronavirus, shall, subject to the on-going functionality of the institution; and

Provided further, That the Governor receiving funds under this subsection shall submit a report to the Secretary, not later than 6 months after receiving funds provided in this Act, in consultation with the Governor of the State, that describes 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

Provided further, That the Secretary of the Interior for programs operated or funded by the Bureau of Indian Education, shall allocate to States, localities, and entities 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, and Indian health organizations, or health service providers to tribes:
agencies and non-public schools, consistent with the provisions of this title. After carrying out the reservation of funds in section 165 of this title, each State shall allocate not less than the percent of the remaining grant funds awarded to the State under this section as subgrants to local educational agencies (the “State 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 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 gaps between charter schools and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) PROVIDING ADDITIONAL SERVICES TO ADDRESS THE NEEDS OF LOW-INCOME CHILDREN OR STUDENTS, CHILDREN WITH DISABILITIES, AND OTHER STUDENTS EXPERIENCING HOMELESSNESS. Each State educational agency shall provide 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 connectivitiy) for students who are served by the local educational agency or non-public school that aids in substantive educational interaction between students and their classroom instructors, including low-income students, 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.

(J) Planning and implementing activities related to formal and informal learning and after-school programs, including providing classroom instruction during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(J) Planning and implementing activities related to formal and informal learning and after-school programs, including providing classroom instruction during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(K) Planning and implementing activities related to formal and informal learning and after-school programs, including providing classroom instruction during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(1) State Funding.—(a) 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 related to coronavirus. 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 in-person shall not be eligible to receive a subgrant under paragraph (2).

(B) A local educational agency that provides in-person instruction to at least some students of its 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.

(C) 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; and

(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 gaps between charter schools and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(B) Developing and implementing procedures and systems to improve the provision of educational services in local educational agencies or non-public schools, including coordination with State, local, Tribu-
of the school year preceding the beginning of 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 percentage of students who were not exclusively enrolled in distance education courses prior to the coronavirus emergency, and the total enrollment size at such institutions; (iii) 10 percent according to a ratio equivalent to the total enrollment size at all eligible institutions at the end of the school year preceding the beginning of that fiscal year and the number of students enrolled at all 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 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, in connection with the prevention, prepare for, and respond to coronavirus, and after allocating funds under paragraphs 104(a)(1) and (2) of this Act, have the greatest unmet needs related to coronavirus. In awarding grants under this paragraph, the Secretary shall prioritize institutions of higher education under this section, the Secretary shall prioritize institutions of higher education.

(A) described under title II 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 institutions under subsection (a)(1) shall be distributed by the Secretary using the same systems as the Secretary otherwise distributes funding to each institution under section 318 of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), on the basis of the formula described in section 318(c) of the Higher Education Act.

(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, reimbursements 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 an HBCU-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 116–94) may use any funds received under the conditions of section 102(c) of this Act. Amounts repurposed pursuant to this paragraph that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) Funds received by an institution of higher education under this section shall be used to fund contractors for the provision of pre-enrollment recruitment activities; enrollment services; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship.

(4) An institution of higher education that will be required to limit the use of Internal Revenue Service for the excise tax based on investment income of private colleges and universities under section 486 of the Internal Revenue Code of 1986 for tax year 2019 shall have their allocation under this section reduced by 50 percent and may only use funds for activities described in paragraph (a) of this subsection. 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.

(e) REALLOCATION.—Any funds allocated to an institution of higher education under this section on the basis of the formula described in subsection (a) that has been awarded in subsection (a)(1) or (a)(2) 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 not 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 101 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 schools 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).

(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 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).

(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 does not provide in-person instruction to any 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.

CONTINUOUS PAYMENT TO EMPLOYEES

SEC. 106. A local educational agency, State, institution of higher education, or other entity that receives funds under “Education Stabilization Fund”, shall to the greatest extent practicable continue to pay the employees and contractors during the period of any disruptions or closures related to coronavirus.

DEFINITIONS

SEC. 107. Except as otherwise provided in sections 101–106 of this title, as used in such sections—

(1) the terms “elementary education” and “secondary education” have the meaning given such terms under State law;

(2) the term “institution of higher education” has the meaning given such term in title II of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

(3) the term “Secretary” means the Secretary of Education;

(4) the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(5) the term “cost of attendance” has the meaning given such term in section 472 of the Higher Education Act of 1965;

(6) the term “Non-public school” means a non-public elementary and secondary school that (A) is licensed, or otherwise approved to operate in accordance with State law; and

(B) was in existence prior to the date of the act.

(7) the term “public school” means a public elementary or secondary school; and

(8) any other term used that is defined in section 81(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.) 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 such plans shall be acceptable to the Committees 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”, $30,000,000,000, to remain available until September 30, 2024, for salaries and expenses of the Secretary, to prevent, prepare for, and respond to coronavirus by providing support for agricultural producers, growers, and processors impacted by coronavirus, including farmers 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 an other 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.

BUDGETARY EFFECTS

SEC. 407. (a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained for purposes of section 1106 of H. Con. Res. 71 (115th Congress).

(b) 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.

(c) SENSE PAYGO SCORECARDS.—The budgetary effects of this division shall be estimated for purposes of section 251 of such Act.

(d) DEFENSE PAYGO SCORECARDS.—The budgetary effects of this division shall be available (or rescinded or transferred, if applicable) only if the President submits such designations to the Congress. The budgetary effects of this division shall be available only if the President designates the amount provided under this heading in such fiscal year as being for an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

(e) COMMITTEE PAYGO SCORECARDS.—The budgetary effects of this division shall be estimated for purposes of section 251 of such Act.

(f) SENSE PAYGO SCORECARDS.—The budgetary effects of this division shall be estimated for purposes of section 251 of such Act.

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. That the United States has the unenviable distinction of being the Nation with the most COVID–19 cases and the most deaths.
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 by declaring 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.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 727—DESIGNATING SEPTEMBER 2020 AS “NATIONAL OVARIAN CANCER AWARENESS MONTH”
Ms. STABENOW for herself, Ms. MURKOWSKI, Mrs. FEINSTEIN, Mr. BROWN, Mr. BLUMENTHAL, Mr. PETERS, Mr. MENENDEZ, Mr. VON HOLLEN, and Mrs. CAPITO submitted the following resolution; which was referred to the Committee on Appropriations:

S. Res. 727
Whereas ovarian cancer is the fifth leading cause of cancer deaths in women in the United States and accounts for more deaths than any other cancer of the female reproductive system;
Whereas, in the United States, a woman’s lifetime risk of being diagnosed with ovarian cancer is about 1 in 78; whereas the American Cancer Society estimates 22,750 new cases of ovarian cancer will be diagnosed in 2020 and 13,940 people will die from the disease nationwide; whereas the five-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 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; whereas findings and medical experts believe that family history should be taken into consideration during the annual well-woman visit of any woman; whereas women who are at high risk of ovarian cancer may undertake prophylactic measures to help reduce the risk of developing this disease; whereas 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 5% 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 food security 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 facing Food Security emergencies.

Whereas the COVID-19 pandemic has exposed vulnerabilities in global food systems and food supply chains, and has severely exacerbated food security shocks, such as the Fall Army Worm and desert locust infestations in the Horn of Africa region, particularly in Kenya, Ethiopia, and Somalia, as well as in 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 worldwide, 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 (USAID), Feed the Future initiative in 2010, and continued advocacy to formally authorize the Feed the Future program through enactment of the Feed the Future Security Reauthorization Act of 2016 (Public Law 114–195) and the Global Food Security Reauthorization Act of 2018 (Public Law 115–206);

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 engagement with a broad coalition of stakeholders, including faith-based and civil society organizations and universities and research institutions, the United States private sector, and United States farm and commodity organizations;

Whereas the late Senator Richard Lugar of Indiana was instrumental in advancing United States leadership in food security through smart investments in agriculture and food security, including through his stewardship of the Global Food Security Acts of 2008 and 2009, support for the launch of the Feed the Future program in 2010, and continued advocacy to formally authorize the Feed the Future program through enactment of the Feed the Future Security Reauthorization Act of 2016 (Public Law 114–195) and the Global Food Security Reauthorization Act of 2018 (Public Law 115–206);

Whereas Feed the Future investments have helped transform countries’ food systems and improve their own food security and nutrition, with investments currently focused in 33 target countries and 35 aligned countries and regions in Asia, Central America, and eastern, southern, and western Africa;

Whereas according to its most recent program, the Feed the Future program is working in more than 2,140,000 people lift themselves out of poverty, prevented 3,400,000 children from being stunted, and ensured that 5,000,000 families no longer suffer from hunger in areas where the program operates;

Whereas Feed the Future is making significant progress towards building local capacity and resilience by promoting inclusive economic growth, strengthening monitoring and evaluation, and implementing sustainable agricultural practices, risk management, and promotion of adaptation; and building the agricultural capacity of rural communities;

Whereas Feed the Future is advancing women’s empowerment, including by increasing United States trade and agricultural exports to Feed the Future countries by more than 1,400,000,000 since inception;

Whereas Feed the Future investments in international agricultural research and development through partnerships with United States-led land-grant institutions, international research systems, such as the Consortium of International Agricultural Research Centers, and other organizations with high-impact 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 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 Wom;

(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 benefiting 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 to transition;

(C) develop a robust multi-sectoral learning agenda for maternal and child malnutrition and its causes, with a focus on the 1,000 days window of opportunity; and

(D) strongly amplify the critical role of women and smallholder farmers in enhancing food security and catalyzing agriculturaleconomic 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 Peace Corps, USAID, the World Bank, USAID’s Global Change Corporation, the International Development Finance Corporation, the Peace Corps, the Office of the United States Trade Representative, the United States Customs Foundation, and the U.S. Geological Survey, to—

(A) continue to advance global food security as a United States foreign assistance policy goal, including through programs 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

Whereas the late Senator Richard Lugar of Indiana was instrumental in advancing United States leadership in food security through smart investments in agriculture and food security, including through his stewardship of the Global Food Security Acts of 2008 and 2009, support for the launch of the Feed the Future program in 2010; and

Whereas, despite seemingly insurmountable differences in opinions, the negotiations succeeded due to dedicated foreign service professionals, a common yearning for a peaceful future, and the leadership of United Nations 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, during seemingly insurmountable differences in opinions, the negotiations succeeded due to dedicated foreign service professionals, a common yearning for a peaceful future, and the leadership of United Nations 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 the North Atlantic Treaty Organization (NATO) and the United States initiated airstrikes against Bosnian Serbs to stop human rights abuses, which led to ceasefires and 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 Chairmen of the Presidency of Bosnia and Herzegovina Alija Izetbegovic, President of the Republic of Serbia Slobodan Miloševic, President of the Republic of Croatia Franjo Tudjman, 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 the COVID–19 pandemic had an unprecedented impact, including a sister city relationship established between 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 citizens 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 Accords;
(6) urges the Government of Bosnia and Herzegovina to pursue constitutional reforms, needed to reconcile the past to seek empathy and respect as foundations to build a common future;
(7) urges the United States Government to work closely with the governments of the countries of the former Yugoslavia—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. CORNIN, Ms. CORTEZ MASTO, Mr. GRASSLEY, Ms. CANTWELL, Mr. RISCH, Ms. KLOBUCAR, Mr. KENNEDY, Mr. VAN HOLLEN, Mr. BLUNT, Mr. CARPER, Mrs. BLACKBURN, Mr. BOOKER, Mr. HOEVEN, Mr. DURBIN, Mr. GARDELLER, Mr. COONS, Mr. LANDESKOG, Mrs. FISCHER, Mr. WHITEHOUSE, Mr. CRAPO, Ms. HIRONO, Mr. ALEXANDER, Mr. BROWN, Mr. PORTMAN, Mr. WYDEN, Ms. ERNST, Mr. MERKLEY, Ms. MCSALL, Ms. ROSEN, Mr. ROUNDS, Mr. PETERS, Mr. HAWLEY, Mr. DUCKWORTH, Mrs. PEINTERTON, Mr. HAWKINS, Mr. WICKER, HYDE-SMITH, Mr. TILLIS, Mr. CRAMER, Mr. COTTON, Mr. BOOZMAN, Mr. PERDUE, Mr. YOUNG, and Mr. ROMNEY) submitted the following resolution; which was considered and agreed to:

S. Res. 730

Whereas 2020 marks the 57th anniversary of “National Small Business Week”;
Whereas every President for more than half a century has proclaimed a week celebrating the significance of small businesses across the United States;
Whereas there are more than 30,000,000 small businesses in the United States;
Whereas small businesses in the United States—
(1) employ nearly half of the workforce of the United States;
(2) make up 99.7 percent of all employers in the United States;
(3) employ veterans;
(4) produce 1/3 of the exports of the United States; and
(5) account for nearly half of private sector output;
Whereas, as of 2020, 9.1 percent of all small business owners in the United States are veterans;
Whereas, on July 30, 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 afterschool programs that expand learning opportunities for children, such as afterschool, before-school, summer, and expanded learning opportunities, provide safe, challenging, engaging, and fun learning experiences, including experiences that encourage the study of science, technology, engineering, and math that help children and youth develop social, emotional, physical, cultural, and academic skills;
Whereas, 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 complement regular and expanded school day and support working families by ensuring that the children of working 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 opportunity 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. MARKET, 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 Bison 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. 968, 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 meat
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 each 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 bison as a mascot, which highlights the iconic and cultural significance of bison in the United States;

whereas indigenous communities and a group of ranchers helped save bison from extinction by gathering the remaining bison of the diminished herds;

whereas, on December 8, 1905, William Hornaday, Theodore Roosevelt, and others formed the American Bison Society in response to the near extinction of bison in the United States;

whereas, on October 11, 1907, the American Bison Society sent 15 captive-bred bison from the New York Zoological Park, now known as the "Bronx Zoo", to the first big game refuge in the United States, now known as the "Wichita Mountains Wildlife Refuge";

whereas, in 2005, the American Bison Society was established, bringing together bison ranchers, managers from Indian Tribes, Federal and State agencies, conservation organizations, and natural and social scientists from the United States, Canada, and Mexico to create a vision for the North American bison in the 21st century;

whereas there are bison herds in national wildlife refuges, national parks, and national forests, and on other Federal land;

whereas there are bison in State-managed herds across 11 States;

whereas private, public, and Tribal bison leaders are working together to continue bison restoration throughout North America;

whereas there is a growing effort to celebrate and officially recognize the historical, cultural, and economic significance of the North American bison to the heritage of the United States; and

whereas members of Indian Tribes, bison producers, conservationists, sportsmen, educators, and other public and private partners have established 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, as "National Bison Day";

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

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 cultural 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 irreplaceable salvings throughout the city of Charleston, including—

(1) the Dock Street Theater;

(2) the Lining House;

(3) the Old Exchange Building;

(4) Rainbow Row; and

(5) countless other historic buildings on the peninsula of Charleston;

Whereas the Preservation Society of Charleston was founded by a woman, Susan Fringle Frost, whose vision, determination, and energy set the preservation movement on a new path in the early 20th century;

Whereas, for 100 years, the Preservation Society of Charleston has provided access 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 proponent of principles of design, conservation, and commitment to community building the beauty and rich legacy of the city it has served";

Whereas, through innovative programs such as the Charleston Justice Journey and the Thomas Mayhem Pinckney Alliance, the Preservation Society of Charleston recognizes the contributions of African Americans to the built environment and history of Charleston;

Whereas the Preservation Society of Charleston has established itself as the leading voice in advocating for a livable and human city, showing itself consistently and repeatedly to be small but mighty, thoughtful but nimble, principled, professional, and unafraid: Now, therefore, be it

Resolved, That the Senate recognizes 2020 as the centennial of the Preservation Society of Charleston.

SENATE RESOLUTION 734—DESIGNATING THE WEEK OF SEPTEMBER 21 THROUGH SEPTEMBER 25, 2020, AS "NATIONAL FALLS PREVENTION AWARENESS WEEK" TO RAISE AWARENESS 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:

Resolved, That the Senate recognizes 2020 as the National Falls Prevention Awareness Week.

(1) designates September 21 through September 25, 2020, as "National Falls Prevention Awareness Week" to raise awareness of falls among older adults and encourage the prevention of falls among older adults;

(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 for their significant leadership in reducing injuries and related health care costs by collaborating with organizations and individuals, to reduce falls among older adults;

(8) encourages experts in the field of falls prevention to share their best practices so...
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 585 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. JONES, 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 ½ 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 form of relative caregivers of children, they are 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 face daunting challenges to keep children from entering foster care;

Whereas, because of parental substance use disorders and other adverse childhood experiences, children who frequently have trauma-related conditions;

Whereas many kinship caregivers give up their retirement years to assume parenting duties for children; and

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; and

Whereas, in 2018, Congress provided for kinship navigation 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. 1194); 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—EXPRESSING SUPPORT FOR THE DESIGNATION OF SEPTEMBER 30, 2020, AS ‘‘NATIONAL VETERANS SUICIDE PREVENTION DAY’’

Mr. KAIN (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 must not be forgotten or isolated but instead must be directed to available resources and support;

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. 1551); 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 30, 2020, as “National Veterans Suicide Prevention Day’’;

(2) encourages Congress, States, local governments, and community organizations to continue to work to improve the lives of vulnerable children and families and to support the communities working together to lift them up; and

(3) honors the commitment and dedication of kinship caregivers and the advocates and allies who work tirelessly to provide assistance and services to kinship caregiving families.
WHEREAS September 30, 2020, is an appropriate day to designate as ‘‘National Veterans Suicide Prevention Day’’; Now, therefore, be it

Resolved, That the Senate supports the designation of September 30, 2020, as ‘‘National Veterans Suicide Prevention Day’’.

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 are 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, health and medical care, physical health, and stress regarding work, money, legal problems, or housing;

WHEREAS, according to the CDC, suicide rates in the United States were 270,000 in 2010, 278,000 in 2015, and 280,000 in 2016 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.

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 children are enrolled; and

(3) promotes skills (such as investigation, planning, and preparation), action, reflection, the demonstration of results, and sustainability;

WHEREAS family service learning has been shown to have positive 2-generational effects and encourages families to invest in their communities, 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 engage families to build substantive connections with their communities, develop a stronger sense of self-worth, experience a reduction in social isolation, and improve parent-child 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;

(2) helps build the capacity to advocate for the needs of children and families; and

WHEREAS family service learning programs are equipped to face the unique challenges brought on by the COVID-19 pandemic through community engagement via video teleconferencing or in a socially distanced manner;

WHEREAS family service learning will remain relevant throughout the pandemic as families face new challenges such as navigating remote learning, technological literacy, and building and maintaining new relationships within communities; and

WHEREAS the value of the relevance 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’’;

(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.

S. RES. 740

WHEREAS October has been designated as ‘‘National Energy Awareness Month’’;

WHEREAS October is an appropriate month to designate as ‘‘National Energy Efficiency Day’’ in celebration of the economic and environmental benefits that have been driven by private sector innovation and federal energy efficiency policies;

WHEREAS energy efficiency investments, which have generated economic value for American businesses, consumers, and the environment, have contributed to reduce greenhouse gas emissions, support U.S. competitiveness, and create new jobs;

WHEREAS energy efficiency advances the goals of a strong and secure energy future and supports the transition to a low-carbon economy; and

WHEREAS the Senate recognizes that—

(1) energy efficiency is a source of energy security and national security; and

(2) American consumers, businesses, and communities can work together to achieve a more energy efficient future;

That the Senate—

(1) supports the designation of October 7 as ‘‘Energy Efficiency Day’’;

WHEREAS the U.S. Department of Energy has designated October 7 as ‘‘Energy Efficiency Day’’ in recognition of the economic and environmental benefits of energy efficiency and to encourage consumers, businesses, and communities to adopt energy efficiency measures and to support programs that advance energy efficiency; and

WHEREAS the Senate recognizes that—

(1) energy efficiency is a source of energy security and national security; and

(2) American consumers, businesses, and communities can work together to achieve a more energy efficient future; and

Resolved, That the Senate—

(1) supports the designation of October 7 as ‘‘Energy Efficiency Day’’;

(2) recognizes the importance of energy efficiency in reducing energy consumption, saving money, and protecting the environment.

S. RES. 741

WHEREAS October has been designated as ‘‘National Energy Awareness Month’’;

WHEREAS the United States faces a growing energy crisis that threatens our economy, our national security, and our ability to compete in the global marketplace; and

WHEREAS the United States is experiencing a growing energy crisis that threatens our economy, our national security, and our ability to compete in the global marketplace; and

WHEREAS the Senate recognizes that—

(1) energy efficiency is a source of energy security and national security; and

(2) American consumers, businesses, and communities can work together to achieve a more energy efficient future; and

Resolved, That the Senate—

(1) supports the designation of October 7 as ‘‘Energy Efficiency Day’’;

WHEREAS the Senate recognizes that—

(1) energy efficiency is a source of energy security and national security; and

(2) American consumers, businesses, and communities can work together to achieve a more energy efficient future; and

Resolved, That the Senate—

(1) supports the designation of October 7 as ‘‘Energy Efficiency Day’’;

WHEREAS the United States faces a growing energy crisis that threatens our economy, our national security, and our ability to compete in the global marketplace; and

WHEREAS the United States is experiencing a growing energy crisis that threatens our economy, our national security, and our ability to compete in the global marketplace; and

WHEREAS the Senate recognizes that—

(1) energy efficiency is a source of energy security and national security; and

(2) American consumers, businesses, and communities can work together to achieve a more energy efficient future; and

Resolved, That the Senate—

(1) supports the designation of October 7 as ‘‘Energy Efficiency Day’’;

WHEREAS the United States faces a growing energy crisis that threatens our economy, our national security, and our ability to compete in the global marketplace; and

WHEREAS the United States is experiencing a growing energy crisis that threatens our economy, our national security, and our ability to compete in the global marketplace; and

WHEREAS the Senate recognizes that—

(1) energy efficiency is a source of energy security and national security; and

(2) American consumers, businesses, and communities can work together to achieve a more energy efficient future; and

Resolved, That the Senate—

(1) supports the designation of October 7 as ‘‘Energy Efficiency Day’’;

WHEREAS the United States faces a growing energy crisis that threatens our economy, our national security, and our ability to compete in the global marketplace; and

WHEREAS the United States is experiencing a growing energy crisis that threatens our economy, our national security, and our ability to compete in the global marketplace; and

WHEREAS the Senate recognizes that—

(1) energy efficiency is a source of energy security and national security; and

(2) American consumers, businesses, and communities can work together to achieve a more energy efficient future; and

Resolved, That the Senate—

(1) supports the designation of October 7 as ‘‘Energy Efficiency Day’’;

WHEREAS the United States faces a growing energy crisis that threatens our economy, our national security, and our ability to compete in the global marketplace; and

WHEREAS the United States is experiencing a growing energy crisis that threatens our economy, our national security, and our ability to compete in the global marketplace; and

WHEREAS the Senate recognizes that—

(1) energy efficiency is a source of energy security and national security; and

(2) American consumers, businesses, and communities can work together to achieve a more energy efficient future; and

Resolved, That the Senate—

(1) supports the designation of October 7 as ‘‘Energy Efficiency Day’’;

WHEREAS the United States faces a growing energy crisis that threatens our economy, our national security, and our ability to compete in the global marketplace; and

WHEREAS the United States is experiencing a growing energy crisis that threatens our economy, our national security, and our ability to compete in the global marketplace; and

WHEREAS the Senate recognizes that—

(1) energy efficiency is a source of energy security and national security; and

(2) American consumers, businesses, and communities can work together to achieve a more energy efficient future; and

Resolved, That the Senate—

(1) supports the designation of October 7 as ‘‘Energy Efficiency Day’’;
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 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 1970 shows Federal energy efficiency policies include—

(1) the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.);
(2) the National Appliance Energy Conservation Act of 1987 (Public Law 100–12; 101 Stat. 103);
(4) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.);
(5) the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 et seq.); and
(6) the Energy Efficiency Improvement Act of 2015 (Public Law 114–11; 120 Stat. 182).

Whereas energy efficiency has long been supported by a coalition of businesses (including manufacturers, utilities, energy service companies, and technology firms), public-interest organizations, environmental 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 each year, 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”;
(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, Mr. CANTWELL, Mrs. BLACKBURN, Mr. MANCHIN, Mr. MARKEY, and Ms. ROSEN)) submitted the following resolution; which was considered and agreed to:

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 programs at the service and for the benefit of the United States, including by developing disabling or fatal illnesses;

Whereas the Senate recognized the contributions, services, and sacrifices that those patriotic men and women made for the defense of the United States in—
(1) Senate Resolution 151, 111th Congress, agreed to May 20, 2009;
(2) Senate Resolution 633, 111th Congress, agreed to September 22, 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 23, 2015;
(8) Senate Resolution 569, 114th Congress, agreed to November 16, 2016;
(9) Senate Resolution 314, 115th Congress, agreed to February 27, 2018;
(10) Senate Resolution 682, 115th Congress, agreed to October 11, 2018; and
(11) Senate Resolution 177, 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 materialize 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) supports the designation of October 28, 2020, as “Honoring the Nation’s First Responders Day”;
(2) 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. 8, 1010, 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. 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 of individuals in a health insurance plan, in this subsection, health plan means a plan maintained by an employer under which the employer, or the employer and a trade association or other organization of employers, provides insurance to employees and their dependents.

(2) Establishment.—A health insurance issuer described in subsection (a) shall, in accordance with the regulations promulgated under section 196A of the Employee Retirement Income Security Act of 1974.

(c) Special rules for network plans.—

(1) In general.—In the case of a health insurance issuer that offers health insurance coverage through a network plan, the issuer may—

(A) deny enrollment of an individual or a dependent of the individual; and

(B) impose any pre-existing condition exclusion on such an individual or a dependent of the individual.

(2) Application of financial capacity limits.—In general.—A health insurance issuer may deny health insurance coverage to an individual or a dependent of the individual 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, employers, and dependents.

(3) Waiting period.—The term ‘waiting period’ means, with respect to a health insurance 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. 198. PROHIBITING DISCRIMINATION AGAINST ELIGIBLE PARTICIPANTS AND BENEFICIARIES BASED ON HEALTH STATUS.

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

(b) Definitions.—For purposes of this section:

(1) Pre-existing condition exclusion.—The term ‘pre-existing condition exclusion’ means, with respect to a health insurance plan, the date of enrollment of the individual in the plan or coverage or, if earlier, the first day of the waiting period.

(2) Waiting period.—The term ‘waiting period’ means, with respect to a health insurance 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.

(3) Medical condition.—The term ‘medical condition’ means any physical or mental illness.

(4) Medical history.—The term ‘medical history’ means—

(A) the treatment of a disease or disorder of an individual based on the manifestation of a disease or disorder in one individual and

(B) any genetic information about other group members and to the extent that genetic information about other group members and

(c) Claims experience.—The term ‘claims experience’ means—

(1) the claims experience of an individual health insurance plan, and

(2) the claims experience of the individual health insurance issuer offering group health insurance coverage, as the case may be.
PROHIBITIONS ON THE USE OF GENETIC INFORMATION.

(1) Programs of Health Promotion or Disease Prevention.

(A) General Provisions.

(i) Programs that reimburse all or part of the cost of memberships in a fitness center.

(ii) Programs that provide a reward to individuals for participating in a periodic health education seminar.

(iii) Programs that provide a reward to individuals for participating in a smoking cessation program without regard to whether the individual quits smoking.

(B) Well-Being Programs Subject to Requirements.

(i) Programs that encourage preventive care or screening, rebates, or other rewards for obtaining a premium discount or rebate or other reward for participation in a wellness program are 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.

(ii) Programs that do not subject to requirements.

(2) Programs of Health Promotion or Disease Prevention.

(A) General Rule.

(i) Programs that reimburse all or part of the cost of items or services related to a health condition (such as prenatal care or well-baby visits).

(ii) Programs that reimburse individuals for participating in smoking cessation programs without regard to whether the individual quits smoking.

(iii) Programs that provide a reward to individuals for participating in a periodic health education seminar.

(B) Well-Being Programs Subject to Requirements.

(i) Programs that encourage preventive care or screening, rebates, or other rewards for obtaining a premium discount or rebate of other reward for participation in a wellness program are 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.

(ii) Programs that do not subject to requirements.

(3) Combining Activities in a Program.

(A) Programs that reimburse all or part of the cost of memberships in a fitness center.

(ii) Programs that provide a reward to individuals for participating in a smoking cessation program without regard to whether the individual quits smoking.

(B) Programs that provide a reward to individuals for participating in a periodic health education seminar.

(C) Programs that provide a reward to individuals for participating in a smoking cessation program without regard to whether the individual quits smoking.

(D) Programs that provide a reward to individuals for participating in a periodic health education seminar.

(4) Research Exception.

(A) Research Programs Subject to Requirements.

(i) 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 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 a subterfuge for discriminating based on a health status factor.

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

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

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

(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 reasonably difficult due to a medical condition to satisfy the otherwise applicable standard, and

(iii) For a reasonable alternative standard (or waiver of the otherwise applicable standard) for obtaining the reward for any individual for whom, for that period, it is medically inadvisable to 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 in its terms, the disclosure under this subparagraph shall not be required.

(5) Conforming Amendment.

(A) 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:

(B) Sec. 196. Prohibition of pre-existing condition exclusions.

(C) Sec. 197. Guaranteed Availability of Coverage.

(D) Sec. 198. Prohibition against discrimination against individual participants and beneficiaries based on health status.
is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. MODIFICATION OF DEAN JOHN A. 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: “(A) in general—”;

(2) in paragraph (1), as designated by paragraph (1), in the second sentence, by striking “A fellowship” and inserting the following: “(ii) in paragraph (2), by inserting “or section 208(b)” after “this Act”;

(B) in subsection (a), by inserting “or section 196, 197, or 198 of the Health Insurance Portability and Accountability Act of 1996” after “this part”;

(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”;

(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 must 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. 1127(b)); and

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

SEC. 4. MODIFICATION OF ELEMENTS OF NATIONAL SEA GRANT COLLEGE PROGRAM.

Section 204(b) (33 U.S.C. 1126(b)) is amended, in the matter preceding paragraph (1), by inserting “and other than sections 3303 and 3328 of that Act” after “financial assistance”.

SEC. 5. 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 “ENROLLMENT” and inserting “DIRECT HIRE AUTHORITY;”;

(2) by striking the first sentence and inserting the following: “A new national sea grant college or sea grant institute under this section (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), the Secretary shall notify Congress in writing of the proposed designation. The notification shall include an evaluation and justification for the designation.

SEC. 6. 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, or any regulations thereunder, any 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))—

(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.

(3) 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 striking paragraph (1) to read as follows:

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out the activities authorized under 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) $101,225,000 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 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 initiatives identified in the strategic plan under section 204(h)(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 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 authorities described in subsection (b)(5) of this Act, and under section 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 the authorities described in clause (i) shall not be considered an amount used for administration of programs under this title in a fiscal year.

(c) LOCATION.—Section 204(d)(3)(B) (33 U.S.C. 1123(d)(3)) is amended—

(1) in general.—Section 204(d)(3)(B) (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, as follows:

"(vi) the date that is 3 years after the date on which the Foundation establishes to carry out the activities authorized under this title;";

(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 Foundation shall";

(3) in section 209(b)(3) (33 U.S.C. 1128(b)(3)), as amended by section 5, in clause (III), by striking "funding under subclauses (II) and (III); and" and inserting "funding under subclause (II);";

(4) in section 209(c)(1) (33 U.S.C. 1128(c)(1)), by inserting the following:

"(i) 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 is ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. ENERGY TECHNOLOGY COMMERCIALIZATION FOUNDATION.

(a) Definitions.—In this section:

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

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

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

(b) ENERGY TECHNOLOGY COMMERCIALIZATION FOUNDATION.—

(1) ESTABLISHMENT.—

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

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

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

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

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

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

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

(A) 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 who 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.

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

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

(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

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

(D) CHAIR AND VICE CHAIR.—

(A) 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.

(B) 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.

(C) 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)(i)(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.—Except as provided in subsection (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 shall be filled by an individual selected by the Board. (e) Meetings of the Board.—(1) 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.

(2) 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—

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

(ii) approval for the activities of the Foundation and establish priority activities;

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

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

(g) Selection of Members.—(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 of the donation, 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—

(A) in general.—The Board shall conduct activities in a fair and objective manner; or

(B) compromises, 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.

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

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

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

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

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

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

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

(i) Activities.—(A) Studies, Commissions, 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 achieve the objectives 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.

(v) Accessing Facilities and Expertise.—The Foundation may work with the Department—

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

(ii) to assist with resources, including through the development of internet-based mechanisms that provide access to 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 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 proposals 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—

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

(B) a standard and legally tenable bylaw and money-handling procedures for Individual Laboratory Foundations; and

(C) 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—

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

(B) 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—

(A) data that promotes the translation of technologies from the research stage, through the demonstration stage, and ending in the market stage; and

(B) policies that make regulation more effective and efficient by leveraging the translation and maturation funding to researchers, scientists, and other relevant personnel at National Laboratories and institutions of higher education to help commercialize federally funded technology;

(C) 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) Evaluation.—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 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));

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

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

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

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

(III) fund response to public input on the opportunities identified under clause (i); and

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

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

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

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

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

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

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

(i) an evaluation of—

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

(II) the operation of the Foundation; and

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

(6) AUDITS.—The Board shall—

(A) 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 during business hours and will make available to the Secretary to the extent permitted by law, any other matters determined appropriate by the Board.

(B) I NTELLECTUAL PROPERTY.—The Board shall—

(i) 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 during business hours and will make available to the Secretary to the extent permitted by law, any other matters determined appropriate by the Board.

(C) AUDITS.—The Board shall—

(i) 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 during business hours and will make available to the Secretary to the extent permitted by law, any other matters determined appropriate by the Board.

(D) AUDITS.—The Board shall—

(i) 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 during business hours and will make available to the Secretary to the extent permitted by law, any other matters determined appropriate by the Board.
(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) of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391).

3. Establishment.—The Secretary shall carry out the purposes described in subsection (a) to be known as the ‘Energy Innovation Corps Program’ (referred to in this section as ‘Energy I-Corps’), to support entrepreneurial and commercialization, training, professional development, and mentorship.

4. Purposes.—The purposes of Energy I-Corps are—  
(A) to help eligible participants develop entrepreneurial skills; and  
(B) to accelerate the commercial application of clean energy technologies.

5. Activities.—In carrying out Energy I-Corps, the Secretary shall support, including through grants—  
(A) market analysis and customer discovery for clean energy technologies;  
(B) entrepreneurial and commercial application education, training, and mentoring activities, including workshops, seminars, and short courses;  
(C) engagement with private sector entities to identify future research and development activity areas;  
(D) any other activities that the Secretary determines to be relevant to the purposes described in subsection (a).

6. State and Local Partnerships.—In carrying out Energy I-Corps, the Secretary may engage in partnerships with 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).

7. Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out Energy I-Corps—  
(A) for each of fiscal years 2021 through 2023, $3,000,000 for each of fiscal years 2021 through 2023, of which $3,000,000 for each of fiscal years 2021 through 2025; and  
(B) for each of fiscal years 2021 through 2023, of which $3,000,000 for each fiscal year shall be used to carry out subsection (g).

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) 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’, to—  
(1) provide services that encourage and support partnerships between the National Laboratories and public and private sector entities; and  
(2) improve communication of research, development, demonstration, and commercial application 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—  
(i) different partnering mechanisms for working with the National Laboratories;  
(ii) National Laboratory experts and research areas;  
(iii) National Laboratory facilities and user facilities;  
(iv) coordination;  
(v) education and training;  
(vi) technical assistance to establish partnerships between the National Laboratories and private sector entities; and  
(vii) the effectiveness of the pilot program in achieving the purposes described in subsection (b).

(e) 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—  
(i) evaluates the success of the pilot program in achieving the purposes of the pilot program; and  
(ii) includes an analysis of the performance of the pilot program based on the metrics developed under subsection (f).

(f) 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, of which $3,000,000 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 the Lab-Embedded Entrepreneurship Program authorized under subsection (b).  
(2) Eligible Entity.—The term ‘Eligible Entity’ means—  
(A) a National Laboratory;  
(B) a nonprofit organization;  
(C) an institution of higher education; and  
(D) a federally owned corporation.

(3) Entrepreneurial Fellow.—The term ‘Entrepreneurial Fellow’ means an individual participating in a covered program.

(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 or the National Laboratories, shall—  
(1) establish a program, to be known as the ‘Lab-Embedded Entrepreneurship Program’, to—  
(i) facilitate the development of metrics to measure the impact of clean energy technology companies led by entrepreneurs from underrepresented backgrounds;  
(ii) measure the impact of clean energy technology companies led by entrepreneurs from underrepresented backgrounds;  
(iii) facilitate the development of metrics to determine—  
(A) the effectiveness of the pilot program in achieving the purposes described in subsection (b); and  
(B) the number and types of partnerships established between public and private sector entities and National Laboratories compared to historical trends.

(g) Funding Employee Partnering Activities.—The Secretary shall delegate to 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.

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

SEC. 4202. SMALL BUSINESS VOUCHER PROGRAM.
Section 1003 of the Energy Policy Act of 2005 (42 U.S.C. 16383) 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 “search facility; and (ii) by striking “the activities described in subparagraph (A)” and inserting “research, development, demonstration, commercial application activities; or

(C) PROGRAM.—The term ‘program’ means the program established under subsection (b) (as so redesignated), by striking “Laboratory or single-purpose research facility” and inserting “Laboratory, single-purpose research facility, or covered facility, as applicable’’;

(2) in the matter preceding subsection (b) as so redesignated, (i) by inserting “and may require the Director of a single-purpose research facility, as applicable’’; and

(3) in the course of that outside employment or activity, to access the National Laboratory; and

(4) maintain the authority to terminate an employee at the National Laboratory; and

(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—

(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 the authority of the Secretary, to engage in 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; and

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

(c) in the course of that outside employment or activity, to access the National Laboratory; and

(d) in the course of that outside employment or activity, to access the National Laboratory; and

(e) in the course of that outside employment or activity, to access the National Laboratory; and

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

(g) to 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.

(b) 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; or

(2) use National Laboratory equipment, property, or resources unless that use is in accordance with a National Laboratory contract or other appropriate agreement, or in support of a National Laboratory research and development agreement or a strategic partnership project, under which

(1) a full leave of absence, with the option 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 the authority of the Secretary, 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 technologies that are the focal point 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. 16381) information on the implementation of the leave programs, 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. 4204. ENTREPRENEURIAL LEAVE PROGRAM.

(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 the authority of the Secretary, to engage in 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; and

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

(c) in the course of that outside employment or activity, to access the National Laboratory; and

(d) in the course of that outside employment or activity, to access the National Laboratory; and

(e) in the course of that outside employment or activity, to access the National Laboratory; and

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

(g) to 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.

(b) 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; or

(2) use National Laboratory equipment, property, or resources unless that use is in accordance with a National Laboratory contract or other appropriate agreement, or in support of a National Laboratory research and development agreement or a strategic partnership project, under which

(1) a full leave of absence, with the option 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 the authority of the Secretary, 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 partici-...
all relevant conflict of interest requirements apply; or
(3) use the position of the employee at a National Laboratory to provide an unfair comparison or advantage to an outside employer or startup activity.

(d) REPORT.—The Secretary shall include in each updated technology transfer execution plan under subsection (a) and in each updated technology transfer execution plan 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) evaluating the feasibility and potential costs of covered project proposals prior to selection of a project for funding;

(2) conducting independent oversight of the execution of the 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 compared to 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 shall have the discretion 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) COORDINATION.—In carrying 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 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 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 1901(f)) is amended—

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

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

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

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

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

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

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

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

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

(4) the methods used for solicitation and evaluation; and

(5) ‘‘(d) the covered in which each prize competition advances the mission of the Department.’’;

(6) by inserting after subsection (d) the following:

‘‘(d) P R O J E C T T E R M I N A T I O N.—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 shall have the discretion 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) COORDINATION.—In carrying out the program established under subsection (b), the Secretary shall—

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

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

(f) 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, each milestone-based demonstration project awarded funds under the program.

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 ‘‘2039’’.

SEC. 4304. MILESTONE-BASED DEMONSTRATION PROJECTS.

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

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

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

(2) a plan for raising private sector investment;

(3) a plan for providing technology and 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).

(2) REIMBURSEABLE EXPENSES.—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 ongoing milestone-based demonstration projects.

(d) PROJECT MANAGEMENT.—In carrying out the program established under subsection (a), the Secretary shall—

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

(2) 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 908 of the Energy Policy Act of 2005 (42 U.S.C. 16392).

(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 (b), 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 508(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)(2)(B)) is amended by striking “this paragraph” and inserting “the Energizing Technology Transfer Act of 2020.”

(b) REPORTS.—Section 106(b) of the Department of Energy Research and Innovation Act (Public Law 115–246; 132 Stat. 3134) is amended by adding at the end:

“(1) The Secretary of Energy shall submit to the Committees on Energy and Natural Resources of the Senate and on Science, Space, and Technology of the House of Representatives a re-
port on the findings of the study under paragraph (1).

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 5301(a)(1) of title 5, United States Code.

(b) TIME.—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 ACT REPORT PLAN REPORT.

Subsection (1)(2)(C) of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 1631) is amended by striking “and” and all that follows through the period at the end and adding the following: “in consultation with the National Academies of Sciences, Engineering, and Medicine, and the Secretary of Energy, shall develop recommended requirements, plans, and guidelines to address the health, safety, security, and logistical issues related to—

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

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

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;

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

SEC. 4403. REPORT ON TECHNOLOGY TRANSFER ACT IMPLEMENTATION.

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. MARKKAY (for himself, Mr. WICKER, and Mr. BLUMENTHAL)) proposed an amendment, and after the COVID–19 Public Health Emergency, and for other purposes; as follows:

(1) 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–4) in response 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.

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 for air travel during and after the COVID–19 public health emergency.

(2) OPERATING PROCEDURES.—For purposes of paragraph (2), the applicable periods described in this paragraph are the following:

(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 date after the end of the period described in subparagraph (A).

(C) ACTIVITIES OF THE JOINT TASK FORCE.—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.

(3) 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.
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, mechanics, air traffic controllers, and safety inspectors) designated by the Secretary of Transportation;
(5) Public health experts designated by the Secretary of Health and Human Services;
(6) Manufacturers of passenger and identity verification technologies designated by the Secretary of Homeland Security;
(7) 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;
(8) 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 proceedings 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) AUTHORITY FOR COMMITTEES TO MEET.—The members of the Advisory Committee shall not receive any compensation from the Federal Government by reason of their service on the Advisory Committee.
(f) PUBLICATION.—Not later than 14 days after the date on which the Advisory Committee submits policy recommendations to the Joint Task Force pursuant to subsection (b), the Secretary of Transportation shall publish such policy recommendations on a publicly accessible website.
SEC. 5. BRIEFINGS AND REPORTS.
(a) PRELIMINARY BRIEFINGS.—As soon as practicable, but not later than 6 months after the date on which the Joint Task Force is established under section 3(a), the Joint Task Force shall begin providing preliminary briefings to Congress on the status of the development of the recommended requirements, plan, and guidelines under section 3(b). The preliminary briefings shall include interim versions, if any, of the recommendations of the Joint Task Force.
(b) FINAL REPORT.—(1) DEADLINE.—As soon as practicable, but not later than 18 months after the date of enactment of this Act, the Joint Task Force shall submit a final report to Congress.
(2) CONTENT.—The final report shall include the following:
(A) All of the recommended requirements, plan, and guidelines developed by the Joint Task Force under section 3(b), and a description of any action taken by the Federal Government as a result of such recommendations;
(B) Consensus policy recommendations submitted by the Advisory Committee under section 4(b), and an explanation (including data and risk analysis) of any action by the Joint Task Force in response to such recommendations.
SEC. 6. TERMINATION.
The Joint Task Force and the Advisory Committee shall terminate 30 days after the date on which the Joint Task Force submits the final report required under section 5(b).

AUTHORITY FOR COMMITTEES TO MEET
Mr. LANKFORD. Mr. President, I have 3 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders. Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, September 30, 2020, at 10 a.m., to conduct a hearing.

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

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

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

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

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

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

The resolutions were agreed to.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the preamble, 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 preamble 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 accorded to, and the motion to reconsider be considered made and laid upon the table without any intervening action or debate.

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

The resolution (S. Res. 687) was agreed to.

The preamble was agreed to.

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

RECOGNIZING 100 YEARS OF SERVICE BY CHIEF PETTY OFFICERS IN THE UNITED STATES COAST GUARD
Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration and the Senate now proceed to S. Res. 694.

The PRESIDING OFFICER. Without objection, it is so ordered.
The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 694) recognizing 100 years of service by chief petty officers in the United States Coast Guard.

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

Mr. PORTMAN. I ask unanimous consent that the resolution be agreed to, as amended, and that 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 the title.

A bill (S. 910) to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Sea Grant College Program Amendments Act of 2019”.

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

Except as expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. MODIFICATION OF 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 legislation.

(c) REPORT.—Not later than 2 years after the date of 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 submit to Congress a report on the recommendations under subsection (c) of this section.

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:

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

SEC. 5. MODIFICATION OF ELEMENTS OF NATIONAL SEA GRANT COLLEGE PROGRAM.

Section 204(b)(3) (33 U.S.C. 1123(b)(3)) is amended, in the matter preceding paragraph (1), by inserting “for research, education, extension, training, technology transfer, and public service” after “financial assistance”.

SEC. 6. DESIGNATION OF NEW NATIONAL SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

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

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

(2) by striking “Any institution” and inserting “Two or more such institutions”.

SEC. 7. DIRECT HIRE AUTHORITY; DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.

(a) In general.—During fiscal year 2019 and fiscal year thereafter, the head of the 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 3332 of that title, or any other applicable law, any individual who is a qualified candidate described in subsection (b) directly to a position with the Federal agency for which the candidate meets Office of Personnel Management qualifications 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;

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

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—

(1) the two paragraphs designated by paragraphs (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. 8.報夢仔日追尾容要要为正FELLOWSHIP.

(a) In general.—During fiscal year 2019 and fiscal year thereafter, the head of the 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 3332 of that title, or any other applicable law, any individual who is a qualified candidate described in subsection (b) directly to a position with the Federal agency for which the candidate meets Office of Personnel Management qualifications 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;

(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 requirements for the position 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;—

“(E) $105,700,000 for fiscal year 2024;”—

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. 657–20) is repealed.

SEC. 11. TECHNICAL CORRECTIONS.

The National Sea Grant College Program Act (33 U.S.C. 1131) 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. 1120(b)(2)), as amended by section 5, in the third sentence, by striking “The Secretary shall” and inserting the following:

“(D) 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, 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 with- drawn.

The amendment (No. 2574), 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. Without objection, it is so ordered.

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

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

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

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 3399 and the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 3399) to amend the Nutria Eradication and Control Act of 2003 to include California in the program, and for other purposes.

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

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

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

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

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

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

The bill (S. 1069) was passed.

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

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

DIGITAL COAST ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of S. 1069 and the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

The bill (S. 1069) to require the Secretary of Commerce, acting through the Administration 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 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 on the Secretary to require that the program consist of management, research, and public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled ‘‘Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds’’ dated March 2002’’ and to ‘‘give consideration to the 2002 report from the Louisiana Department of Wildlife and Fisheries titled ‘‘Nutria in Louisiana,’’ the Secretary and State participants should also consider data that has been established since 2002, in developing strategies for the eradication of Nutria.

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

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

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works 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.

Mr. PORTMAN. 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 company 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 subcontractors 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 subcontractors for larger contractors to secure Federal contracts. I would like to thank Senator CARDIN for working diligently on this issue and for his leadership as ranking member of the Senate Small Business and Entrepreneurship Committee. I look forward to working closely with him to ensure this legislation meets congressional intent once it is enacted.

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

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

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

ENSURING HEALTH SAFETY IN THE SKIES ACT OF 2020

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

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

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

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

SECTION 1. SHORT TITLE.

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

SEC. 2. JOINT TASK FORCE ON AIR TRAVEL.

(a) JOINT TASK FORCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall establish a Joint Task Force on Air Travel During and After the COVID-19 Public Health Emergency (in this section referred to as the “Joint Task Force”).

(b) DUTIES.—

(1) IN GENERAL.—The Joint Task Force shall develop recommended requirements, plans, and guidelines as appropriate, with respect to each of the applicable periods described in paragraph (2) for—

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

(i) current or 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 crisis.

(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 (d), the Joint Task Force shall—

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

(B) conduct cost-benefit evaluations;

(C) consider funding constraints; and

(D) use risk-based decision-making.

(2) INTERNATIONAL CONSULTATION.—The Joint Task Force shall consult, as practicable, with relevant international entities and operators, including the International Civil Aviation Organization, the World Health Organization, the American Public Health Association, and the Advisory Committee on Immunization Practices, with the aim of harmonizing 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) The Centers for Disease Control and Prevention.

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

(H) The Occupational Safety and Health Administration.

(I) The Pipeline and Hazardous Materials Safety Administration.

(K) The Department of State.

(L) The Environmental Protection Agency.


(N) The Advisory Committee on Immunization Practices.

(p) DUTIES.—

(1) IN GENERAL.—The Joint Task Force shall develop recommended requirements, plans, and guidelines as appropriate, with respect to each of the applicable periods described in paragraph (2) for—

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

(i) current or 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 crisis.

(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 (d), the Joint Task Force shall—

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

(B) conduct cost-benefit evaluations;

(C) consider funding constraints; and

(D) use risk-based decision-making.

(2) INTERNATIONAL CONSULTATION.—The Joint Task Force shall consult, as practicable, with relevant international entities and operators, including the International Civil Aviation Organization, the World Health Organization, the American Public Health Association, and the Advisory Committee on Immunization Practices, with the aim of harmonizing 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) The Centers for Disease Control and Prevention.

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

(H) The Occupational Safety and Health Administration.

(I) The Pipeline and Hazardous Materials Safety Administration.

(K) The Department of State.

(L) The Environmental Protection Agency.


(N) The Advisory Committee on Immunization Practices.
ORS 11, 2020

A bill (S. 4775) to provide continued emergency assistance, educational support, and health care response for individuals, families, and businesses affected by the COVID-19 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 22, 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 read 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 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.

The 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 90.

(5) On a typical day, more than 1,540 permits for construction of single-family homes are issued in coastal counties, combined with other commercial, retail, and institutional construction to support the population.

(6) Over half of the economic productivity of the United States is located within coastal regions.

(7) Highly accurate, high-resolution remote sensing and other geospatial data play an increasingly important role in decision making and management of the coastal zone and economy, including for:

(A) flood and coastal storm surge prediction;

(B) hazard risk and vulnerability assessment;

(C) emergency response and recovery planning;

(D) community resilience to longer range coastal change;

(E) local planning and permitting;

(F) habitat and ecosystem health assessments; and

(G) landscape change detection.

SEC. 3. DEFINITIONS.

In this Act:

(1) COASTAL REGION.—The term “coastal region” means the area of United States waters extending inland from the shoreline to include coastal watersheds and seaward to the territorial sea.

(2) COASTAL STATE.—The term “coastal State” means the area of the United States of America in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1404).

(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.


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 climate and development by helping communities address their issues, needs, and challenges through cost-effective and participatory solutions.

(b) PROGRAM REQUIREMENTS.—In carrying out the program, the Secretary shall ensure that the program provides data integration, tool development, training, documentation, dissemination, and archiving by—

(1) making data and resulting integrated products developed under this section readily accessible through 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, 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 data, and engage in collaborative arrangements and integration projects for purposes of the program.

(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 supporting carrying out 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;


(3) participating, pursuant to section 216 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3301 note), in the establishment of such standards and common protocols as the Federal Geographic Data Committee 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 13226 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) structure 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 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 non-governmental entities; and

(B) may, to the maximum extent practicable, enter into such contracts with private sector entities for products and services as the Secretary determines may be necessary to carry out, process, and provide remote sensing and other geospatial data and products for purposes of the program.

(f) FEES.—

(1) ASSESSMENT AND COLLECTION.—The Secretary may assess and collect fees for the conduct of any training, workshop, or conference that advances the purposes of the program.

(2) AMOUNTS.—The amount of a fee under this paragraph may not exceed the sum of costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the training, workshop, or conference, including for subsistence expenses incidental to the training, workshop, or conference, as applicable.

(3) USE OF FEES.—Amounts collected by the Secretary in the form of fees under this paragraph may be used for—

(i) the costs incurred for conducting an activity described in subparagraph (A); or

(ii) the expenses described in subparagraph (B).

(g) SURVEY AND MAPPING.—Contracts entered into under paragraph (1)(B) shall be considered “surveying and mapping” services as such term is used in and as such contracts are awarded by the Secretary in accordance with the selection procedures in chapter 11 of title 40, United States Code.

(h) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary $4,000,000 for each fiscal year 2020 through 2024 to carry out the program.

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

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 1220:

To be major general

BRIG. GEN. MATTHEW V. BAKER
BRIG. GEN. VINCENT R. CHESLEY
BRIG. GEN. BOWMAN T. HOWLES III
BRIG. GEN. MICHAEL A. DAVIS
BRIG. GEN. MATTHEW P. BLASKEY
BRIG. GEN. JOHN R. MALDONADO
BRIG. GEN. JOSEPH J. HENKINS
BRIG. GEN. SUSAN E. HENDERSON
BRIG. GEN. JAMIE L. SHAWLEY
BRIG. GEN. TRACY L. SMITH
BRIG. GEN. LAWRENCE T. FOWLES

To be brigadier general

COL. HARVEY A. CUTCHIN
COL. JOHN M. DEKEMPER
COL. CHAELER S. GAMBARO, JR.
COL. MICHAEL M. GREESE
COL. ANDREW R. RAPPAPORT
COL. DANIEL E. HIRSHKOWITZ
COL. STEPHANIE Q. HOWARD
COL. MARIA A. JUAREZ
COL. ROBERT T. KRUM
COL. JOCELYN A. LEVITHAL
COL. KRIVIN P. MIESLER
COL. BRIG. GEN. G. NAVARRO
COL. ROBERT S. POWELL, JR.
COL. JEFFREY D. PUGH
COL. DAVID M. SAMURSKII
The following named officers for appointment in the United States space force to the grade indicated under title 10, U.S.C., section 12203:

Rear Admiral (LH) Todd C. Wiemers

Rear Admiral (LH) Richard V. Timme

Rear Admiral (LH) Douglas M. Schofield

Rear Admiral (LH) Brendan J. H. Schuerer

Brigadier General John E. Shaw

Colonel Matthew S. Warne

Colonel Jason J. Wallace

Colonel Dean P. Thompson

Colonel Jeffrey J. Lacy

Colonel Jeffrey J. Launker

Colonel Michael A. Landin

Colonel Christian T. Meyers

Major Brian L. Pelti

Major Nathan M. Mann

Major Kyle B. Marcus

Major Angela E. Reeder

Major Thomas B. Reynolds

Major Kristin L. Richardson

Major Kevin D. Riley

Major Timothy D. Rostad

Major Rachel E. Sardes

Major Franklin B. Scherra, Jr.

Major J. Andrew S. Rittenhouse

Major John W. A. Abele

Major Robert J. Spivey

Major Melissa A. Solsbury

Major Jennifer R. Spahn

Major Brian D. Sisk

Major Tisha L. Strohwein

Major James C. Sullivan

Major William C. Taylor

Major Michael J. Tisko

Major Leslie W. Thompson

Major Brian D. Sisk

Major Keith S. Vanyo

Major Andrew W. Yesser

Major Christopher J. Wehr

Major James W. Welch

Major Christopher M. Wieland

Major Lisa L. Winograd

Major Jonathan D. Wright

Major William C. Wright

Major Matthew C. Y tengst

Major Misael S. Yglesias

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

Rear Admiral (LH) Todd C. Wiemers

Rear Admiral (LH) Richard V. Timme

Rear Admiral (LH) Douglas M. Schofield

Rear Admiral (LH) Brendan J. H. Schuerer

Brigadier General John E. Shaw

Colonel Matthew S. Warne

Colonel Jason J. Wallace

Colonel Dean P. Thompson

Colonel Jeffrey J. Lacy

Colonel Jeffrey J. Launker

Colonel Michael A. Landin

Colonel Christian T. Meyers

Major Brian L. Pelti

Major Nathan M. Mann

Major Kyle B. Marcus

Major Angela E. Reeder

Major Thomas B. Reynolds

Major Kristin L. Richardson

Major Kevin D. Riley

Major Timothy D. Rostad

Major Rachel E. Sardes

Major Franklin B. Scherra, Jr.

Major J. Andrew S. Rittenhouse

Major John W. A. Abele

Major Robert J. Spivey

Major Melissa A. Solsbury

Major Jennifer R. Spahn

Major Brian D. Sisk

Major Tisha L. Strohwein

Major James C. Sullivan

Major William C. Taylor

Major Michael J. Tisko

Major Leslie W. Thompson

Major Brian D. Sisk

Major Keith S. Vanyo

Major Andrew W. Yesser

Major Christopher J. Wehr

Major James W. Welch

Major Christopher M. Wieland

Major Lisa L. Winograd

Major Jonathan D. Wright

Major William C. Wright

Major Matthew C. Y tengst

Major Misael S. Yglesias
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. Agnelo
Adonis Arellano
Brenda L. Barners
Dean J. Case II
David P. T. Davis
Matthew D. Giovanni
Michael C. Goodwin
Bradley R. Loudon
Gary M. L. Lyke
Javier Madrigal
William C. Moon
Joséfi E. Orozco III
Mélan P. Salas
Benjamin F. Gangster
Timothy M. Saywer
Daniel R. H. Sweeney
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 general

Li. Gen. David D. Thompson
Li. Gen. Andrew P. Poppas

The following named officer for appointment to the grade indicated in the United States Army under Title 10, U.S.C., Section 601:

Lt. Gen. David W. Allyn

The following named officer for appointment to the grade indicated in the United States Army under Title 10, U.S.C., Sections 601 and 9034:

To be major general

Lt. Gen. James J. Mungin

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:

Col. William F. McClintock

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:

Maj. Gen. Michael S. Grohn

The following named officer for appointment to the grade indicated 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. Allyn

The following named officer for appointment to the grade indicated 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 colonel

Corby M. James

To be major general

Robert M. Knapp

The following named officer for appointment in the United States Space Force to the grade indicated in the United States Space Force under Title 10, U.S.C., Section 624:

To be colonel

Lt. Gen. David W. Allyn

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:

Maj. Gen. James J. Mungin

To be major general

Brig. Gen. Sean C. Bernabe

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., Section 601:

Maj. Gen. Michael S. Grohn

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 major general

Brig. Gen. Sean C. Bernabe

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 colonel

Maj. Gen. Michael S. Grohn
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 A Ugust 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. Bertoglio, 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. Ruskok, 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 INARACIEL MIRANDA-VALEAS, 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. ELFANTON, TO BE COMMANDER.

NAVY NOMINATION OF FAIRHILL G. SMITH, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF TRISTANCE 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. LALANN, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JEAN E. KNOWLES, TO BE CAPTAIN.

NAVY NOMINATION OF KERVIN 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.

HIGHLIGHTS

Senate passed H.R. 8337, Continuing Appropriations Act and Other Extensions Act.

Senate

Chamber Action

Routine Proceedings, pages S5899–S6007

Measures Introduced: Nineteen bills and sixteen resolutions were introduced, as follows: S. 4759–4777, S. Res. 727–741, and S. Con. Res. 48. Pages S5948–50

Measures Reported:

S. 2730, to establish and ensure an inclusive transparent Drone Advisory Committee, with an amendment in the nature of a substitute. (S. Rept. No. 116–272)

S. 2981, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, with an amendment. (S. Rept. No. 116–273) Pages S5948

Measures Passed:

Intercountry Adoption Information Act: Committee on Foreign Relations was discharged from further consideration of H.R. 1952, to amend the Intercountry Adoption Act of 2000 to require the Secretary of State to report on intercountry adoptions from countries which have significantly reduced adoption rates involving immigration to the United States, and the bill was then passed. Page S5918

Senator Kay Hagan Airport Traffic Control Tower: Senate passed S. 4762, to designate the airport traffic control tower located at Piedmont Triad International Airport in Greensboro, North Carolina, as the “Senator Kay Hagan Airport Traffic Control Tower”. Pages S5918–23

Continuing Appropriations Act and Other Extensions Act: By 84 yeas to 10 nays (Vote No. 197), Senate passed H.R. 8337, making continuing appropriations for fiscal year 2021, after taking action on the following amendments proposed thereto: Pages S5902–06, S5906–18, S5923

Rejected:

McConnell Amendment No. 2663, to change the enactment date. (Senate tabled the amendment.) Page S5923

During consideration of this measure today, Senate also took the following action:

McConnell Amendment No. 2664, of a perfecting nature, fell when McConnell Amendment No. 2663 was tabled.

National Small Business Week: Senate agreed to S. Res. 730, supporting the designation of the week beginning September 20, 2020, as “National Small Business Week” and commending the entrepreneurial spirit of the small business owners of the United States and their impact on their communities. Page S5983

Lights On Afterschool: Senate agreed to S. Res. 731, supporting Lights On Afterschool, a national celebration of afterschool programs held on October 22, 2020. Page S5983

National Bison Day: Senate agreed to S. Res. 732, designating November 7, 2020, as “National Bison Day”.

Preservation Society of Charleston Centennial: Senate agreed to S. Res. 733, recognizing 2020 as the centennial of the Preservation Society of Charleston. Page S5984

National Falls Prevention Awareness Week: Senate agreed to S. Res. 734, designating the week of September 21 through September 25, 2020, as “National Falls Prevention Awareness Week” to raise awareness and encourage the prevention of falls among older adults. Pages S5984–85

National Urban Wildlife Refuge Day: Senate agreed to S. Res. 735, designating September 29, 2020, as “National Urban Wildlife Refuge Day”. Page S5985
National Kinship Care Month: Senate agreed to S. Res. 736, designating September 2020 as “National Kinship Care Month”.

National Veterans Suicide Prevention Day: Senate agreed to S. Res. 737, expressing support for the designation of September 30, 2020, as “National Veterans Suicide Prevention Day”.

National Suicide Prevention Month: Senate agreed to S. Res. 738, recognizing suicide as a serious public health problem and expressing support for the designation of September as “National Suicide Prevention Month”.

National Family Service Learning Week: Senate agreed to S. Res. 739, expressing support for the designation of the week of September 21 through September 25, 2020, as “National Family Service Learning Week”.

Energy Efficiency Day: Senate agreed to S. Res. 740, designating October 7, 2020, as “Energy Efficiency Day” in celebration of the economic and environmental benefits that have been driven by private sector innovation and Federal energy efficiency policies.

Nuclear weapons program workers remembrance day: Senate agreed to S. Res. 741, designating October 30, 2020, as a national day of remembrance for the workers of the nuclear weapons program of the United States.

Honoring Coya Knutson: Committee on the Judiciary was discharged from further consideration of S. Res. 687, honoring the life and legacy of Coya Knutson, and the resolution was then agreed to.

Chief petty officers 100 years of service: Committee on Commerce, Science, and Transportation was discharged from further consideration of S. Res. 694, recognizing 100 years of service by chief petty officers in the United States Coast Guard, and the resolution was then agreed to.

National Sea Grant College Program Amendments Act: Senate passed S. 910, to reauthorize and amend the National Sea Grant College Program Act, after withdrawing the committee amendment in the nature of a substitute, and agreeing to the following amendment proposed thereto:

Portman (for Wicker) Amendment No. 2677, in the nature of a substitute.

Digital Coast Act: Senate passed S. 1069, to require the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to establish a constituent-driven program to provide a digital information platform capable of efficiently integrating coastal data with decision-support tools, training, and best practices and to support collection of priority coastal geospatial data to inform and improve local, State, regional, and Federal capacities to manage the coastal region.

Nutria Eradication and Control Act of 2003: Committee on Environment and Public Works was discharged from further consideration of H.R. 3399, to amend the Nutria Eradication and Control Act of 2003 to include California in the program, and the bill was then passed.

Nutria Eradication and Control Act of 2003: Committee on Environment and Public Works was discharged from further consideration of S. 4403, to amend the Nutria Eradication and Control Act of 2003 to include California in the program, and the bill was then passed.

Extension of the Caribbean Basin Economic Recovery Act: Committee on Finance was discharged from further consideration of H.R. 991, to extend certain provisions of the Caribbean Basin Economic Recovery Act until September 30, 2030, and the bill was then passed.

Protecting Business Opportunities for Veterans Act: Committee on Veterans’ Affairs was discharged from further consideration of H.R. 561, to amend title 38, United States Code, to improve the oversight of contracts awarded by the Secretary of Veterans Affairs to small business concerns owned and controlled by veterans, and the bill was then passed.

Ensuring Health Safety in the Skies Act: Senate passed S. 3681, to require a joint task force on air travel during and after the COVID–19 Public Health Emergency, after withdrawing the committee amendment in the nature of a substitute, and agreeing to the following amendment proposed thereto:

Portman (for Markey) Amendment No. 2677, in the nature of a substitute.

House Messages:

Uyghur Human Rights Policy Act: Senate resumed consideration of the amendment of the House of Representatives to S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China, taking action on the following motion and amendment proposed thereto:

Pending:

McConnell motion to concur in the amendment of the House of Representatives to the bill, with
McConnell Amendment No. 2652, in the nature of a substitute.  

McConnell (for Tillis) Amendment No. 2673 (to Amendment No. 2652), to amend the Health Insurance Portability and Accountability Act to prohibit pre-existing condition exclusions. (By 47 yeas to 47 nays (Vote No. 199), Senate failed to table the amendment.)  

During consideration of this measure today, Senate also took the following action:  

By 48 yeas to 46 nays (Vote No. 198), Senate agreed to the motion to proceed to consideration of the amendment of the House of Representatives to S. 178 (listed above).  

Message from the President: Senate received the following message from the President of the United States:  

Transmitting, pursuant to law, a report relative to the issuance of an Executive Order declaring a national emergency to deal with the threat posed by our Nation’s undue reliance on critical minerals, in processed or unprocessed form, from foreign adversaries; which was referred to the Committee on Energy and Natural Resources. (PM–59)  

Cannon Nomination—Cloture: Senate began consideration of the nomination of Aileen Mercedes Cannon, of Florida, to be United States District Judge for the Southern District of Florida.  

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Toby Crouse, of Kansas, to be United States District Judge for the District of Kansas.  

Prior to the consideration of this nomination, Senate took the following action:  

Senate agreed to the motion to proceed to Legislative Session.  

Senate agreed to the motion to proceed to Executive Session to consider the nomination.  

Calabrese Nomination—Cloture: Senate began consideration of the nomination of J. Philip Calabrese, of Ohio, to be United States District Judge for the Northern District of Ohio.  

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Toby Crouse, of Kansas, to be United States District Judge for the District of Kansas.  

Prior to the consideration of this nomination, Senate took the following action:  

Senate agreed to the motion to proceed to Legislative Session.  

Senate agreed to the motion to proceed to Executive Session to consider the nomination.  

Knepp II Nomination—Cloture: Senate began consideration of the nomination of James Ray Knepp II, of Ohio, to be United States District Judge for the Northern District of Ohio.  

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of J. Philip Calabrese, of Ohio, to be United States District Judge for the Northern District of Ohio.  

Prior to the consideration of this nomination, Senate took the following action:  

Senate agreed to the motion to proceed to Legislative Session.  

Senate agreed to the motion to proceed to Executive Session to consider the nomination.  


A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of James Ray Knepp II, of Ohio, to be United States District Judge for the Northern District of Ohio.  

Prior to the consideration of this nomination, Senate took the following action:  

Senate agreed to the motion to proceed to Legislative Session.  

Senate agreed to the motion to proceed to Executive Session to consider the nomination.
A unanimous-consent agreement was reached providing for further consideration of the nomination at approximately 12:00 noon, on Thursday, October 1, 2020.

Nominations Confirmed: Senate confirmed the following nominations:
- 2 Air Force nominations in the rank of general.
- 6 Army nominations in the rank of general.
- 1 Marine Corps nomination in the rank of general.
- 1 Navy nomination in the rank of admiral.
- 2 Space Force nominations in the rank of general.

Nominations Received: Senate received the following nominations:
- Brian S. Davis, of North Carolina, to be an Assistant Secretary of Defense.
- 33 Army nominations in the rank of general.
- 5 Coast Guard nominations in the rank of admiral.
- 2 Space Force nominations in the rank of general.
- Routine lists in the Air Force, Army, Coast Guard, and Navy.

Messages from the House:
- Page S5946

Measures Referred:
- Pages S5946–47

Measures Placed on the Calendar:
- Page S5947

Measures Read the First Time:
- Pages S5947, S6003

Enrolled Bills Presented:
- Page S5947

Executive Communications:
- Pages S5947–48

Executive Reports of Committees:
- Page S5948

Additional Cosponsors:
- Pages S5950–52

Statements on Introduced Bills/Resolutions:
- Pages S5952–81

Additional Statements:
- Pages S5944–45

Amendments Submitted:
- Pages S5987–98

Authorities for Committees to Meet:
- Page S5987

Record Votes: Three record votes were taken today. (Total—199)

Adjournment: Senate convened at 12 noon and adjourned at 8:39 p.m., until 12 noon on Thursday, October 1, 2020. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S6004.)

Committee Meetings

(Committees not listed did not meet)

NASA

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine NASA missions and programs, focusing on update and future plans, after receiving testimony from James Bridenstine, Administrator, National Aeronautics and Space Administration.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the nomination of Chad F. Wolf, of Virginia, to be Secretary of Homeland Security.

CROSSFIRE HURRICANE OVERSIGHT

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Crossfire Hurricane Investigation, after receiving testimony from James Comey, former Director of the Federal Bureau of Investigation, Department of Justice.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 37 public bills, H.R. 8406–8442; and 7 resolutions, H.J. Res. 96–97 and H. Res. 1155–1159, were introduced.

Additional Cosponsors:
- Pages H5051–52

Reports Filed: Reports were filed today as follows:
- H.R. 8132, to require the Federal Trade Commission and the Secretary of Commerce to conduct studies and submit reports on the impact of artificial intelligence and other technologies on United States businesses conducting interstate commerce, and for other purposes (H. Rept. 116–539);
- H.R. 3539, to amend the Public Health Service Act to direct the Secretary of Health and Human Services to develop best practices for the establishment and use of behavioral intervention teams at schools, and for other purposes, with an amendment (H. Rept. 116–540);
- H.R. 1289, to amend the Communications Act of 1934 to provide for a moratorium on number reassignment after a disaster declaration, and for other purposes, with an amendment (H. Rept. 116–541);
H.R. 7293, to amend the Public Health Service Act to provide best practices on student suicide awareness and prevention training and condition State educational agencies, local educational agencies, and tribal educational agencies receiving funds under section 520A of such Act to establish and implement a school-based student suicide awareness and prevention training policy, with an amendment (H. Rept. 116–542);

H.R. 4861, to amend the Public Health Service Act to establish a program to improve the identification, assessment, and treatment of patients in the emergency department who are at risk of suicide, and for other purposes (H. Rept. 116–543);

H.R. 2519, to authorize the Secretary of Health and Human Services, acting through the Director of the Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration, to award grants to implement innovative approaches to securing prompt access to appropriate follow-on care for individuals who experience an acute mental health episode and present for care in an emergency department, and for other purposes, with an amendment (H. Rept. 116–544);

H.R. 8128, to direct the Consumer Product Safety Commission to establish a pilot program to explore the use of artificial intelligence in support of the consumer product safety mission of the Commission, with amendments (H. Rept. 116–545);

H.R. 7948, to amend the Public Health Service Act with respect to the collection and availability of health data with respect to Indian Tribes, and for other purposes, with an amendment (H. Rept. 116–546);

H.R. 5572, to establish a grant program for family community organizations that provide support for individuals struggling with substance use disorder and their families, with an amendment (H. Rept. 116–547);

H.R. 5573, to reauthorize the United States Anti-Doping Agency, and for other purposes, with an amendment (H. Rept. 116–548);

H.R. 4764, to reauthorize the Stem Cell Therapeutic and Research Act of 2005, and for other purposes (H. Rept. 116–549);

H.R. 3131, to amend the Public Health Service Act to provide for research and improvement of cardiovascular health among the South Asian population of the United States, and for other purposes, with an amendment (H. Rept. 116–550);

H.R. 4439, to amend the Federal Food, Drug, and Cosmetic Act to make permanent the authority of the Secretary of Health and Human Services to issue priority review vouchers to encourage treatments for rare pediatric diseases, with amendments (H. Rept. 116–551);

H.R. 5469, to address mental health issues for youth, particularly youth of color, and for other purposes, with an amendment (H. Rept. 116–552);

H.R. 1109, to amend the Public Health Service Act to revise and extend projects relating to children and to provide access to school-based comprehensive mental health programs, with an amendment (H. Rept. 116–553);

H.R. 1754, to improve the integrity and safety of horseracing by requiring a uniform anti-doping and medication control program to be developed and enforced by an independent Horseracing Anti-Doping and Medication Control Authority, with an amendment (H. Rept. 116–554); and

H.R. 8161, to authorize implementation grants to community-based nonprofits to operate one-stop reentry centers, with an amendment (H. Rept. 116–555).

Speaker: Read a letter from the Speaker wherein she appointed Representative Cleaver to act as Speaker pro tempore for today.

Suspensions: The House agreed to suspend the rules and pass the following measures:

Energy Emergency Leadership Act: H.R. 362, amended, to amend the Department of Energy Organization Act with respect to functions assigned to Assistant Secretaries;

Cyber Sense Act: H.R. 360, amended, to require the Secretary of Energy to establish a voluntary Cyber Sense program to test the cybersecurity of products and technologies intended for use in the bulk-power system;

Enhancing Grid Security through Public-Private Partnerships Act: H.R. 359, amended, to provide for certain programs and developments in the Department of Energy concerning the cybersecurity and vulnerabilities of, and physical threats to, the electric grid;

Preserving Home and Office Numbers in Emergencies Act: H.R. 1289, amended, to amend the Communications Act of 1934 to provide for a moratorium on number reassignment after a disaster declaration;

Horseracing Integrity Act: H.R. 1754, amended, to improve the integrity and safety of horseracing by requiring a uniform anti-doping and medication control program to be developed and enforced by an independent Horseracing Anti-Doping and Medication Control Authority;
Consumer Product Safety Inspection Enhancement Act: H.R. 8134, amended, to support the Consumer Product Safety Commission’s capability to protect consumers from unsafe consumer products; Pages H4983–88

AI for Consumer Product Safety Act: H.R. 8128, amended, to direct the Consumer Product Safety Commission to establish a pilot program to explore the use of artificial intelligence in support of the consumer product safety mission of the Commission; Pages H4988–90

Agreed to amend the title so as to read: “To direct the Consumer Product Safety Commission to establish a pilot program to explore the use of artificial intelligence in support of the mission of the Commission and direct the Secretary of Commerce and the Federal Trade Commission to study and report on the use of blockchain technology and digital tokens, respectively.”; Page H4990

American Competitiveness Of a More Productive Emerging Tech Economy Act: H.R. 8132, amended, to require the Federal Trade Commission and the Secretary of Commerce to conduct studies and submit reports on the impact of artificial intelligence and other technologies on United States businesses conducting interstate commerce; Pages H4990–96

United States Anti-Doping Agency Reauthorization Act: H.R. 5373, amended, to reauthorize the United States Anti-Doping Agency; Pages H4998–99

EARLY Act Reauthorization: H.R. 4078, amended, to reauthorize the Young Women’s Breast Health Education and Awareness Requires Learning Young Act of 2009; Pages H4999–H5000

Helping Medicaid Offer Maternity Services Act: H.R. 4996, amended, to amend title XIX of the Social Security Act to provide for a State option under the Medicaid program to provide for and extend continuous coverage for certain individuals; Pages H5000–03

South Asian Heart Health Awareness and Research Act: H.R. 3131, amended, to amend the Public Health Service Act to provide for research and improvement of cardiovascular health among the South Asian population of the United States; Pages H5003–04

School-Based Allergies and Asthma Management Program Act: H.R. 2468, amended, to amend the Public Health Service Act to increase the preference given, in awarding certain allergies and asthma-related grants, to States that require certain public schools to have allergies and asthma management programs; Pages H5004–06

School-Based Health Centers Reauthorization Act: H.R. 2075, amended, to amend the Public Health Service Act to reauthorize school-based health centers; Pages H5008–10

Tribal Health Data Improvement Act of 2020: H.R. 7948, amended, to amend the Public Health Service Act with respect to the collection and availability of health data with respect to Indian Tribes; Pages H5010–12

Pursuing Equity in Mental Health Act: H.R. 5469, amended, to address mental health issues for youth, particularly youth of color; Pages H5012–14

Mental Health Services for Students Act: H.R. 1109, amended, to amend the Public Health Service Act to revise and extend projects relating to children and to provide access to school-based comprehensive mental health programs; Pages H5014–16

Improving Mental Health Access from the Emergency Department Act: H.R. 2519, amended, to authorize the Secretary of Health and Human Services, acting through the Director of the Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration, to award grants to implement innovative approaches to securing prompt access to appropriate follow-on care for individuals who experience an acute mental health episode and present for care in an emergency department; Pages H5016–17

Effective Suicide Screening and Assessment in the Emergency Department Act: H.R. 4861, amended, to amend the Public Health Service Act to establish a program to improve the identification, assessment, and treatment of patients in the emergency department who are at risk of suicide; Pages H5017–19

Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2020: H.R. 7293, amended, to amend the Public Health Service Act to provide best practices on student suicide awareness and prevention training and condition State educational agencies, local educational agencies, and tribal educational agencies receiving funds under section 520A of such Act to establish and implement a school-based student suicide awareness and prevention training policy; Pages H5019–21

Behavioral Intervention Guidelines Act: H.R. 3539, amended, to amend the Public Health Service Act to direct the Secretary of Health and Human Services to develop best practices for the establishment and use of behavioral intervention teams at schools; Pages H5021–23

Creating Hope Reauthorization Act: H.R. 4439, amended, to amend the Federal Food, Drug, and Cosmetic Act to make permanent the authority of
the Secretary of Health and Human Services to issue priority review vouchers to encourage treatments for rare pediatric diseases;

Agreed to amend the title so as to read: “To amend the Federal Food, Drug, and Cosmetic Act to extend the authority of the Secretary of Health and Human Services to issue priority review vouchers to encourage treatments for rare pediatric diseases.”;

Page H5025

Grid Security Research and Development Act: H.R. 5760, amended, to provide for a comprehensive interdisciplinary research, development, and demonstration initiative to strengthen the capacity of the energy sector to prepare for and withstand cyber and physical attacks; and

Pages H5025–30

Reaffirming the House of Representatives’ commitment to the orderly and peaceful transfer of power called for in the Constitution of the United States: H. Res. 1155, reaffirming the House of Representatives’ commitment to the orderly and peaceful transfer of power called for in the Constitution of the United States, by a 2/3 yea-and-nay vote of 397 yeas to 5 nays, Roll No. 208. Pages H5030–35, H5037

Recess: The House recessed at 5:42 p.m. and reconvened at 6:25 p.m.

Recess: The House recessed at 7:28 p.m. and reconvened at 7:34 p.m.

Pages H5035

Question of Privilege: Representative Gohmert rose to a question of the privileges of the House and submitted a resolution. Upon examination of the resolution, the Chair determined that the resolution qualified. Subsequently, the House agreed to the Clyburn motion to table H. Res. 1148, raising a question of the privileges of the House, by a yea-and-nay vote of 223 yeas to 176 nays, Roll No. 207.

Pages H5035–36

Suspensions—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed.

Pages H4996–98

Timely ReAuthorization of Necessary Stem-cell Programs Lends Access to Needed Therapies Act: H.R. 4764, amended, to reauthorize the Stem Cell Therapeutic and Research Act of 2005; and

Pages H5006–08

Family Support Services for Addiction Act of 2020: H.R. 5572, amended, to establish a grant program for family community organizations that provide support for individuals struggling with substance use disorder and their families.

Senate Referral: S. 2693 was held at the desk.

Senate Message: Message received from the Senate today appears on page H5008.

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H5036 and H5037.

Adjournment: The House met at 12 noon and adjourned at 9:46 p.m.

Committee Meetings

LICENSE TO BANK: EXAMINING THE LEGAL FRAMEWORK GOVERNING WHO CAN LEND AND PROCESS PAYMENTS IN THE FINTECH AGE

Committee on Financial Services: Task Force on Financial Technology held a hearing entitled “License to Bank: Examining the Legal Framework Governing Who Can Lend and Process Payments in the FinTech Age”. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee held a markup on H.R. 7370, the “Protecting Employees and Retirees in Business Bankruptcies Act of 2020”; H.R. 2648, the “Student Borrower Bankruptcy Relief Act of 2019”; H.R. 8366, the “Protecting Homeowners in Bankruptcy Act of 2020”; and H.R. 8354, the “Servicemembers and Veterans Initiative Act of 2020”. H.R. 7370, H.R. 2648, and H.R. 8366 were ordered reported, as amended. H.R. 8354 was ordered reported, without amendment.

POLICE CAMERAS AT THE DEPARTMENT OF THE INTERIOR: INCONSISTENCIES, FAILURES, AND CONSEQUENCES

Committee on Natural Resources: Subcommittee on Oversight and Investigations held a hearing entitled “Police Cameras at the Department of the Interior: Inconsistencies, Failures, and Consequences”. Testimony was heard from public witnesses.

CONFRONTING VIOLENT WHITE SUPREMACY (PART IV): WHITE SUPREMACY IN BLUE—THE INFILTRATION OF LOCAL POLICE DEPARTMENTS

Committee on Oversight and Reform: Subcommittee on Civil Rights and Civil Liberties held a hearing entitled “Confronting Violent White Supremacy (Part IV): White Supremacy in Blue—The Infiltration of Local Police Departments”. Testimony was heard from Mark Napier, Sheriff, Pima County, Arizona; and public witnesses.

Joint Meetings

No joint committee meetings were held.
COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 1, 2020

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: Subcommittee on Readiness and Management Support, to hold hearings to examine supply chain integrity, 9:15 a.m., SD–G50.

Committee on Commerce, Science, and Transportation: business meeting to consider an authorization to subpoena the attendance of a witness for purpose of a hearing to Jack Dorsey, Chief Executive Officer, Twitter; an authorization to subpoena the attendance of a witness for purpose of a hearing to Sundar Pichai, Chief Executive Officer, Alphabet Inc., Google; and an authorization to subpoena the attendance of a witness for purpose of a hearing to Mark Zuckerberg, Chief Executive Officer, Facebook, 9:30 a.m., SD–106.

Committee on the Judiciary: business meeting to consider S. 4632, to amend title 17, United States Code, to establish an alternative dispute resolution program for copyright small claims, to amend the Communications Act of 1934 to modify the scope of protection from civil liability for ‘‘good Samaritan’’ blocking and screening of offensive material, and the nominations of Benjamin Joel Beaton, to be United States District Judge for the Western District of Kentucky, Kristi Haskins Johnson, and Taylor B. McNeel, both to be a United States District Judge for the Southern District of Mississippi, Kathryn Kimball Mizelle, to be United States District Judge for the Middle District of Florida, and Thompson Michael Dietz, of New Jersey, to be a Judge of the United States Court of Federal Claims, 10 a.m., SR–325.

House

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, hearing entitled “Indian Country COVID–19 Response and Update”, 1 p.m., 2118 Rayburn.


Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled “Pathway to a Vaccine: Ensuring a Safe and Effective Vaccine People Will Trust”, 11:30 a.m., Webex.


Committee on Natural Resources, Full Committee, markup on H.R. 244, the “Advancing Conservation and Education Act”; H.R. 733, the “Leech Lake Band of Ojibwe Reservation Restoration Act”; H.R. 970, the “Robert E. Lee Statue Removal Act”; H.R. 1248 the “York River Wild and Scenic River Act of 2019”; H.R. 1964, the “Lumbee Recognition Act”; H.R. 3225, the “Restoring Community Input and Public Protections in Oil and Gas Leasing Act of 2019”; H.R. 3651, to facilitate the use of certain land in Nebraska for public outdoor recreational opportunities, and for other purposes; H.R. 4135, to direct the Secretary of the Interior to remove the statue to the memory and in honor of Albert Pike erected near Judiciary Square in the District of Columbia, and for other purposes; H.R. 4139, to provide for the boundary of the Palo Alto Battlefield National Historic Park to be adjusted, to authorize the donation of land to the United States for addition to that historic park, and for other purposes; H.R. 4840, the “Casa Grande Ruins National Monument Boundary Modification Act of 2019”; H.R. 5153, the “Indian Buffalo Management Act”; H.R. 5458, the “Rocky Mountain National Park Boundary Modification Act”; H.R. 5459, the “Rocky Mountain National Park Ownership Correction Act”; H.R. 5472, the “Jimmy Carter National Historical Park Redesignation Act”; H.R. 5598, the “Boundary Waters Wilderness Protection and Pollution Prevention Act”; H.R. 5852, the “Weir Farm National Historical Park Redesignation Act”; H.R. 7098, the “Saguaro National Park Boundary Expansion and Study Act of 2020”; H.R. 7099, to provide for the conveyance of a small parcel of Coconino National Forest land in the State of Arizona; and S. 212, the “Indian Community Economic Enhancement Act of 2019”, 12 p.m., Webex.

Committee on Oversight and Reform, Full Committee, hearing entitled “Unsustainable Drug Prices: Testimony from the CEOs”, 10 a.m., 2154 Rayburn and Webex.

Committee on Rules, Full Committee, hearing on Senate Amendments to H.R. 925, the “America’s Conservation Enhancement Act” [The Heroes Act], 9 a.m., Webex.

Committee on Science, Space, and Technology, Subcommittee on Environment, hearing entitled “Coping with Compound Crises: Extreme Weather, Social Injustice, and a Global Pandemic”, 11:30 a.m., Webex.

Committee on Small Business, Full Committee, hearing entitled “How COVID–19 is Impacting Small Businesses Across the Food System”, 10 a.m., 2175 Rayburn and Webex.

Committee on Transportation and Infrastructure, Full Committee, markup on legislation on the Aircraft Certification Reform and Accountability Act; H.R. 8266, the “FEMA Assistance Relief Act of 2020”; H.R. 4358, the “Preliminary Damage Assessment Improvement Act of 2019”; H.R. 8326, the “CED Act”; H.R. 4611, the “Ocean Pollution Reduction Act II”; H.R. 7705, the “River Basin Commission Transfer Act”; H.R. 5919, the “National Children’s Museum Act”; and General Service Administration’s Capital Investment and Leasing Program Resolutions, 10 a.m., 2167 Rayburn and Webex.
Committee on Veterans' Affairs, Subcommittee on Health, hearing entitled “MISSION Critical: Assessing Community Care Wait Times”, 10 a.m., HVC–210 and Webex.


Permanent Select Committee on Intelligence, Full Committee, business meeting on approval of the China Deep Dive Report and the STAR Emerging Technologies Report, 10 a.m., HVC–304. This meeting is closed.
Next Meeting of the SENATE
12 noon, Thursday, October 1

Senate Chamber

Program for Thursday: Senate will continue consideration of the nomination of Michael Jay Newman, of Ohio, to be United States District Judge for the Southern District of Ohio.

Senate will vote on the motion to invoke cloture on the motion to proceed to consideration of S. 4653, Healthcare Protections at 1 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Thursday, October 1

House Chamber


Extensions of Remarks, as inserted in this issue

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