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# Senate

The Senate met at 10 a.m. 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.

Eternal God, we praise You that You continue to rescue us from ourselves. We will tell about the wonders You have worked on our behalf. We are born in sin and formed by iniquity, but Your power continues to transform.

Lord, You have kept us from stumbling and disgrace. Continue to provide our Senators with the blessings of Your mercy and peace. Lead them not into temptation, but deliver them from evil.

Use our lawmakers to restore health and unity to a nation desperately desiring Your purposes to prevail. May Your favor keep us all secure.

We pray in Your loving 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. BARRASSO). The Senator from Iowa.

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

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

## RECOGNIZING THE IOWA AIR NATIONAL GUARD'S 185TH AIR REFUELING WING

Mr. GRASSLEY. Mr. President, on November 27, it was announced that the Iowa Air National Guard's 185th Air Refueling Wing in Sioux City, IA, has been awarded the Air Force Outstanding Unit Award.

This award was earned for the wing's exceptional service to the Air Force in 2019, which included the usual thousands of flying hours and refueling, but it also included things like the humanitarian efforts of this wing's effort in the multiple Puerto Rican natural disasters.

In addition, the 185th Wing has been working tirelessly to support cleanup efforts from this great windstorm in Iowa called the derecho, which wiped out 800,000 acres of crops through the middle of Iowa. It also included such things that they may not be recognized for enough—helping with the COVID–19 testings in the State of Iowa.

So I say congratulations to the 185th Wing, and, most importantly, thank you for your dedication to serving our State and country.

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.

## CORONAVIRUS

Mr. MCCONNELL. Mr. President, the American people are hurting. We are in the thick of one of the worst national crises in modern memory, and people's eyes are fixed on Congress. They need the House and the Senate to stop chasing our tails and make a law.

There are small business employees who have held onto their jobs all this time because of the Paycheck Protection Program but are facing the prospect they might be laid off now, with vaccines just around the corner, because Washington fumbles the ball in the red zone.

There are medically vulnerable Americans who have watched Operation Warp Speed appear to succeed at a historic pace, but Congress can't even agree to fully fund the distribution efforts that will get the vaccines to people.

There are Americans who have been thrown out of work, through no fault of their own, who are watching Federal aid programs tick toward expiration in a few weeks, even though neither side in Congress opposes extending them.

Senate Republicans have made one offer after another after another to try and make law on all the significant areas where nobody even disagrees. We spent July, August, September, October, and November trying different ways to create common ground, but the Speaker of the House and the Senate Democratic leader have been just as consistent. At every turn, they have delayed, deflected, moved the goalposts, and made the huge number of places where Congress agrees into a hostage—into a hostage—of the few places where we do not agree.

Back in the summertime, I pointed out the obvious. I said leading Democrats simply just didn't want any more help to reach American families before the election occurred. The other side claimed great offense; how insulting to even suggest that such cynicism might be at play.

And now they are admitting it out loud. Yesterday, on CNN, the Democratic whip was asked point-blank why the Speaker and the Democratic leader were so unwilling to play ball back in the autumn. The No. 2 Democrat responded: ''[Well], there was some exuberance involved because an election was coming.'' Well, he gets points for candor: ''because an election was coming.''

A few days ago, Speaker PELOSI told reporters why she reversed months of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

statements and suddenly began discussing comparatively more reasonable sums of money. Her answer was simple. She thinks the Presidential election went the way she wanted. The Speaker of the House views it as a success that she denied struggling people relief they badly needed for months because she thinks she got the political result she was after.

I count no fewer than 10 separate times that top Democrats rejected or blocked various Republican efforts to jump-start the process, so here is just a partial sampling.

In July, Republicans sketched a comprehensive plan for safe schools, jobs, and healthcare. We could have made law in July, but the Democratic leader wouldn't even engage with it. Just before August, Republicans tried to at least extend unemployment aid before it expired. Democrats blocked that as well.

In September, we tried something else: a targeted effort to spend hundreds of billions of dollars for PPP, vaccine development, and other priorities. Every Democrat who voted blocked us from even debating it, and they did it a second time a month later in October.

Last week, after speaking with the administration, I made yet another overture. The Democratic leader said: No thanks. And just yesterday, the Speaker and the Democratic leader brushed off two different overtures in the space of about 2 hours.

I suggested that both sides drop what seemed to be the most controversial demand in the eyes of our counterparts. Democrats continued to oppose commonsense legal protections that university presidents have been begging for, and Republicans see no need to send huge sums of money to State and local governments whose tax revenues have actually gone up—gone up.

Negotiating 101 suggests we set those two controversial pieces aside and plow ahead with a huge pile of things that we agree on, but that would require both sides to truly want to get an outcome.

Just hours after Democrats poured cold water on that, Secretary Mnuchin tried another new tack and sent over an offer, and in a bizarre and schizophrenic press release, the Speaker and the leader said the administration was obstructing negotiations by negotiating. Two more brush-offs in about 2 hours. More deflection, more delay, and more suffering for innocent Americans.

Can anyone point to a single sign—a single sign—from April through now, that Democratic leaders have seriously wanted another bipartisan deal to become law? Can anybody name one way—just one—the Democratic leaders would have behaved differently if their singular goal was to kill any compromise? That hypothetical world looks suspiciously like the world we have been living in.

Think of it. We have a Speaker of the House from San Francisco who has spent months ensuring that unemployed Californians can't have jobless aid extended and California restaurants can't get another round of PPP unless the Governor of California gets a Federal slush fund out of proportion to any proven need.

Do working families agree they should not get any more help themselves unless the Governors and State legislators get a controversial bailout? Are struggling Americans saying: Thank goodness the Democrats are bravely—bravely—blocking help for me and my family unless my State politicians get some more cash? I would say not.

Our people need more help. There is a huge list of helpful policies that both sides agree on. This need not be rocket science. But we can't do a thing unless the Democrats decide they actually want to make a law.

## CHINA

Mr. MCCONNELL. Now, Mr. President, on another matter entirely. Last week, the struggle to preserve freedom and autonomy in Hong Kong was dealt another disturbing blow.

On Thursday, Jimmy Lai, a prominent media figure and pro-democracy activist, was denied bail. The Chinese Communist Party continues cracking down on dissent and free speech. Not long ago, the international community hoped China's modernization would create more respect for basic freedoms. Unfortunately, the CCP has just marshaled new tools for making its oppression even more stifling.

Internationally, we have seen the Chinese Communist Party find more success exporting its warped vision into the global public square than the free world has had getting Beijing to respect the rules of the road.

For the last 4 years, thanks to this administration's leadership and this Senate, we have begun exchanging the old naivete about China for a smarter and tougher approach. Through new national security and national defense strategies, the United States has committed to deterring a new wave of threats from near-peer competitors like China and Russia.

Reforms to our budgets and policies are underway. We have used NDAAs and appropriations to invest in a military that is prepared to meet and defeat these threats. Maintaining our edge will mean sustaining these reforms, along with strong diplomacy, to counter China's influence.

In coordination with the executive branch, our Intelligence Committee has highlighted the need for everyone to strengthen their defenses against the CCP's espionage, intellectual property theft, and political influence campaigns.

Senators CORNYN and FEINSTEIN, in particular, have led bipartisan efforts to reform CFIUS and protect against predatory foreign investments aimed at threatening or stealing high-tech and critical infrastructure. Allied countries are following our lead, and public and private sector cooperation has improved to defend the institutions, alliances, and international order the CCP wants to disrupt.

The administration has worked with international partners to ensure the security of 5G, reassert freedom of navigation in the South China Sea, and blunt harmful elements of China's exploitive Belt and Road Initiative.

Of course, more needs to be done, particularly on human rights. The treatment of Hongkongers in the spotlight reminds the world of the ways we know Beijing is treating Uighurs and Tibetans in the shadows.

And if China treats its own citizens with brutal violence, just think how it plans to treat its neighbors. So I welcome the latest sanctions imposed by the administration and the latest authorities granted by Congress. We are raising the stakes for China's repression, but our work isn't over. Our partners will continue to look to us to lead with a tone of zero tolerance for this behavior. The United States must continue to work alongside China's peaceful neighbors and our democratic allies, like Japan and Australia. We must give voice to those in Hong Kong, Xinjiang, and Tibet who have been repressed and jailed. We must stand against the worst instincts and actions of the Communist Party.

## REMEMBERING EMMANUEL ''MANNY'' CAULK

Mr. MCCONNELL. Mr. President, now on one final matter, last week, students and families in Kentucky were met with tragic news. On Friday, Manny Caulk, the superintendent of Fayette County Schools, passed away unexpectedly.

Manny was the first member of his family to graduate from college. In 2015, he assumed responsibility for the second largest school district in Kentucky. An education had changed his life, literally, and he wanted to share that gift with others. And by all accounts, he did just that.

Manny encouraged his students to aim high and helped them exceed expectations, starting with his first students in a county detention center, and, in 2018, his colleagues chose him as Kentucky's ''Superintendent of the Year.''

I was glad to have Manny's partnership as we worked to protect Kentucky families from COVID–19. At every step, he kept focused on the well-being of Lexington students.

Over the weekend, condolences poured in as we reflected on Manny's lasting contributions. I would like to add the Senate's gratitude for this top-tier educator. Our prayers are with Manny's wife Christol and their children at this very difficult time.

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

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

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Allen Dickerson, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2025.

### CORONAVIRUS

Mr. THUNE. Mr. President, I am hoping that we will be able to pass a COVID relief bill before Christmas. As the leader has said earlier, we don't need to resolve all of our differences to pass a bill. We can pass targeted legislation that focuses on the priorities that we all agree need to be addressed. As the leader pointed out earlier this morning on the floor, Republicans here in the Senate have tried repeatedly, going back to last summer, to move legislation that is targeted, that is fiscally responsible, and that addresses the key needs that are being experienced and the challenges that are being felt by the American people during the pandemic.

In fact, as recently as October, we had a majority of U.S. Senators here on the floor that attempted to get on a bill—a targeted, fiscally responsible bill—that addressed the needs that our small businesses have, with additional funding for the PPP program; that provided an extension for unemployment insurance for people who were unemployed; that provided funding for vaccine distribution; that also provided funding for frontline workers and, I should add, funding for schools and universities. It was a very targeted, fiscally responsible bill. It was voted on here in the Senate not only once but twice.

Both in September and October, we brought a bill to the floor and couldn't even get on it because the Democratic leadership decided to block that bill. So we didn't even have a debate. Not only could we not get a vote on something that represented a good-faith effort at addressing the key needs that are being felt by the American people as a result of the pandemic, but we couldn't even get on the bill to debate it.

So we are trying yet one more time, and I hope this time we will meet with success because I do believe that we need to pass COVID relief before the end of the year, and I hope Members of the Democratic leadership will decide that they are willing to move forward to meet our country's most critical COVID priorities.

### REMOTE AND MOBILE WORKER RELIEF ACT OF 2020

Mr. President, on the subject of COVID relief, there is another issue that we should address before the end of the year, and that is tax relief for remote and mobile workers. The complicated tax situation facing mobile workers has been an issue for a while now, but it has been thrown into especially sharp relief by the pandemic.

As everyone knows, medical professionals around the country have traveled to hard-hit areas this year to help hospitals deal with the influx of COVID cases. But what many people don't realize is that these medical professionals, like other mobile workers, are likely to face a complicated tax situation this year as a result. For the majority of Americans, State income tax is fairly uncomplicated. Most Americans work in the same State in which they reside. So there is no question as to which State will be taxing their income.

For mobile workers, however—like traveling nurses or technicians or the medical professionals who responded to COVID in hard-hit areas—the situation is a lot more complicated. Like most Americans, their income is subject to taxation in the State in which their permanent home is located, but any income that they earned in a State other than their State of residence is also subject to taxation in the State in which they earned it.

Now, individuals can generally receive a tax credit in their home State for income tax paid to another State, thus avoiding double taxation of their income. I would add, however, that for States that don't have an income tax—and there are many of those across the country, including my home State of South Dakota—there is no tax credit against income tax paid because there is no income tax paid in the home State.

But mobile workers' income tax situation is extremely complicated, as they generally have to file tax returns in multiple States, and it is made even more complicated by the fact that States have a multitude of different rules governing just when income earned in their State starts to be taxed. Some States give up to a 60-day window before income earned by mobile workers in their State is subject to taxation. Other States start taxing mobile workers immediately.

Navigating different States' requirements can make for a miserable tax season for mobile workers, and it can also be a real burden for their employers. It is particularly challenging for smaller businesses, which frequently lack the in-house tax staff and tracking capabilities of larger organizations.

The situation has long cried out for a solution. For the past four Congresses, I have introduced legislation, the Mobile Workforce State Income Tax Simplification Act, to create a uniform standard for mobile workers. It is a bipartisan bill, and under that bill if you spend 30 days or fewer working in a different State, you would be taxed as normal by your home State. If you spend more than 30 days working in a different State, you would be subject to that other State's income tax in addition to income tax from your home State.

In June of this year, I introduced an updated version of my mobile workforce bill: the Remote and Mobile Worker Relief Act. Like my original mobile workforce bill, the Remote and Mobile Worker Relief Act would create a uniform 30-day standard governing State income tax liability for mobile workers. But my new bill goes further and addresses some of the particular challenges faced by mobile and remote workers as a result of the coronavirus.

The Remote and Mobile Worker Relief Act would establish a special 90-day standard for healthcare workers who travel to another State to help during the pandemic. This should ensure that these workers don't face an expected tax bill for the contributions that they make to fighting the coronavirus.

My new bill also addresses the possible tax complications that could face remote workers as a result of the pandemic. During the coronavirus crisis, many workers who usually travel to their offices every day have ended up working from home. This doesn't present a tax problem for most employees, but it does present a possible problem for workers who live in a different State than the one in which they work.

Under current State law, these workers usually pay most or all of their State income taxes to the State in which they earn this income rather than their State of residence. However, now that some workers who usually work in a different State have been working from home, there is a risk that their State of residence could consider the resulting income as allocated to and taxable by it as well. That could mean a higher tax bill for a lot of workers.

My bill would preempt this problem by codifying the prepandemic status quo. Under my bill, if you planned to work in North Carolina but had to work from home in South Carolina during the pandemic, your income would still be taxed as if you were going in to the office in North Carolina every day, just as it would have been if the pandemic had never happened.

Relief for mobile workers is a bipartisan idea. A version of my original mobile workforce bill has passed the House of Representatives multiple times, and the only reason it hasn't advanced so far in the U.S. Senate is because of the opposition of a handful of States, like New York, that aggressively tax temporary workers.

New York, of course, was the epicenter of the pandemic in the United States early on, and medical professionals from across the country came to New York to work and to help out. Now, one would think that their presence would be an occasion for profound gratitude, but New York Governor Andrew Cuomo apparently also regards them as an opportunity for a tax windfall. That is right. Despite the fact that these workers provided indispensable help to New York in the worst period during the pandemic, in May Governor Cuomo announced that these workers would nevertheless be subject to New York's substantial income tax for the time that they spent working in the State.

It is unconscionable that we would allow healthcare professionals who risked their lives—risked their own lives—to care for individuals in coronavirus-stricken States to be punished with unexpected tax bills. And we need to make sure that Americans who work from home to help slow the spread of the virus don't face a complicated tax situation or an unexpectedly high tax bill as a result.

It would be wonderful to see the Democratic leader who, of course, hails from New York, speak up to endorse remote and mobile worker relief. He should make it clear whether he agrees with Governor Cuomo's decision to cash in on COVID relief workers' assistance or whether he thinks these vital medical professionals should be spared unexpected tax bills.

I really hope that he is not actively standing in the way of my bill in order to protect Governor Cuomo's efforts to boost New York's coffers at healthcare workers' expense. I encourage him to make it clear where he stands on this issue.

I intend to do everything I can to ensure that my bill receives a vote in the Senate before Christmas. Passing this legislation would spare a lot of workers a lot of misery when April comes around.

Americans have been through enough this year. Let's not add unexpected tax bills to the equation.

## FOOD ALLERGY SAFETY, TREATMENT, EDUCATION, AND RESEARCH ACT OF 2020

Mr. THUNE. Mr. President, as if in legislative session, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 3451 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. 3451) to improve the health and safety of Americans living with food allergies and related disorders, including potentially life-threatening anaphylaxis, food protein-induced enterocolitis syndrome, and eosinophilic gastrointestinal diseases, and for other purposes.

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

Mr. THUNE. I ask unanimous consent that the Scott of South Carolina substitute amendment at the desk be agreed to, that the bill, as amended, be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 2695), in the nature of a substitute, was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Food Allergy Safety, Treatment, Education, and Research Act of 2020'' or the ''FASTER Act of 2020''.

**SEC. 2. FOOD ALLERGY SAFETY.**

(a) IN GENERAL.—Section 201(qq)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(qq)(1)) is amended by striking ''and soybeans'' and inserting ''soybeans, and sesame''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any food that is introduced or delivered for introduction into interstate commerce on or after January 1, 2023.

**SEC. 3. REPORT TO CONGRESS.**

(a) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

(1) descriptions of ongoing Federal activities related to—

(A) the surveillance and collection of data on the prevalence of food allergies and severity of allergic reactions for specific food or food ingredients, including the identification of any gaps in such activities;

(B) the development of effective food allergy diagnostics;

(C) the prevention of the onset of food allergies;

(D) the reduction of risks related to living with food allergies; and

(E) the development of new therapeutics to prevent, treat, cure, and manage food allergies; and

(2) specific recommendations and strategies to expand, enhance, or improve activities described in paragraph (1), including—

(A) strategies to improve the accuracy of food allergy prevalence data by expanding and intensifying current collection methods, including support for research that includes the identification of biomarkers and tests to validate survey data and the investigation of the use of identified biomarkers and tests in national surveys;

(B) strategies to overcome gaps in surveillance and data collection activities related to food allergies and specific food allergens; and

(C) recommendations for the development and implementation of a regulatory process and framework that would allow for the timely, transparent, and evidence-based modification of the definition of ''major food allergen'' included in section 201(qq) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(qq)), including with respect to—

(i) the scientific criteria for defining a food or food ingredient as a ''major food allergen'' pursuant to such process, including recommendations pertaining to evidence of the prevalence and severity of allergic reactions to a food or food ingredient that would be required in order to establish that such food or food ingredient is an allergen of public health concern appropriate for such process; and

(ii) opportunities for stakeholder engagement and comment, as appropriate, in considering any such modification to such definition.

(b) PUBLICATION.—The Secretary shall make the report under subsection (a) available on the internet website of the Department of Health and Human Services.

The bill (S. 3451), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 3451

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

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(ii) opportunities for stakeholder engagement and comment, as appropriate, in considering any such modification to such definition.

(b) PUBLICATION.—The Secretary shall make the report under subsection (a) available on the internet website of the Department of Health and Human Services.

## EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Illinois.

### CORONAVIRUS

Mr. DURBIN. Mr. President, March 23—March 23 has been a long time from this date, and a lot of things have happened in America since March 23. Over 200,000 American lives have been lost. Millions of Americans have been infected with the COVID virus. Our families have changed. Our lives have changed. We have tried to adjust to the worst pandemic America has seen.

We know that we have fallen short many times in providing the resources that were needed in a timely way. I can remember in the early stages of this pandemic when in my State of Illinois there were desperate phone calls from the Governor asking if I could find some way to help, in Washington or any other place, to provide protective equipment for the people in the healthcare field.

We know as well that many people have seen businesses close in their communities. In my hometown of Springfield, IL, our favorite restaurant is clinging to its business life, and we are finding excuses to order food out as often as possible to keep them open. Others haven't been so lucky. Their businesses are closed, and their jobs have disappeared.

Millions of Americans are drawing unemployment. Many are waiting in long lines for food. Desperate decisions are being made because people are in desperate circumstances.

A lot has happened since March 23. The reason I mention that date is that was the day we passed the CARES Act. It was a momentous, historic effort—$3 trillion to try to rescue this economy, to help the American people through this crisis, to provide resources that were needed—and it was overwhelmingly bipartisan. It passed the Senate by 96 to 0.

Since then, many things have happened. We have also learned that the CARES Act was not enough. We thought this crisis would end long ago, and it didn't. Perhaps now with vaccines coming online, we will see some dramatic changes in the few months ahead, but what are we going to do in the meantime? Are we going to continue to help those drawing unemployment? Are we going to continue to help the businesses that are struggling to survive and to help their employees make it through another week or another month? Are we going to do what is necessary to help State and local governments that have seen losses in their revenues in historic terms? Are we going to take care to provide the logistical support for the actual vaccinations that are necessary across America? That question is unanswered because we have done nothing—virtually nothing—since March 23.

A group of Senators several weeks ago met for a socially distanced, safe dinner at one of the homes of my colleagues and talked about another approach—a new approach, a bipartisan approach—to try to deal with COVID relief. If the leaders were unable to act, perhaps we could start the conversation.

I signed up for that effort with a number of Republican Senators and Democratic Senators, and we set out to write a COVID relief bill—with our staff's help, of course. I didn't realize what I was getting into in terms of time commitment. We have spent literally hour after hour after hour, day after day after day—multiple times in a day sometimes—dealing with the difficult issues of what America needs now in emergency relief because of this COVID–19 crisis.

We have come to a general conclusion on all but one issue as to what we would propose, and we believe it should be done quickly. You see, on December 26, 12 million Americans will lose their unemployment insurance. Businesses struggling now will close between now and then if we don't do something.

Unfortunately, the speech given by the Republican leader on the floor this morning suggests that whatever we came up with and proposed is not going to be taken seriously. That is unfortunate. I think there is real wisdom, bipartisan compromise in our proposal.

It is within the power of the Republican leader to call this matter to the floor, and that is all we ask. Make it subject to amendments, if you wish, but let's get this debate underway. This silent, empty Chamber is no answer to the cries of American people who are desperate for help in the midst of this pandemic. Political posturing and press releases from one side or the other won't put food on the table, won't give a father peace of mind, won't give a mother the help she needs with childcare, won't give a student the broadband service they need to continue their education.

There is an issue that still is unresolved, and it is the issue of liability. We don't know what to do with that, but we ought to look at the evidence. So far in this calendar year, with 15 million people infected with COVID–19, fewer than 3 lawsuits per State—3 per State—have been filed in medical malpractice or consumer personal injury claims. There are a lot of other lawsuits between businesses and with insurance companies—by prisoners in jail saying that their confinement is dangerous to their health, people filing lawsuits against Governors for issuing orders to stay at home and close down businesses—but when it comes to the personal injury claims, there are very few. Very few.

We know why—those of us who have been involved in the practice of law. One of the things that you have to prove to recover in a case is causation. That is rare in a case dealing with coronavirus, to be able to pinpoint exactly when you became infected and what the circumstances are. That is why so few lawsuits have been filed.

The Senator from Kentucky is insisting that there be immunity to liability as part of any agreement. It is a thorny topic, a difficult topic, a controversial topic, but I plead with him to hold to another day the overall issue of liability. Accept this emergency bill that we have put together as a bipartisan group of Senators to address this issue in the reality of the world we live in. To hold it back because of some other major issue that has not been resolved is unfair to American families and workers and students and health workers. We owe it to them to do everything in our power to help them now.

How can we in good conscience go home for Christmas knowing that the day after Christmas, 12 million Americans will see their unemployment insurance disappear because of our inability to act? What kind of spirit is that of any holiday season? I think we need to be mindful of the fact that there are a lot of helpless people counting on us to do something.

I hope we realize that this bipartisan effort put together by a group of Senators, which I have been honored to be part of, is a good-faith effort to answer the basic questions of what is needed now in America and what is needed on an emergency basis. It is a good bill—far from perfect. It deserves a vote on the floor of the U.S. Senate.

If Senator MCCONNELL has another proposal that he wants to put on the floor as well, he certainly has that right as the majority leader, but to close the door on this bipartisan effort is to reject a good-faith undertaking by Senators from both sides of the aisle, Democrats and Republicans.

I plead with the majority leader, let's not claim some political victory when this is all over at the expense of a lot of helpless people across America who are battling this pandemic.

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. HAWLEY. 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 SEAN J. COOKSEY

Mr. HAWLEY. Mr. President, in a few moments, we are going to be voting on a series of nominations to the Federal Election Commission, one of which is of personal interest to me. It is the nomination of Sean Cooksey to be a Commissioner of that body.

I know Sean personally because I have had the great privilege of working with Sean for the last 2 years while he has served as the general counsel in my office. Sean is a native Missourian. He comes from the eastern part of the State, just north of St. Louis. He is a proud graduate of Truman State University in the State of Missouri. He comes from a working family there in the State, and his family still lives there.

Sean has rendered exceptional service to me this last year and a half. In fact, when I came to the Senate not even 2 years ago, I have to say Sean had more experience than I did, having served in this body for several years before in the office—on the staff of Senator TED CRUZ of Texas.

Sean has done absolutely outstanding work in the last year and a half in my office helping us pass important legislation, including my first bill signed into law in the Senate, the Supporting and Treating Officers in Crisis Act. This is a law that will direct new funding to police officers and other law enforcement all across the State of Missouri and across the Nation to get the help and support they need when they are exposed to violence, when they are exposed to situations that require followup help, counseling. It gets them the resources especially in small and local police departments in rural areas, like those across my State. Sean was instrumental in drafting this legislation and in getting it passed. It was a proud day almost a year and a half ago when President Trump signed that bill into law.

This is just one example of the outstanding service Sean has rendered not just to my office but to the people of Missouri and not just to the people of Missouri but to the people of the United States. That is why, while I am sorry to see Sean go on a personal level, I am absolutely delighted for the country because my loss is going to be the gain of the United States of America.

I want to congratulate Sean on this nomination and what I think will soon be his confirmation in just a few moment's time.

I want to congratulate his family. I know this is a very proud day for them. I believe Sean will be the youngest member of the Federal Election Commission, maybe in the history of this body. I can't think of anyone more deserving. I know that he will render distinguished service to the country in this capacity.

I yield the floor.

VOTE ON DICKERSON NOMINATION

The PRESIDING OFFICER (Mr. SASSE). Under the previous order, the question is, Will the Senate advise and consent to the Dickerson nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mrs. LOEFFLER), the Senator from Georgia (Mr. PERDUE), and the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

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

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 258 Ex.]

YEAS—49

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

NAYS—47

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

NOT VOTING—4

| | |
|---|---|
| Harris | Perdue |
| Loeffler | Rounds |

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant legislative clerk read the nomination of Shana M. Broussard, of Louisiana, to be a Member of the Federal Election Commission for a term expiring April 30, 2023.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the Broussard nomination?

Mr. LEE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is 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 Georgia (Mrs. LOEFFLER), the Senator from Georgia (Mr. PERDUE), and the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

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

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 259 Ex.]

YEAS—92

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

NAYS—4

| | |
|---|---|
| Cruz | Paul |
| Hawley | Scott (FL) |

NOT VOTING—4

| | |
|---|---|
| Harris | Perdue |
| Loeffler | Rounds |

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Sean J. Cooksey, of Missouri, to be a Member of the Federal Election Commission for a term expiring April 30, 2021.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Cooksey nomination?

Mr. HAWLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mrs. LOEFFLER), the Senator from Georgia (Mr. PERDUE), and the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

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

The result was announced—yeas 50, nays 46, as follows:

[Rollcall Vote No. 260 Ex.]

YEAS—50

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

NAYS—46

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

NOT VOTING—4

| | |
|---|---|
| Harris | Perdue |
| Loeffler | Rounds |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

### CORONAVIRUS

Mr. SCHUMER. Mr. President, the most important item on the Senate's to-do list before the end of the year is a bipartisan emergency relief package for a nation suffering the worst month of the COVID–19 pandemic.

Negotiations continue between a bipartisan group of Senate and House Members who, last week, agreed in principle on a $900-plus billion emergency relief proposal. As the details continue to get sorted, Speaker PELOSI and I have encouraged everyone to use this bipartisan proposal as a framework for negotiations.

Yesterday, the White House presented us an offer of similar size, around $900 billion—an encouraging sign that Republican leadership is moving in the right direction by endorsing the size of the Gang of 8's bill. But the President's proposal must not be allowed to supersede or obstruct the bipartisan congressional talks that are underway. That is where the real action is and where bipartisan agreement on the basic concepts will ultimately be forged.

The President's proposal, for instance, completely misses the mark on unemployment benefits and aid to American families. In order to include $600 stimulus checks, it actually cuts proposed unemployment benefits by greater than a factor of 4, from $180 billion to just $40 billion—an unacceptably low amount—while tens of millions of Americans remain out of work, almost all of whom have lost their jobs because of COVID.

Economists from every end of the spectrum, including the conservative U.S. Chamber of Commerce, are warning us that the United States faces the prospect of a double-dip recession without another round of emergency fiscal stimulus. A robust unemployment benefit is crucial—crucial—to that program. Earlier in the pandemic, it helped keep 12 million Americans out of poverty and propped up consumer spending. We shouldn't be cutting unemployment benefits now, as the President's team proposes; we should be extending them.

Now, the Republican leader, as usual, gave a very angry speech this morning accusing Democrats of all manner of things, including intentionally blocking aid to thwart President Trump. I don't know what evidence he has of that, but there are actual reports—honest-to-God reports—in the New York Times and the Washington Post that Leader MCCONNELL was warning the White House not to cut a deal on COVID relief before the election.

Here is the Washington Post: ''McConnell warns White House against making stimulus deal as Pelosi and Mnuchin inch closer.'' That is from October 20—2 weeks before the election.

Meanwhile, Democrats have continually lowered our proposals, now by over $2 trillion, to move closer to our Republican colleagues in the spirit of compromise and for the sake of getting something done for the American people. It would do a whole lot of good if the Republican leader would drop the daily tirades and diatribes, which seem to be based in some alternative reality, and join the rest of the Senate in urging the bipartisan negotiations now underway to continue.

Families all over the country are nearing a point of desperation, unable to put food on the table, a roof over their children's heads. By January, nearly 12 million renters will owe an average of nearly $6,000 in back rent and utilities—a shocking figure.

We need to deliver an emergency relief package to keep American families, workers, and businesses afloat until the crisis finally begins to subside. The only way to get that done is in a bipartisan fashion. The sooner the Republican leader realizes it, the better.

### BIDEN ADMINISTRATION NOMINATIONS

Mr. President, on Biden nominations—President-Elect Biden continues to roll out an impressive slate of Secretaries-designate to lead Cabinet agencies in his administration.

Yesterday, he selected Lloyd Austin to be the next Secretary of Defense, another groundbreaking selection. Mr. Austin would be the first African-American to lead the largest Cabinet agency in our government. Secretary-designate Austin is a familiar face to many of us on Capitol Hill, and I am also pleased to say he is a familiar face to many in the North Country in New York. He is the former commander of the 10th Mountain Division at Fort Drum—the pride of Jefferson County.

Like all of President-Elect Biden's national security nominees, Senate-designate Austin is deeply experienced and familiar with our Nation's national security, as well as the many issues that face our servicemembers and their families each and every day. Lloyd Austin served our Nation for more than four decades, and his willingness to serve his country again is admirable. He will make an excellent Secretary of Defense.

Now, an hour ago, I met with President-Elect Biden's economic team by teleconference, including Secretary-designate of Treasury, Janet Yellen, to discuss priorities with the incoming administration on how to get our economy back on track. I urged them, once President-Elect Biden becomes President, to go bold. Austerity right now is not what America needs but a bold program to stimulate our economy and get things moving, to help get people jobs—good-paying jobs—because our economy is suffering. I look forward to our continued conversations.

A few weeks ago, I predicted that we would see some crocodile tears from the Republican majority about Biden's Cabinet nominees, but I didn't think it would occur this fast. It began when several Republican Senators raised some objections over Neera Tanden's Twitter feed. After 4 years of pretending that they ''didn't see'' President Trump's latest online outburst, it seems that Senate Republicans have rediscovered their Twitter passwords now that Joe Biden is the President-elect.

This week, after President-Elect Biden announced that Xavier Becerra is his pick to be the next Secretary of Health and Human Services, Republican Senators raised concerns, in their minds, about Mr. Becerra's qualifications. The senior Senator from Texas said:

I'm not sure what his Health and Human Services credentials are. It's not like Alex Azar who used to work for pharma.

With all due respect to the senior Senator from Texas, working for the pharmaceutical industry is not the only way to get experience in healthcare. Some might argue it is the wrong kind of experience for an HHS Secretary.

The truth is, Xavier Becerra is eminently qualified. He worked in the House of Representatives for two decades, always very involved in advancing the healthcare of his constituents, and he has a particularly long track record as an advocate of women's health. As the attorney general of California, he became one of the foremost legal experts on our Nation's healthcare laws.

I must say, it is particularly rich for this Republican majority to raise ''concerns'' about whether Biden Cabinet nominees have every last pristine qualification for their posts. Not so long ago, nearly every Republican in this Chamber lined up to make an oil executive the Secretary of State. I don't remember too many Republican ''concerns'' when President Trump nominated a retired neurosurgeon to be the Secretary of HUD or when he put Rick Perry in charge of the Department of Energy—an agency he wanted to abolish before learning it maintained the Nation's nuclear stockpile and that he would be in charge of it. If memory serves, this Senate Republican majority confirmed a Secretary of Education whose only qualification for the job was she used her inherited fortune to try to privatize American schooling.

Look, the country needs to move on from the past 4 years, but Senate Republicans can't pretend like it never happened. After the sordid caliber of nominees that this Republican majority confirmed over the past 4 years, it will be impossible to take these complaints about Biden's nominees very seriously.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

## MOTION TO DISCHARGE—S.J. RES. 77

Mr. MENENDEZ. Mr. President, pursuant to the Arms Export Control Act of 1976, I move to discharge the Foreign Relations Committee from further consideration of S.J. Res. 77, a joint resolution providing for congressional disapproval of the proposed foreign military sale to the United Arab Emirates of certain defense articles and services.

The PRESIDING OFFICER. The motion is pending.

Mr. MENENDEZ. Mr. President, today I am asking our colleagues to stand up for two very important principles. One is the congressional oversight over arms sales abroad and, secondly, to ensure that these sales, in fact, promote and protect the long-term national security of the United States.

Colleagues, I wish we didn't find ourselves in the position of having to discuss our concerns with this sale in this kind of forum. The United Arab Emirates has, indeed, been an important partner in the fight against terrorism and across the region and, I believe, will continue to do so. However, a sale of this magnitude requires the appropriate due diligence.

For the past few decades, the executive branch has respected the congressional oversight of the arms sales process, a critical piece of which is an informal review period during which we get answers to pressing questions. We have an opportunity to review sensitive information so that, when sales come up for the formal notification, which is what we have before us now, we have a clearer path forward. Unfortunately, in this case, the Trump administration decided to simply ignore congressional rights here and the review process, formally notifying the sales of these complex weapons systems, along with other weaponry, totaling $23 billion.

Beyond obliterating the congressional review process, the administration also seems to have rushed through the interagency review of a sale of this magnitude. Whereas, a sale of this scope would normally merit months and months of detailed deliberations between the Departments of Defense and State, this sale was announced with more missing than a few dotted i's and crossed t's.

I will go into more detail later before we vote, but the bottom line is that there are many outstanding issues that are critical to U.S. national security that have not been addressed, including, by way of example, the United Arab Emirates' present and future military relationships with Russia and China. My understanding is that there are negotiations to have with China regarding an airstrip for the Chinese military off of the UAE. Is that in the national interest and security of the United States?

Should we not have a definitive commitment from the UAE that it will not move forward if these arms sales move forward, including with the most sophisticated stealth jet fighter that we have? How do we work to safeguard U.S. technology? the guarantees we will have in place about how U.S.-origin weapons will be used given the Emirates' history of transferring weapons to a terrorist organization and violating the U.N. arms embargo in Libya? the longer term implications of an arms race in the region? and then, yes, the impact that it could have on both our and Israel's qualitative military edge?

If we aren't going to be willing to ask these questions, then we have to think about the magnitude of the sale without caring about the consequences.

I have heard a number of my colleagues advocate in support of these sales because they believe it will help our like-minded partners better posture against Iran. Now, no one is more clear-eyed in this Chamber or has pursued Iran and its threat of nuclear weapons more than I, and we are clear-eyed about the threat Iran continues to pose to national security interests, but we have yet to understand exactly what military threat the F–35s or armed drones will be addressing vis-à-vis Iran. Furthermore, according to the Trump administration, as recently as last year, the UAE continued to host a number of companies that facilitated Iranian financial transactions in violation of various U.S. sanctions.

So Iran is a threat, but you are helping it facilitate U.S. financial transactions. It is not that I have said so but that the Trump administration has said so. Meanwhile, over the past year, Iran has ramped up its nuclear capabilities amidst American diplomatic fallout.

So, if we really want to talk about countering Iran, we need a comprehensive, diplomatic strategy. Arming partners with complex weapons systems that could take years to come online is not a serious strategy with which to confront the very real and timely threats from Iran.

I have also heard some of our colleagues argue that, if we do not sell these weapons, the UAE will turn to China and Russia. Well, let's be clear: They already do. They already do. Our own Department of Defense's inspector general recently reported that the UAE may be funding the Russian mercenary Wagner Group in Libya. U.N. reporting implicates the UAE's use of Chinese-manufactured drones, in violation of the U.N. arms embargo, also in Libya.

So, while I absolutely agree that we have to counter Chinese and Russian influence in the region, again, this requires a real strategy, not simply more arms. Isn't this a conversation and a commitment that we should get in writing from the UAE as part of such an arms sale? We don't have that. Furthermore, if we go forward with these sales, yet deny similar requests to countries like Qatar or Saudi Arabia, where will they go for their advanced weaponry to keep pace, and what reaction will Iran have to them? Do we really think we can sell this just to the UAE and not have those other countries come knocking on our door, starting a very sophisticated arms race in a tinder box of the world?

Finally, let me be very clear: I applaud the Abraham accords as a historical turning point for Israel and the Arab world. These new, formal relationships have the possibility of transforming the region much more broadly and bringing peace, stability, and prosperity to people who desperately want

and deserve it. Yet, as the administration and the Emirates have continued to stress, these sales are neither a reward nor are they part of these accords.

So why can't we take a little more time to really assess the best way forward? We are in the midst of promoting a sale—this is the administration—that has some of the most significant transfers of advanced U.S. technology without clarity of a number of key details regarding the sale or sufficient answers to critical national security questions. This is far more than about congressional prerogative, although I would argue that it is a critical element of our policies on arms sales; this is about national security concerns to which we should have an answer before those arms sales move forward.

Again, colleagues, the bottom line is this: There are far too many outstanding questions and very serious questions about long-term U.S. national security interests. Perhaps, after considerable engagement with the executive, we would assess that all of these sales do, in fact, advance our national security. Given the length of time it will take for the delivery of these systems, it would seem quite reasonable to expect to have 40 days to evaluate these questions.

So I urge my colleagues to stand up for Congress's role in the process of determining arms sales as well as for having clear answers to the critical questions that are posed to long-term U.S. national security interests.

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

The PRESIDING OFFICER (Mr. YOUNT). Without objection, it is so ordered.

Mr. MURPHY. Mr. President, I am on the floor today to speak to resolutions upon which we will begin voting today regarding arms sales proposed by the administration to the United Arab Emirates.

I am on the floor today to ask my colleagues to support these resolutions of disapproval upon two grounds: one, the protection of congressional prerogative and, two, a question of U.S. national security.

First, let me cover the question of congressional prerogative. We have traditionally debated arms sales here on occasion, and the reason why we don't have constant debates in this body on arms sales, the reason why we don't have resolutions on every sale that is noticed by the administration, is because we have built into our practice an ability for the Senate to consult with the administration beforehand on a bipartisan basis.

Over the years, since the passage of the law allowing for Congress to have a role in the sale of arms to foreign nations, administration after administration, Republican and Democrat, has observed a period of consultation with Congress in which the administration comes to the Senate Foreign Relations Committee, comes to the House Foreign Relations Committee, presents the reasons for the sale, and then addresses concerns raised, often in a bipartisan manner, by Republicans and Democrats.

Again, this has happened in both Democratic and Republican administrations, with Democratic and Republican Congresses, and often that consultative process results in issues that Congress has being resolved so that you never have to have a vote on the Senate floor.

Something different happened with this sale. The administration was so desperate to rush through the sale before the end of their administration that they blew through the consultation process. It just didn't happen. There was no ability for the Senate Foreign Relations Committee to weigh in on this particular sale. It was rushed to notice, and our only option was to bring it before the full Senate.

Now, under any circumstances, I would argue that the Senate should stand up for our right to have a role. The reason that we built in this consultative process was because the Senate was actually unhappy with the amount of input it had decades ago and was threatening to dramatically expand its oversight role on arms sales. Instead, a deal was worked out in which the administration said they would come for this consultation.

Now it appears that those consultations are no longer the practice. That reduces our role as a foreign-policy-making body. And remember, we have abdicated all sorts of responsibilities over the years when it comes to what should be a coequal responsibility to set the broad direction of U.S. foreign policy with the executive branch. This would be yet another chip away at Congress's participation in the setting of U.S. national security policy. I am not sure we will ever get it back.

But on this sale, in particular, the consultative process was really important because this sale is as big and as hairy and as complicated as you get. We are, for the first time, selling F–35s and MQ–9 Reaper drones into the heart of the Middle East. We have never done it before. There are only 14 countries that currently operate the F–35, and almost all of them are NATO allies. Turkey was on the list for a period of time, but because they ended up making a choice to go with the Russian missile defense system, they were taken out of the program. So the partners that remain are the ones that you would suspect—Britain, Italy, the Netherlands, Australia, Denmark, Canada.

There are even fewer countries that we have sold Reaper drones to—Australia, France, Italy, the Netherlands, Spain, UK, and India.

This is the first time that we would sell these incredibly lethal, incredibly complicated technologies into the heart of the Middle East—a region that, arguably, is not in need of more weapons.

What we risk doing here is fueling an arms race. Today we may be selling the F–35s and the MQ–9s to the UAE, but the Saudis are going to want it, the Qataris have already requested it, and it just fuels Iran's interest in continuing to build up its own military program.

But, more specifically to this sale, we have to ask ourselves whether the UAE is ready for this technology or whether their behavior over the past several years makes them an unworthy partner for this set of highly complicated U.S. defense technology.

I will stipulate, as I think every Member of this body will, that the UAE is often a very important ally of the United States. There is an important cooperative relationship that exists between the United States and the UAE. We share counterterrorism information together. We were both involved in the fight against ISIS. We work together to counter Iranian influence in the region. And, of course, the UAE's recognition of Israel is good for the United States as well.

But for as many places as we cooperate with UAE, there are many points of division, and those points of division often involve the use of U.S. military technology against the interests of the United States.

The UAE has been, for years, involved in a civil war in Yemen that is terrible for U.S. national security interests. They may not be as involved as they were a couple of years ago, but they are still a barrier to peace. They still refuse to make humanitarian contributions to help the situation on the ground. So far in 2020, there are zero dollars from the UAE put into the U.N. appeal to try to fight off starvation and cholera inside Yemen.

At one point, they took U.S. equipment and they handed it to extremist militias inside Yemen. That is open-source reporting. The UAE copped to it when the reporters asked them whether they had done it. They gave our equipment to Salafist militias inside a theater of war. There are other reports that they were dropping American-made TOW missiles out of the sky into areas of that country that were controlled by al-Qaida-aligned elements. And they are, right now, as we speak, in violation of the Libya arms embargo.

The U.N. Panel of Experts came to the conclusion that the majority of arms transfers into Libya to the Haftar armed forces were either from Jordan or the United Arab Emirates. The panel found that the UAE was in repeated noncompliance with the arms embargo.

And guess what is on the list of the weapons that the UAE was transferring into Libya in violation of a U.S.-supported arms embargo—armed drones.

We are talking about selling the UAE the most lethal, most advanced armed drone technology in the world today, and as we speak, the UAE is in violation of the arms embargo to Libya, fueling that civil war, specifically sending drones into that theater.

So I am not here to say that we shouldn't be in the security business with the UAE. There are a lot of important common projects. But the question is, with a country that is part of the problem more often than part of the solution in Yemen, a country that is in existing violation of an arms embargo in Libya, a country that has just within the last several years transferred our weapons to al-Qaida-aligned militias, without resolving those issues, is this the moment to be selling, for the first time ever, F–35s, armed drones into the heart of the Middle East?

One last caution. The countries that I mentioned on this list are by and large in business with the United States and not with China and Russia. The UAE has pretty deep and complicated defense relationships with China, Russia, and Chinese and Russian companies. Query whether we can be absolutely certain that the technology on board those fighter jets, those drones, is going to stay in the right hands.

There arguably is no other country on the list for the F–35s that does as much business with China and Russia as the UAE does. In fact, as I mentioned, we pulled the F–35 program from Turkey because they are involved with Russia on a very complicated and important ground defense system, and we are just learning about the nature of the partnerships that the UAE has with the Chinese and the Russians.

It stands to reason that this would be one of the issues that a consultative process with Congress would resolve. It also stands to reason that we could probably come to a conclusion during that consultative process.

If the UAE really wants those weapons, wants to be the first country in the heart of the Middle East to get the F–35 or the Reaper drones, then I assume they would want to be able to assure Congress and the administration that there is no chance of technology transfer into the wrong hands. That is what the congressional consultative process would have gotten us, but it didn't happen in this case, and so we are stuck with this vote—a means for Congress to stand up for its right to participate in this question of arms sales.

Believe me, my Republican colleagues are going to want that right when a Democratic administration comes into office. You are not going to want to send a signal today to the Biden administration that they don't have to consult with you as the majority party, potentially, in 2021. But if you vote against these resolutions, then you are essentially saying the Biden administration doesn't need to consult with Congress on it. They probably will because they want to do the right thing, but anybody who votes against these resolutions is essentially endorsing an end-around of Congress by any administration, Republican or Democratic.

It is also important to say that on policy grounds, it is not time to do these sales. There are too many outstanding questions about who the UAE transfers weapons to, what they are doing in Libya, why they haven't been part of the solution in Yemen, and what their relationship is with some of our most important adversaries around the globe. Until we satisfy the answers to those questions, we should not move forward with this sale.

Finally, there is no threat to the accords between UAE and Israel unwinding if we simply press pause on this sale until those questions are answered.

I do want to be in business with the UAE. I think they are an important defense partner. But I think there is far too much at stake with the sale of these weapons right now to rush it through, and I don't think there is any downside risk if we were to say ''not now'' until we get all of our t's crossed and all of our i's dotted.

Let's stand up for Congress's prerogative on the sale of arms to foreign countries. Let's slow down this process that has been rushed, potentially to the great detriment of U.S. national security. Let's support these resolutions of disapproval this afternoon.

The PRESIDING OFFICER. The Senator from New Hampshire.

CORONAVIRUS

Mrs. SHAHEEN. Mr. President, I come to the floor today to really highlight the important work that has been underway by Members on both sides of the aisle in the Senate and Members on both sides of the aisle in the House to try to come up with an agreement to deliver urgently needed relief to address the challenges from the coronavirus that people are facing across this country. I also hope that we can work together to get this across the finish line and that Senate leadership will be willing to join in that effort.

I think most of us are painfully aware of the devastating impact this pandemic has had in communities across our Nation, but the numbers do bear repeating. More than 15 million Americans have been infected with the virus, more than 285,000 Americans have now died from COVID, and we recently hit a new record high of 102,000 people hospitalized with COVID. Just to provide some context, our largest city in New Hampshire is Manchester. It has 112,000 residents. So we have enough people in the hospital across this country to fill the city of Manchester.

The situation is dire. People need help. Every one of those numbers that I have referenced is much more than a number; it reflects an American life, an American family, our communities. The human toll of this crisis is crushing, and we are up against the clock as our hospitals run out of beds.

This crisis has been all-encompassing. In addition to the severe strains on our healthcare system, so many others are being battered by this pandemic.

Small businesses are closing, and even more are on the verge of collapsing if we don't get them some help.

Our transportation networks, from buses to airplanes, have been forced to lay off staff, cut routes, and in some cases just discontinue service altogether.

American families are going hungry. We have all seen the long lines on the news at night showing the number of people waiting to get food from food banks.

Too many people are facing homelessness. In New Hampshire, in the city of Manchester alone, we have 35 homeless encampments—35. Two years ago, we did not have that number of homeless.

Parents are struggling to help their children continue their education at home, sometimes with no access to broadband or really bad access. We know women are leaving the workforce because of the strains of trying to provide support to their children and deal with the other challenges of COVID.

State and local governments have been stretched to the maximum. In New Hampshire, we are facing severe budgetary shortfalls, and many of our communities may have to make some difficult decisions to cut first responders or teachers or other municipal workers if they don't get help.

We hear every day the number of people who need our help, and they can't wait any longer. This is the holiday season, the end of the year. We are headed into the worst months of winter. In New Hampshire, we have restaurants that can no longer be open because they don't have outdoor seating. We have small businesses that are worried about getting through the next few months.

For the past 3 weeks, we have had a group of bipartisan lawmakers in both the House and Senate—so bipartisan and bicameral—who have been engaged in good-faith negotiations to get a relief package out the door as swiftly as possible. We were able to reach an agreement on a broad bipartisan framework last week, and we have continued negotiations around-the-clock since that was announced.

In New Hampshire and throughout this country, our small businesses have been some of the hardest hit by this pandemic. In New Hampshire, we are a small business State. They are the lifeblood of our economy. They account for 99 percent of all of our businesses and more than 50 percent of our workforce. In the country as a whole, two-thirds of our jobs are created by small businesses.

In the bipartisan framework that we are negotiating, we have another round

of the Paycheck Protection Program, which has been instrumental for so many of our small businesses since back in March when we passed it and created the program in the CARES Act.

Overall, our bipartisan relief proposal would provide significant financial assistance for our small businesses, for our restaurants, for our live venues, which in many cases have been shut down completely, and for our childcare centers.

In New Hampshire, if we don't get some help for our childcare centers, at the end of this pandemic, we will have lost fully 50 percent of our childcare centers. That means the families who depend on that childcare so that they can go to work are not going to have any safe place for their kids.

I hear frequently from New Hampshire businesses that have used the PPP program effectively to keep workers on payroll and make rent that they still need more assistance if they are going to get through this winter.

Our tourism and hospitality industries are particularly hard hit, and they are vital to New Hampshire's economy. They are our second biggest industry.

Restaurants in New Hampshire account for nearly 70,000 jobs and for $3 billion in sales, according to the National Restaurant Association. We have to provide some help for them.

The future of our small businesses in New Hampshire and throughout the country hang in the balance. If we fail to act, we fail them.

For many American families, the past 9 months have been the most difficult economic challenges of their lives, and the bleak jobs report last week reaffirms what we have been seeing in our communities. Nearly 10 million jobs have been lost since the start of the pandemic. That means people are out of work, struggling to put food on the table for themselves and their families, struggling to keep a roof over their heads. The eviction moratorium is about to expire. That is the story for 10 million families.

In the bipartisan framework that we have been negotiating, we have urgently needed funding for additional unemployment insurance. We provide rental assistance to help not just those people who might lose their housing but also the landlords, who have been hit very hard because people haven't been able to pay their rent. It also increases funding for food assistance programs to combat the surging food insecurity in our communities.

We can't afford further delay in delivering these resources. The unemployment benefits are due to expire at the end of the month, and time is of the essence.

One of the important areas of concern that this bipartisan proposal addresses is the need for Federal funding to help our State and our local communities. They are facing massive revenue shortfalls—at least in my home State of New Hampshire—and that threatens their ability to provide essential services. We can't afford to lose those people who provide those services, who, if they are laid off, may be forced to go someplace else and won't be available when we have the money to rehire them. We can't afford to lose the teachers, and already we are seeing too many teachers who are retiring or leaving the profession because they are worried about safety and exposure, or they don't have the resources to be able to do the online teaching that is required now. If we don't get this funding out the door, we are going to see more of those losses.

In New Hampshire and in our cities and towns, they are being stretched to the limits. We are at the precipice of this crisis. Cases are continuing to go up. Hospitalizations are going up. The death toll is going up. People need help, and they need it now.

In New Hampshire, our nursing homes have been especially devastated by this crisis. We have the highest percentage of COVID deaths in our long-term care facilities of any State in the country. Eighty-one percent of our death toll has been tied to nursing homes.

Our bipartisan relief framework includes necessary Federal support for the Provider Relief Fund, and it allocates urgently needed help for our nursing homes that are on the frontlines.

We also provide help to address substance use disorders and mental health. What we have seen across the country is that COVID–19 has exacerbated what already existed in the opioid epidemic. We were beginning to make some progress in New Hampshire and in many States across the country until the coronavirus hit, and now we are seeing that progress being lost.

Our plan bolsters support for Federal investments in a number of programs that respond to the substance use disorder crisis in our communities, and it also addresses suicide prevention.

This pandemic has created significant burdens for those who are struggling with substance use disorders. And, of course, we have heard the number of mental health issues has been greatly exacerbated.

Our bipartisan plan addresses three of the most important pieces of the strategy to get on the other side of this pandemic: testing, tracing, and vaccine distribution. As overwhelming as this crisis has become, we can't just throw our hands in the air. We have to continue to prioritize robust testing and contact tracing so we can track and contain community spread. Of course, we need to follow the CDC guidelines—wearing masks, maintaining social distancing, staying home as much as possible, hand washing—so that we can help flatten the curve and help our hospitals. And now, as we are, we hope, just weeks away from having a vaccine, we need to ensure that every measure is taken so we are ready to go on day one. The manufacturing and distribution of a safe and effective COVID–19 vaccine are critical to putting an end to this pandemic, to reopening our economy, and to restoring normalcy in our society. Our COVID framework boosts funding for each of these three priorities.

When the Senate came together during the early days of this crisis, we worked in good faith to deliver the CARES Act that provided relief to Americans throughout the country. We did it before, and I believe we can do it again.

This bipartisan framework is the only bipartisan measure in Congress. It is the only bicameral measure in Congress. It is the only proposal that has an opportunity to clear both Houses.

We aren't done, obviously. Negotiations are ongoing. There are a lot more people who have to see this work and, hopefully, will decide to support it, and we still have more concerns to sort out. But this is a compromise. It doesn't have everything I want to see. It is not what I would have written if I had been able to write it by myself, but it is a compromise that I believe we can get majority support to pass.

Of course, it is step one. It is a relief bill to help Americans stay afloat over these next very difficult months, and our work doesn't end if we can provide this relief. We are still going to need a stimulus bill to get our economy moving again. But, right now, the most urgent need is to address those concerns that individuals and families have.

If Congress fails to act and get this over the finish line, the consequences will be dire. Our hospitals are already overwhelmed. Too many small businesses are closing. Families are going hungry and facing homelessness. Inaction is really not an option. We need to get this done.

There is no reason we can't come to an agreement. We have done it before. I urge Senators on both sides of the aisle to join in this effort. I urge Leader MCCONNELL and Leader SCHUMER to move forward with us to help us get this proposal over the line so that together we can deliver much needed relief to Americans and do it before the holiday season so that people will have something to look forward to.

I yield the floor.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Louisiana.

TRIBUTE TO DIANE DEATON

Mr. KENNEDY. Mr. President, I would like to speak for a few moments today about a Baton Rouge and Louisiana rock star. I am talking about Baton Rouge's own Diane Deaton.

This week, Diane announced that she is going to retire from her post as a weather forecaster at WAFB-TV, which we refer to as Channel 9, where she has served on ''9News This Morning'' and on ''Early Edition'' for many years.

Diane is known—widely known—affectionately as Queen D. She has been reporting the weather for the people of Louisiana, particularly Southeast Louisiana, for 37 years—37 years—and all

at the same station. Over a WAFB career spanning, what, nearly four decades, Diane has become a beloved fixture in our State and in our State capital.

Her compassion has been on regular display—and not only in the way that she has walked Louisianians through hurricanes and tornadoes. Weather is important to us in Louisiana. Diane has invested in first and second graders at Buchanan Elementary in East Baton Rouge Parish through an extraordinary program called the Reading Friends program. She has built new homes for families through Habitat for Humanity, where she currently serves as a board member. Diane has been a part of LSU Tiger HATS pet therapy program. That is a program where she and her colleagues visit young patients and their families at one of our leading hospitals, Our Lady of the Lake Children's Hospital.

Diane's awards are many. I won't list them all, but they include the Louisiana Association of Broadcasters' Lifetime Achievement Award, the Holly Reynolds Humanitarian of the Year Award—that was from the Capital Area Animal Welfare Society—and the Ulli Goodman Volunteer of the Year Award from the Baton Rouge Ballet Theater. I don't know how she finds the time, but Diane is also certified as a Delta Society Pet Partner for her work using therapy animals.

Yet I noticed that Diane's announcement was characteristically humble as she steps away after 37 years. Here is what she said: ''I have never taken for granted the honor and privilege you have given me over these many years by choosing me and my colleagues here at WAFB-TV to keep you and your family safe and informed.''

I think that the gratitude among Louisiana and Baton Rouge residents is certainly mutual.

I am glad to hear that Diane will not be leaving our great State. I want to emphasize that. She is going to retire in Louisiana, and I hope she enjoys every moment—every single moment—she gets to sleep in after December 18. No one can argue—no fair-minded person can argue—that she hasn't earned a rest, even though her familiar weather forecast will be sorely missed in a State that takes more than our fair share of beatings from Mother Nature.

I thank you for the chance to honor Diane Deaton. I thank you for the chance to honor Diane Deaton for all of her hard work on behalf of everyone who relies on WAFB-TV for news and for everyone in Louisiana and Baton Rouge whom her volunteer work has touched—and that numbers in the hundreds of thousands.

Diane, may the years ahead bring as much joy to you as you have brought to our State and our community. God bless you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. COTTON. Mr. President, for many years, I have supported the annual National Defense Authorization Act. The bill always contains many worthy provisions, and it usually passes with large majorities. After all, who wants to vote no when the common refrain to pass the bill is ''Support the troops''? But at some point you have to draw the line, and this year is where I draw it.

Just look at these bills over the last few years. Five years ago, the NDAA was 968 pages—not unusual around here and something you can get your hands around. But last year, the NDAA report was 1,794 pages, and this year the report is an astonishing 4,517 pages—not even counting the classified annexes. I doubt anyone really knows what is in it except maybe some lobbyists.

And get this: As the bill grew more than sixfold in length, we had even less time to read it. The number of people who could read the bill at any one time was restricted. Social distancing—''Can't have too many people in the room,'' we were told. That is fine. I understand. We are still in a pandemic. But then we should have had more time to review the bill, not less. Yet Armed Services Committee members were asked on this floor last week to sign the bill after having only a couple of hours to review it.

As this massive bill was written in secret and then rushed to a vote, some seem to have forgotten to consult with the Commander in Chief or recall that he has veto power. It is pretty well known that the President wants the bill to reform or repeal section 230, the giveaway to Big Tech oligarchs who get to censor the American people without consequence.

The bill stiff-arms the President. There is not a word in more than 4,500 pages about section 230. The sponsors claim they couldn't airdrop provisions into the bill at the last minute. I take the point. I am not sure the President will, though, and he is the one with the veto.

But there is more. The bill condemns the President for proposing to move some troops out of Germany and restricts his ability to do so, even though NATO's frontier has shifted hundreds of miles to the east and Germany hasn't exactly carried its share of the NATO load. The Senate didn't debate this major policy change. Our earlier bill didn't even mention it. As far as I am concerned, this provision was, to borrow a phrase, airdropped without appropriate consultation with committee members. And for the record, I am a senior member of the committee, but I only learned about this provision in the newspaper on Friday, 2 days after I was asked to sign the bill.

It would appear the standard for airdropping provisions into the bill is that we won't airdrop things that support the President's priorities, but we will airdrop stuff that thwarts his priorities. I doubt that will get past the President's veto either.

This failure to consult committee members is not an isolated incident. The President's 5G plan released valuable but unused spectrum owned by the government. The Pentagon protested mightily but only with vague evidence. We had a hearing on this issue, and it sharply divided committee members. Yet, again, this bill disrupts the President's plan, and, again, we learned about it only after the fact.

Another thing that happens behind closed doors is broken promises. We were promised last summer that the radical Warren amendment wouldn't survive the conference committee. Not only did it survive; not a single word was changed.

You may have heard about the Warren amendment. You probably heard that it would merely rename some Army bases that are named after Confederate officers. There is no harm in having that debate. I have always found it curious that we don't have a base named after say U.S. Grant or John Pershing.

Yet the Warren amendment is far more radical than merely renaming a few bases. The amendment explicitly applies to all military property. That is a lot more than bases. It includes military museums, service academies, and cemeteries. Do you think I am exaggerating? I am not. Read the bill: no exceptions for museums, for academies, even for cemeteries.

Let me give you just one example. The West Point library contains portraits of Grant and Lee in close proximity, two commanders of the Civil War, juxtaposed as today's cadets learn the history of our Nation, our Army, and their own school. But that painting may have to come down. So I suppose tomorrow's cadets may learn that Grant defeated an unnamed enemy with an unnamed commander and accepted surrender from no one at Appomattox.

But if you really want to see the radical consequence of the Warren amendment, just look across the river to Arlington National Cemetery, our Nation's most sacred ground. Those gardens of stone stretch in symmetrical rows across the horizon, except for a single odd section laid out in circles, rather than rows, and with pointed headstones, rather than rounded ones. The 482 graves in Section 16 contain the remains of Americans who rebelled against our country. That section also contains a memorial to those who died in that rebellion.

We should be grateful that those rebels and their cause lost on the battlefield. Yet we should also be mindful of the historical context of this patch of our most sacred ground. Section 16 of Arlington was created as a symbol not of secession but of reconciliation by the very men who had fought for the Union.

President William McKinley—a decorated veteran of the Union Army, promoted three times for battlefield valor—oversaw its creation. In a display of magnanimity, he declared—in

front of the Georgia legislature, of all places—that the Federal Government would assume responsibility for Confederate graves. He then signed a bill authorizing the reinterment of Confederate soldiers at Arlington.

Senator WARREN apparently believes that she knows better how to handle the legacy of our Civil War than did the Union veterans who bled and defeated the Confederacy on the field of battle, or even Barack Obama, who continued a longstanding Presidential tradition in 2009 of sending a wreath to the Confederate section of Arlington on Memorial Day.

If the professor gets her way, a crane may drive into Arlington and rip out the memorial whose history dates back to President McKinley and which was honored just a few years ago by President Obama. Again, I am not exaggerating. In the committee markup, Senator WARREN said that is exactly what she wants to happen. And if that happens, maybe the professor will be applauded in faculty lounges, but my perspective is a little different.

I served at Arlington with the Old Guard. My soldiers and I laid to rest our Nation's heroes. A lot of those funerals started in Section 16. Before those funerals started, we talked sometimes about that odd section and the war that occasioned it. After all, the Army has a lot of amateur Civil War historians. We were proud to wear the uniform of and be the heirs to Grant and Sherman and Sheridan—the great warriors who saved the Union and vindicated freedom and equality for all.

We also had a little humility. We didn't presume that we knew better than Grant and McKinley how to heal our Nation's wounds after the Civil War, or that we knew better than Abraham Lincoln, who called for ''malice toward none, with charity for all.''

Maybe Senator WARREN and the Jacobins in our streets repudiate the wisdom of Lincoln and Grant and McKinley. Perhaps they think Lincoln should be canceled. A mob tried to tear down his statue just a few blocks from here last summer. Too many of these Jacobins condemn our Nation as racist to its core. They look at the Confederacy and see not a rebellion against America but the true heart of America. So, naturally, their iconoclasm doesn't stop with tearing down statues of Lee but moves right away to statues of Washington, Lincoln, and Grant. They tried to tear down those last summer, too, if you recall.

I will never stand by while Jacobins tear down statues of Washington, Lincoln, and Grant, nor will I support a bill that permits a crane to drive into Arlington and desecrate that sacred ground. We celebrate the triumph of the Union and the cause of freedom and equality and the defeat of the Confederacy, but why does it follow that we have to rip paintings off the walls of libraries and museums and tear down war memorials in Arlington National Cemetery?

And I suspect a lot of other Senators wouldn't support this bill either if they knew what it does. And that takes me back to a larger problem. We were promised this radical language wouldn't be part of the final bill, but that promise was discarded behind closed doors. Now, we have a 4,500-page bill at the last minute in the rush to fund the government and pass another coronavirus relief bill before the holidays, all with the Presidential veto hanging over it.

An overlong bill negotiated behind closed doors, dropped at the last minute, major policy shifts without consensus or even much debate, broken promises, wishful thinking about a veto threat—these are the hallmarks of an NDAA process that has deteriorated rapidly in recent years. That has to change. If it doesn't change this month, mark my words, it will change next year.

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

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

TRIBUTE TO DOUG JONES

Mr. SCHUMER. Mr. President, sadly, I return to the floor today to say farewell to another Member who will conclude his time in the Senate at the end of the term, the junior Senator from Alabama, DOUG JONES.

We all know DOUG came to the Senate as a storied courtroom lawyer and U.S. attorney, but fewer people know about his more humble origins. DOUG was born and raised in Fairfield, AL, just outside of Birmingham, the son of a steelworker, the grandson of a coal miner. When he was 19 years old, he spent his summer working at the local cotton tie mill, 10 hours a day, 6 days a week.

One day, a freak accident sent a bit of shrapnel flying his way, and he came within inches of losing an eye. Several stitches later, DOUG went right back to work—early evidence of a stubborn streak. Only at the end of the summer did DOUG decide it was time to focus a bit more on his studies.

That same work ethic—the sometimes stubborn work ethic—followed him his entire life. He brought it next to law school. On the one occasion DOUG decided to skip class, it wasn't to throw a pigskin around the quad or engage in some extracurricular activity with friends. No, DOUG skipped class to attend the trial of the Klansman ringleader of the 1963 bombing of the 16th Street Baptist Church, a tragedy that had shaken the conscience of a nation.

A young DOUG JONES was moved by the disposition of justice in that trial, but he was left with the impression that other members of the conspiracy had escaped the reach of the law. Only a scriptwriter could have imagined that 24 years later, that law school truant would become the U.S. attorney in Alabama and that his office would uncover the evidence to bring charges against two more Klan members involved in the bombing, and that 40 years after that awful crime, DOUG JONES would win the conviction of the remaining conspirators, delivering a long-delayed yet righteous justice.

History would repeat itself a few years later, when DOUG would again find himself at the center of events. DOUG was eating breakfast one day just blocks away from the scene of the bombing of the All Women Health Clinic. He took charge that day and made sure that investigators and first responders worked together in perfect unison. DOUG would later go on to secure the indictment of Eric Rudolph, the perpetrator of that heinous bombing, as well as the Olympic Park bombing 2 years later.

Of course, not every one of DOUG's cases involved matters of life and death. The U.S. attorney's office once prosecuted local officials for trying to steal an election by bribing absentee voters with cash, beer, and a little liquor for good measure. Now, if only the defendants had known about DOUG's affinity for bourbon.

Kidding aside, kidding aside, those years revealed for DOUG something profound about public service and government: You can have the best laws in the world in principle, but it takes dedicated effort to make the law work for everyone in practice, to take our ideals of justice and equality and fairness and opportunity and make them real in the everyday lives of citizens.

DOUG brought that revelation with him to this Chamber. He worked with his trademark determination to finally repeal the widow's tax. He helped pass legislation to permanently fund historically Black colleges and universities. He has worked across the aisle to combat veteran suicide, strengthen the VA, and support our military bases—so important to the great State of Alabama.

Not every issue would be so easy or so bipartisan, especially for a new Senator facing a difficult reelection, but every time DOUG approached a politically sensitive vote—and I marveled at this—he was untroubled. He would do what he always did: He would act on principle. He would vote his conscience—politics be damned. President Kennedy had a phrase for Senators whose abiding loyalty to their conscience triumphed over all personal and political considerations. He called them profiles in courage. DOUG JONES is a profile in courage for our times.

But before I get carried away with too many grand compliments, it is important to remind colleagues that DOUG JONES, as a human being, is just a joy to be around. Just ask his good friend, the Senator from Montana. More than once DOUG would catch Senator TESTER giving an impassioned

speech on the floor and think to himself: I will bet you he didn't turn his phone off. Let me give him a ring and see what happens.

(Laughter.)

Just look at DOUG'S office, festooned with memorabilia of every particular: Crimson Tide footballs and keepsakes from his favorite bands. You can go see his rocking chair—one of those southern-veranda, sweet-tea-drinking chairs—and baseballs signed by Presidents, statesmen, and most impressively to this Yankee fan, Joe DiMaggio.

If DOUG JONES has one hobby besides hunting, it is autograph hunting. He has managed to collect a signature on a baseball from every Senator in this Chamber today, including its newest Member. The junior Senator from Arizona was sworn in only a week ago, but 5 seconds after he lifted his hand from that Bible, there was DOUG to congratulate him, furnishing a clean baseball, ready for Mr. KELLY's John Hancock.

That is DOUG JONES—someone who never let the immense pressure of this job change who he is, someone who has made life a joy for everyone in our caucus, and someone who understands that, at the end of the day, we get sent to this Chamber to make life better for our constituents, to do it courageously even when the odds are not in our favor.

I will end with one final story. Several years ago, DOUG was asked to participate in a stage adaptation of his favorite work of fiction, ''To Kill a Mockingbird,'' which, of course, includes his literary icon, another great Alabama lawyer, Atticus Finch.

Hearing DOUG's life story, you would be forgiven for thinking it was ripped from the pages of that Harper Lee classic, so perhaps it was fate that one day DOUG would be asked to play a part in that story. There was just one hiccup: DOUG was asked to play the judge. So he never got to deliver that passage, shortly after the death of Mrs. Dubose, when Atticus explains to his son that real courage is not a man with a gun in his hand; ''[real courage is] when you know you're licked before you begin, but you begin anyway and see it through no matter what. You rarely win, but sometimes''—sometimes—''you do.''

DOUG spent his time in the Senate—indeed, his whole life—embodying the courage that Atticus describes. The story of the 16th Street bombings is a reminder of the fact that even against tremendous evil and seemingly impossible odds, if you are dogged and determined and see it through no matter what, sometimes you do win and justice prevails.

So while DOUG didn't get to play Atticus Finch that weekend at the Virginia Samford Theater in Birmingham, that is OK. It was already the role of his lifetime.

DOUG has said that it is the greatest honor of his life to fill the seat of his mentor, Senator Howell Heflin.

DOUG, you upheld the honor of that seat, and you have set an example for every Senator who will follow in it.

Whatever the next chapter of your life may bring, the entire Senate Democratic family wishes you and your family the very, very best and politely requests that you do not call us when we are in the middle of giving a speech.

(Laughter.)

I yield to my friend, the very distinguished and wonderful, wonderful, wonderful junior Senator from the great State of Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

FAREWELL TO THE SENATE

Mr. JONES. Mr. President, I thank the minority leader for those remarks. I am humbled.

You know, everyone knows the old saying ''My, how time flies when you are having fun.'' My time here has drawn to a close, but despite the difficulties, the challenges, despite the rancor that we often see in this body, as well as Washington, DC, I can honestly say I have had a lot of fun. The last 3 years have been amazing, and I have loved being a Member of this body.

I actually was able to accomplish a few things, thanks to you. But you have been fun; you have not just been kind. It has really been good.

By the way, your staffs have been awesome. I know you hear that a lot from constituents. Maybe you don't hear it enough from other Senators. Your staffs have been amazing to us, and I really very much appreciate it.

You know, as the minority leader said, everybody knows I am a baseball fan. If you go into that office, you will see in my reception area all 100 baseballs that I had signed. And it was fun getting them—either here on the floor or in a committee room, at the retreat that the Democrats had. There were so many who had never signed a baseball, and you figured out that it wasn't easy to sign a baseball.

(Laughter.)

And even those who signed in their office, when we sent them to their office, they always came up and talked about it. It was a time to put politics aside and just talk a little bit—something we really don't do enough of around here, leaving the weighty politics and responsibilities that we have just to sign a baseball and talk about how much fun it was.

I remember, right after I was elected, I was talking to a friend of mine, dreaming big about the things that we could accomplish that would make a difference in the lives of the people of Alabama and the people of America. We talked about the possibility that we could work on a bill as important as the Civil Rights Act of 1964 or the Voting Rights Act of 1965. But I knew—I knew, though—that such opportunities were not likely, especially in what I knew to be a 3-year window and not knowing what the future would hold—although, I have got to be honest, I had a pretty doggone good idea when I got here.

If there was one thing my momma always taught me, it was to be realistic about things. I knew it was going to be tough, but to even have an opportunity to talk and work on things that bring such transformational changes—those kind of things come along once in a generation, if we are lucky. They are that legislative equivalent of a perfect game in baseball. You are lucky if you get to be part of that in your career, but you always have to hope and you have to strive for the possible, not just the likely.

For those of you who really don't know about baseball—there may be a few—a perfect game is just that: nine innings, three outs, three up, three down. Everything has to work together in synchrony. It is not just the pitcher who throws balls and strikes; it is the outfielder who catches the fly; it is the second baseman who has to get the out and throw the runner out at first. Everyone has to fall in line and work together as a team—as a team. And it is not just that; it is the people on the field. They are all working and they are all striving for the same goal. As it turned out, I didn't get a chance to be part of a perfect game. I didn't think I would, but I didn't get that chance.

Sometimes I worry, as many of you do—especially if you listened to the farewell speeches of LAMAR ALEXANDER and TOM UDALL and MIKE ENZI and others—you worry if those perfect games can ever be had in this Senate again. I worry about that. But we always come close, and I came close.

Right after I got here, I got invited to be part of the Common Sense Caucus, which I had to explain to people in Alabama that that is really not an oxymoron, that there is common sense up here.

But within 6 weeks of being up here, I was at SUSAN COLLINS' office with so many here—some 20 Senators, Republican, Democratic—talking about immigration, working on immigration reform. It was the hottest topic of the day, an important topic that is still important today. I just marveled at the fact that here I was, 6 weeks into this, and I was in that room being a part of those discussions.

What was even more astonishing to me is that people actually wanted to hear what I had to say. That didn't happen, having raised three children, been married. I don't always get that, when people want to know what you have got to say. But they did, and I was so gratified, and I was so honored.

We would meet in Senator COLLINS' office. We would meet in hideaways. It was exciting. And we came so close. You all remember that? We came so close, within about three votes of doing what they said couldn't be done, of doing something that was possible but not probable.

That sense, what I saw of my colleagues, is why we ran for the Senate.

I could see it. I could feel it in those rooms, in those discussions. I could see it on the floor that day as people were voting. It is why we wanted to be in this body.

I remember sitting in the cloakroom, and I was as disappointed as ever when we failed. And for a long time, probably still to this day, when I am asked ''What is your most disappointing day in the Senate?'' I will always talk about that vote that failed so close, which was so important. But what it did demonstrate is, through that effort—effort—that anything is possible. You have got to come close sometimes before you get across the finish line. You have got to play in the red zone a little bit before you get the touchdown. You have got to hit that line.

But whatever we did, it is possible. The Senate is capable of great things, if we do them, of bridging divides that society may view as too wide to cross. We can do that. It is not that wide between here and there. It is not that wide, and people need to know it and respect it.

I am not the first and I certainly will not be the last to talk about the importance of bringing people together who hold opposing views and working toward what is both possible and palatable. But all too often the desire to do that kind of gets lost among other actions that don't quite match the words that we say.

I noticed the other day how many heads were nodding in the farewell speech of Senator ALEXANDER, Senator ENZI, and Senator UDALL. And then what happens? I have looked at a lot of farewell speeches in the last month. They all say a lot of the same things, and everybody, I am sure, nods.

We have got to do better. You have to do better. I don't think I fully appreciated it. And I listened to the minority leader talk about where I come from in Fairfield, but I don't think I fully appreciated it until fairly recently. It seems like I just kind of love a lost cause. It seems like every time that there is something that needs me there, I am there—fighting for justice for others, for others who feel like hope is lost, from the church bombing case to a Senate election in Alabama. I fought for those causes because I believe in hope. I believe in redemption. I believe in the possibility. Some may call that naive, and many have, but I have not been afraid to touch on the so-called ''third rail'' issues of our political system because I believe that, right now especially, there is no time for caution.

My first speech on the Senate floor was about gun violence. No one could believe a Senator from Alabama actually talked about how we can stop gun violence in a way that made some sense—not from an extreme view on the right or an extreme view on the left but right there in ways that made sense.

It was a topic that I knew could have easily been twisted into a negative campaign ad—which, by the way, it was.

(Laughter.)

We saw it coming. But I also knew action was so important. We took some small steps on that issue over the last 3 years, despite a lot of political pressure to the contrary, and I hope you will do more in the years ahead because lives will depend on it.

Everything doesn't have to be a perfect game. There is great satisfaction in the day-to-day triumphs. You can and we did hit a home run or two and more than our share of singles and doubles. I am really proud of the 20-plus bills that I led or co-led, bipartisan bills, that have been signed into law over the last 3 years. None would have been possible without bipartisan work.

One of my first original bills, the Civil Rights Cold Case Records Collection Act would never have become law without the commitment of Senator CRUZ to help bring long-overdue closure to the victims of those terrible crimes.

I see TED in the back. I appreciate Senator CRUZ's involvement in that. I will have to say, it was so much fun, after we got that done, to go back home and tell that to all my Democratic friends. What is your proudest? I said: Well, the proudest moment right now is with my partner, TED CRUZ. They said: Aha.

But it shows what is possible, folks. And it was an important bill. None of those bills have meant more to me, though, than the bipartisan effort that I led with Senator COLLINS to eliminate the military widow's tax that for almost two decades had deprived widows of full survivors' benefits that they deserved.

So many of you went to bat for that bill: Senator REED, Senator INHOFE, and others. You were getting a lot of pressure, not from me or SUSAN COLLINS. You were getting pressure from a lot of those military widows. They had been up here for 20 years, and for 20 years the dollars and cents had prevented that from becoming a reality. We fought on that because we knew what we were doing was right. We knew it was right that you could not put a price on the duty we owe to the men and women of our armed services and their families.

I will never forget that day in December when we passed the NDAA that included the elimination of the widow's tax. In the Gallery, there was a large group of Gold Star widows who had been up here for 20-plus years to try to get that done, never being able to reach the goal. And on that day, we did it. You did it. SUSAN and I got a lot of credit, but it was this body, with the help of some folks in the House, that made it happen. That was just one of the memorable days on the floor.

Swearing-in day was unbelievable—simply an explosion of emotions. To walk on the floor as a U.S. Senator, some 37 years after I left the floor with my old boss as a young staffer to my mentor Howell Heflin, and to take the oath of office for his seat was just really a remarkable circle of life.

There are two especially significant things about that day too. One is that I hope that you all recognize by now that the freshman class of 2018 will likely go down in history as one of the greatest freshman classes ever. The team of SMITH and JONES can't be beat. It is as American as apple pie. I was really proud and honored to be there with TINA SMITH that day.

I was also honored, if you recall, that there were three Vice Presidents on the floor of the Senate that day. Now President-Elect Joe Biden escorted me in. Former Vice President Walter Mondale escorted Senator SMITH. MIKE PENCE, the current Vice President, swore us in. And, actually, if you now think about it, we had a fourth—soon-to-be Vice President KAMALA HARRIS. That is a pretty remarkable time—pretty remarkable.

It was also a remarkable day when what I hope is going to be a new tradition in the Senate took place: When we had on two different occasions, once each year, six Senators—three Democrats and three Republicans—reading Dr. King's ''Letter from a Birmingham Jail.'' That document remains one of the most significant in American history, and it is as important today as it was when it was written in 1963—and, in some ways, maybe more important for the moment we find ourselves in. I have asked—and I know he will do this—my colleague Senator BROWN to carry on that tradition in my absence.

And then there was the day of the swearing-in in January of 2019. I was here to observe, to pay my respects to all those who were returning and for those who were joining. And as I was standing in the back by the cloakroom, Senator TESTER walks up and says: JONES, what are you doing?

You can't get anything past TESTER. There were probably a few profanities ladened in there as well, if you know Senator TESTER.

I said: Well, JON, what do you think I am doing—with probably a couple of other kind of milder profanities.

He said: Look, DAINES is caught in a snowstorm back home and can't make it here, and I would like for you to escort me down when I take the oath.

As it turns out, it is likely to be the only time I get to do that—and it was a true honor, my friend.

Simply sitting at this desk is perhaps the greatest thing, taking this place in and watching each of you, noting the bipartisanship, especially as we close the Congress—especially as we close this Congress—and how Senators move freely from one side of the aisle to the other. Occasionally, I will tell you, I confess, that I just come back here by myself, and I will open this drawer and will read the names of the Senators who sat here: John Kennedy, Ed Muskie, Hubert Humphrey, my colleague Senator SHELBY, and so many others. And it is just overwhelming.

You know, growing up, it was always the Presidents or Presidential candidates who captured my attention. I knew the names of some Senators, but that began to change for me watching the Senate Select Committee on Watergate when I was in college. It was a remarkable time and a remarkable committee. And then everything changed again in 1979 while I was studying for the bar and got a phone call from Senator Heflin's chief of staff, Mike House. I had campaigned for the judge. Mike offered me a 1-year position on Heflin's Judiciary subcommittee, which I eagerly took. That year not only changed my life but brought about a respect for this body, for the Senate—as an institution, as individuals, and for so many of its Members—that I had never had before. From that point on, folks, I was hooked. I was hooked on this body—before being elected to the Senate. And now I have come to love the Senate a lot and, importantly, all of the possibilities that go with it, which is why I don't really want to spend my last moments on the floor talking about what I have done. I want to talk about what needs to be done, what can be done, what is possible.

You know, even back in 2017, people said it was just not possible to elect a Democrat from Alabama to the U.S. Senate—and here I have been.

It is possible to make affordable quality healthcare a reality for all Americans. The ACA right now is the best hope and only plan that is out there. As President Obama said—and everybody should do this—if there is a better plan you can come up with, put it out there. Let's do it. I will publicly support it.

The goal is healthcare for everyone in some way. There are so many in this country and in my State of Alabama who desperately need it—before, during, and after this COVID crisis. It is possible to give people in remote and rural areas access to healthcare, but it is going to take a lot of work, and it is going to take getting out of partisan corners.

It is possible to provide a quality education to every American child. I know education is often funded locally, but it is possible to do it. You just have to roll up your shirt sleeves and get it done.

It is possible to extend broadband—access to broadband—to all Americans and bring every man, woman, and child into the modern era, just like we did—the Congress did—with Franklin Roosevelt in the Rural Electrification Act in the 1930s. Broadband is the new power. It is possible to do that. High speed and affordable, that is key—affordable broadband.

It is possible to ease the burdens on working-class Americans by setting a minimum wage that is not going to hamstring businesses but will raise the quality of living for so many in this country. So many in my State are in poverty, but yet they work. They work. They work hard, but yet they are still below that poverty level. We need to do what we can to lift them out of that poverty. It takes a lot of work. It takes hard work.

It is possible for law enforcement to serve and protect all Americans—not just some—to root out the systemic racism that exists within law enforcement by enlisting the support of both law enforcement and the communities. It is possible.

I will candidly tell you another great disappointment was when we let that moment pass this summer—hoping that with a new President, maybe a new Senate, maybe a new Congress, we could get something accomplished. I hope that that still happens, but I was disappointed we let that moment pass this summer when all of the country and all of the world was behind us to say: Please do something. Please do something that we have known about for decades, for centuries. Please do something.

Law enforcement said: Let's do something.

We let it pass. But it is never too late to do the right thing. It is never too late for justice.

It is possible to ensure that every eligible voter is able to cast a ballot and have it counted. Now is the most important opportunity we have seen in 2020—concerns about our election process; that it might have been stolen; that there might have been fraud. Use that opportunity to say: Let's don't let these allegations have any credence going forward. Let's get together. The technology is there.

Figure out a way that together we can make our election safe and secure and that all people will have access to the ballot box—all people who are eligible to vote in this country.

It is possible for our system of justice to treat all Americans equally—not just talk about it, but to do it. It is what I have tried to do throughout my career. It is possible.

And this is going to be a challenge. It is possible to restore the American people's faith in government. And we all know right now that that faith has been shaken for many, many reasons. The faith has been shaken, but it is possible to restore it. It is possible for each of us to learn—as Atticus Finch taught us—to see things from another person's point of view, to walk around in their skin or in their shoes, to see things from other's point of view, to find that common ground.

It is possible for us to realize that deep down that progress is not a zero-sum game, that a rising tide lifts all boats.

These things are not easy. They take dedication and hard choices, but they are worthy goals. I know many of my colleagues on both sides of the aisle are dedicated to the same goals, and though I won't be able to cosponsor anything with you from this point on or debate the amendments in committee—if you get amendments in committee—I am going to support you in whatever efforts I can, no matter what side of the aisle your desk is on. And I will keep working toward the same goals too, even after I leave this place.

Remember, though, as we get into the vitriol, as we get into political rhetoric—just remember the Jones law of politics, adapted from Newton's third law. Just remember that for every action, even in politics, there is an equal and opposite reaction. If you go too far on one side or the other, you are going to get a reaction on the other side, just as hard. And that makes it harder and harder to reach that common ground.

You know, in Senator BROWN's book about his desk and the people in his desk, he quotes the political philosopher Hannah Arendt who observed: ''The good things in history are usually of very short duration, but afterwards have a decisive but a short time of influence''—a long influence—''over what happens over long periods of time.''

A short time—and I know you may be thinking, well, DOUG was only here 3 years; so that is what he is talking about. But I am not. In history, I am looking at something bigger—whether it was Martha McSally's 2 years or my 3; Senator GARDNER's 6; Senator UDALL's 12; Senator ALEXANDER's 18; or ENZI's and ROBERTS' 24; or, if you are like PAT LEAHY, since Moses was in the bulrushes.

Our time here is short. There is not anybody on this floor right now who is not thinking about their time since they were sworn in and said that it was just like yesterday, because it was. Our time is short. It is of a limited duration, and we have to act like that. We have to make sure that every day we are moving.

It has been a realization of a long-held dream. I have so many to thank: Doug Turner, who is here; Joe Trippi, on my campaigns; and my late friend, Giles Perkins; and an amazing family: my bride Louise, my rock; my two boys, Carson and Christopher, who have wanted to kill both me and Louise since they have been living at home during the pandemic. They have been incredibly supportive. And then my daughter Courtney and her husband Rip and her two beautiful girls, my granddaughters, who are still the brightest stars in my sky, Ever and Ollie.

I am grateful to each of you, my colleagues, and all that you helped me with.

I am grateful to an amazing staff. I am not going to go all the way through it. They have been true rock stars. I am going to enter something into the RECORD about my staff.

I am grateful for the advice and counsel of Alabama's senior Senator and an old friend, Senator SHELBY. While RICHARD and I may disagree on many policies, we share a commitment to the people of Alabama to make sure that we do all we can to get the people in Alabama the quality of life that

they deserve, and I so much appreciate Richard's service to the people of the State of Alabama, his long and distinguished service—which started out as a Democrat, by the way, just saying. That is where the seed was planted, folks.

I also want to mention briefly the chairmen of the committees I worked on: Senator CRAPO, Senator INHOFE, Senator ALEXANDER—who was one of the first people who helped me come over—and the work that we did together. You pulled me and helped me. Senator COLLINS, who chaired the Aging Committee.

But I am especially grateful for the ranking members of those committees: Senators BROWN, CASEY, MURRAY, and REED. Their friendship and counsel have been invaluable.

Of course, I want to thank the minority leader for all of his work for me and on behalf of me. And as I think you guys know—not always the people of Alabama—Senator SCHUMER never tried to put puppet strings on me. I know I got accused of that, but he never ever tried and, for that, I am very grateful.

To the people of Alabama, I promised to do my best to represent each of you, whether or not you voted for me, and I am proud of the work that we did on your behalf and that I have accomplished on your behalf. Thank you to the people for giving me the honor of serving you as your Senator.

Finally, I am going to resist the urge to tell you what is wrong with the Senate, how it operates today. You hear it virtually every time a Senator gives a farewell address, and, instinctively, you know it deep down. But I will offer you this. There is a book I finished reading recently that Ira Shapiro, a former staffer, wrote. Many of you may remember or know Ira. He wrote a book called ''The Last Great Senate.'' It ought to be required reading for every Senator coming in. It was published 8 years ago, about the two Congresses during the Carter administration and how they operated—Bob Byrd as majority leader, Howard Baker as the minority leader, how they got things done for the American people. The author laments that the Senate doesn't operate today in that fashion. I was here for one of those years. Senator LEAHY was here during that time.

His closing is even more important today as it was when the book was published. He said:

> America is adrift in turbulent and dangerous waters. Facing enormous challenges at home and abroad, we urgently need our once-vaunted political system to function at its best, instead of at its worst. To be sure, it is more difficult being a senator today than it was in the 1960's and 1970's. The increasingly vitriolic political culture, fueled by a twenty-four-hour news cycle, the endless pressure to raise money, the proliferation of lobbyists and demanding, organized interests are all well known, and they take a toll. But all of those factors make it more essential that our country has a Senate of men and women who bring wisdom, judgment, experience, and independence to their work, along with an understanding that the Senate must be able to take a collective action in the national interest.

Please remember that as you go about the country's business; remember that as you go about the Senate's business; remember that as you go about your business as a Senator. And as you do, keep and preserve the reverence that the Founders envisioned for this body. As former Majority Leader Mike Mansfield once said, ''The constitutional authority . . . does not lie with the leadership. It lies with all of us, individually, collectively, and equally. . . . In the end, it is not the Senators as individuals who are of fundamental importance. . . . In the end, it is the institution of the Senate. It is the Senate itself as one of the foundations of the Constitution. It is the Senate as one of the rocks of the Republic.''

Something we should all remember.

One more little bit of advice. Take out the word ''negotiation'' when you are talking about legislation. Don't talk about negotiating this bill or that bill, whether it is COVID relief or even appropriations. It works, but let me tell you what is happening out there, what is happening out there with the people. They hear those words, and they think this is some side or the other trying to get an advantage. It is like labor and unions. It is like a civil or criminal lawsuit. Somebody is trying to get an advantage to try to do things for their own interests.

We can talk about it from the Democratic side of how we are working for the people; we are negotiating for the people. We can talk about it from the Republican side; that we are negotiating for patriotism and businesses to make sure they are protected. But what is being heard by the American people is this is all about Democrats; this is all about Republicans and getting that political power.

Talk about common ground. Talk about sitting down with the administration or whomever and finding common ground. Talk about the goals that you agree on and how to get there. ''Negotiation'' is just a bad word, and I hate that, but it is.

As I prepare for the next chapter of my life's journey, there is a sadness of what I am going to leave behind, but there is also optimism—optimism, the glass half full, the men and women who serve in this body and their successors and the staff who support them. And I emphasize that, again, the staff who support them. Leading together will continue to bring a better future for the American people, for your constituents, for each of us together, not as a caucus but together as a Senate.

You are just a damn, unbeatable team. You are an unbeatable team.

May God bless you all. May God continue to bless the United States of America.

Mr. President, with a deep sense of humility and gratitude, I say for the last time, I yield the floor.

(Applause, Senators rising.)

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

Mr. SHELBY. What a good speech here. We don't hear them like that every day.

To my colleague Senator JONES, 3 years was not a long time here, but we feel his presence. I can tell you that I have known DOUG a long time. I remember I came to the U.S. House when he came up to work in the Senate for Senator Heflin in the Judiciary Committee and so forth.

I supported him when he was nominated by President Clinton to be the U.S. attorney in the Northern District of Alabama, where he did a tremendous job. I worked with him day after day, as we all do, on a lot of issues that affected the country but affected, especially, our State of Alabama at times, and we worked hand in glove.

We have become friends. We have our differences, but we also have a lot of things that he talked about today where we would come together for the State and for the country.

I wish him well. I think we will hear more from him in the weeks ahead, in the months ahead. I certainly hope so. He has a lot to give.

He has a great family. He has a great wife in Louise and a great partner there.

He has a great staff and we worked together and we will continue to do this.

But one theme—and I like that he kept expounding on it here today—that if we work together in the Senate, Republicans and Democrats, we get things done; if not, things don't happen.

I wish Senator JONES Godspeed and wish him the best.

Mr. President, today I would like to speak about my fellow Alabama colleague and friend, Senator DOUG JONES.

I have known DOUG JONES since he was a young staffer working for Senator Howell Heflin on the Senate Judiciary Committee. During his 3 years as a Member in the Senate, I believe we have worked well together.

He and his staff have shown a lot of professionalism and class while in Washington. He is respected by all of his colleagues on both sides of the aisle.

While we may not agree on every policy, DOUG understands the Senate and respects the institution. It has been an honor to serve with him.

Annette and I have enjoyed spending time with DOUG and Louise, and we wish them all the best.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. I am going to be very, very short.

The truth is that serving with DOUG JONES has been a once-in-a-lifetime opportunity for me. This guy's last name shouldn't be JONES; it should be ''Justice.'' He is somebody like nobody I

have ever seen, whose moral compass is so tuned into right that it has just been an incredible pleasure for me to be able to serve with him and to know him and to also wish him the best moving forward.

I don't think we have heard the last of DOUG JONES. DOUG is not the kind of person who will shrink away. There will be another moment where he can exhibit his ability of common sense, as he has done here in the U.S. Senate for the last 3 years.

I am deeply going to miss his friendship and his ability to sort the wheat from the chaff because he has been able to do that from day one and continued today with his farewell speech.

I just want to say, God bless you, DOUG JONES, and God bless your family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I heard a lot about DOUG JONES before he got here from another courageous former U.S. attorney, Hal Hardin from Nashville. I was not disappointed when he arrived.

DOUG JONES reminds me of another former Democrat who was very effective in the Senate, Ted Kennedy. Ted Kennedy would come on the floor and make the most—well, no one could ever say he abandoned his principles, based upon his speeches. He would stand back there in the back, and the things he would say would rally any Republican Lincoln Day Dinner. In fact, all I had to do back in Tennessee to stir up the Republican crowd was to mention Ted Kennedy. I did that on a regular basis.

However, when I made my maiden address, without my knowing it, Ted Kennedy went around and got 20 cosponsors for the legislation I introduced that day, and I got a good dose of what it means to be an effective U.S. Senator, somebody who sticks to his or her opinions but, at the same time, who knows we are here to try to work on some sticky issues and get a result that most of us can vote for and that the country can accept.

In his time here, DOUG JONES did that. I got to watch him because he was a member of the Health, Education, Labor, and Pensions Committee. Senator Kennedy used to chair that committee, working with Senator ENZI, Senator Gregg, Senator Hatch, and others to produce a lot of legislation. He used to say that committee has one-third of all the jurisdiction in the Senate. Maybe that is about right.

DOUG JONES was one of the newest Senators. We have 23 members. He was way down at the end of the line, but I noticed he always came and he always asked questions and he always listened. He seemed to me to be trying to say what he believed but learn from the witnesses how to get a result.

Let me just mention one contribution he made that I think will stick with him and with the people of Alabama and this country for a long time. That was the work we did in 2019. Senator MURRAY and I, DOUG JONES, Senator TIM SCOTT, Senator BENNET of Colorado were on it from the beginning to do two things at once that helped low-income Americans who wanted to go to college.

The first was to simplify the dreaded FAFSA, the Federal Aid application form that 20 million Americans fill out every year that is 108 questions long. About 90 of them are unnecessary; everybody agrees. For years, we have been working on that to try to simplify it. Finally, we got a significant part of that done.

DOUG JONES played a major role in that because what that legislation did was to say to the low-income family in Alabama or Tennessee or Arkansas or Illinois—wherever—you don't have to send your tax information into the Federal Government twice and let them then see if they can catch you making a mistake and hold up your Pell grant for 2 months while you figure that out. All you have to do is check a box, and the Internal Revenue Service will fill out the tax questions on your Pell grant application for you so that there is no chance of making a mistake. That made a big difference. And at the very same time, we agreed—Republicans and Democrats—to permanently fund historically Black colleges. It was a goal that had been there for a long time.

So I would say to my friend from Alabama that I hope he puts that on his wall somewhere because that helps a few hundred thousand low-income families in Alabama alone. There is some work still to be done on that to finish the job, to finish the FAFSA simplification, and there may be some other support for historically Black colleges that we might even be able to get done while you and I are still here.

Yet I wanted to acknowledge a Senator who arrived, went to work, stuck to his principles, worked across the aisle, and got results. You can't have a much better scorecard than that.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I also rise to acknowledge my dear, dear friend DOUG, but I do it in a different vein. So many good things have been said, and I think anyone who knows DOUG or who has paid attention to what has been said today had found it has been very accurate as far as his having a commitment to the rule of law and his compassion for any person, especially for those who haven't had the same opportunities as all of us have had in life. That is what has moved us all. Yet I have gotten to see him in a different light.

He and Louise invited me down. I got to campaign with them, and it was all about Alabama. I got to go down and spend a couple of days. That tells you of the true person. It not only tells you what he believes and what he feels for the people of his State and how he represents them, but it truly tells us what the people of his State think of him. I saw it firsthand. I saw it at a football game. Now, Nick Saban and I grew up together in a small, little coal mining community.

I want you to know that Coach Saban and Terry, his wife, send their best. They want to thank you for your service.

To see the fans gather around DOUG and to see the happiness that he and Louise had when we were just out, going through the tailgates, was a wonderful, wonderful sight. That tells me everything about his purpose for being here. I hope those in Alabama know how truly fortunate they are to have this gentleman, who loves Alabama with every fiber and bone in his body. He has given them everything he has and has represented their State better than any State I have ever seen represented with the true passion that he has.

I love you, buddy. Thank you.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have had the privilege of serving with many, many Senators of both parties and with very many whom I have applauded. Some stand out specially—some for their longevity and some for who they are. DOUG JONES stands out for who he is.

I think, in listening to his work as a prosecutor—of course, that is near and dear to my heart in my having been a prosecutor—I had never faced what he had. I think of his discussion of the summation he gave in the trial of the people involved with the bombing of the church in Alabama and the killing and maiming of youngsters. In fact, I had a chance to meet one of the survivors of that with DOUG, and I saw how she had felt about him all these years later because he had had the courage to stand up and do something that may not have been popular with some in his State, but that had been the right thing to do. In all of the years I have known him here, what he has done has been the right thing to do.

Now, I have only had one objection about him. He showed me a picture that was taken when this young man, DOUG JONES, was working for Howell Heflin—Judge Heflin, as I recall. They were standing there with these gray beards, and this Senator from Vermont asked: Who is the youngster in the picture?

Senator JONES, thank you for bringing that. I know Ann Berry, in my office, got a kick out of that because she had the opportunity to work with you.

We have done things that we have been able to joke about, like being in an airplane, where he was sitting in the front and I was sitting in the back. Fortunately, it was on the ground. Senator JONES hollered out to somebody, one of the military people there: Where is the button for the ejection seat for the back?

It caught my attention.

I have also seen this man sit there and try to discuss legislation. He would ask: How will that help people? I don't want this because it is politically beneficial to me. How will it help people?

I have heard about towns now in Alabama that I had never heard about. I have also heard things he would tell me about that would make me think of towns in Vermont and make me realize we were talking about the same problems. Never once would he say: These are Republicans or these are Democrats. He would say: These are people in Alabama who need help. So we would work on that.

I will speak further about this, but, Senator JONES, I think of you and your wonderful family. I think of the trips you and your wife and my wife and I have taken together, and I feel that I have been a better Senator for knowing you and traveling with you and listening to you. I will miss you, my friend, and I will speak further on this.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, there is something about this DOUG JONES. From the earliest stages in his life, he knew he was going to be a little bit different.

When I grew up in East St. Louis, IL, it was expected that my childhood hero would be St. Louis Cardinals great Stan ''the Man'' Musial. But when you grew up in Fairfield, AL—also a baseball fan as a boy—it turned out that your childhood heroes included Joe DiMaggio, Roger Maris, and Mickey Mantle. I am not sure how that goes over in the Deep South, to say that you are rooting for a team called the Yankees. But you did it, and you knew from the start, in your youth, that you were willing to strike out and do the radical, controversial thing.

You were 9 years old in September 1963 when four members of the Ku Klux Klan bombed the 16th Street Baptist Church in nearby Birmingham, killing four innocent, young girls who were not much older than you were. Fourteen years later, you were an idealistic, young law student who skipped class to sit in on the trial of the ringleader of that church bombing. You were mesmerized when listening to Alabama's then-attorney general—the lead prosecutor in the case—tell the jury: ''It is never too late for justice.'' The jury agreed and convicted the bomber.

You would go on to marry Louise, and God blessed you with three beautiful children—two sons and a daughter. Yet the memories of those four little girls who were killed in their church never left you.

In his eulogy for the four fallen girls, Dr. Martin Luther King said that the girls ''say to each of us, Black and White alike, that we must substitute courage for caution. They say to us that we must be concerned not merely about who murdered them but about the system, the way of life, and the philosophy which produced the murderers. Their deaths say to us that we must work passionately and unrelentingly for the realization of the American dream.''

I am sure a lot of people heard those words and nodded, but you heard those words, and you were inspired. In 2001, as the U.S. attorney for the Northern District of Alabama, you led the successful effort to try and convict the remaining two coconspirators in the church bombing. Both men were sentenced to life in prison.

In that same office, you coordinated a joint State-Federal task force that led to the indictment of domestic terrorist Eric Rudolph. You advocated that Rudolph should stand trial first in Birmingham for the deadly bombing in that city of a women's health center before being tried in Atlanta for the Centennial Olympic Park bombing. All told, these and other bombings killed 2 people and injured more than 150. Rudolph pleaded guilty and was sentenced to four life terms in prison because of your commitment.

I was honored, during the course of the campaign, DOUG, to do a joint fundraiser with you and Louise and Loretta, my wife. I got to sit out on my deck in Springfield and listen to Jason Isbell and Joe Walsh. It was a lot of fun that night. Sometimes campaigns are fun. It certainly was to be with you and Louise on that particular night.

I want to close by saying that you shocked me on the floor of the Senate with your first speech. I couldn't believe that this new Senator from the State of Alabama would give a speech about guns and gun violence. It really told me all I needed to know about you right then and there. You are willing to stick out your neck for something you believe in, even if it is going to be controversial and even if you are going to catch hell for it, because you believe in it sincerely.

I know you are a proud hunter and gun owner, and there is no question in my mind about your views on that issue. Yet, after the Pulse nightclub shooting in Orlando, FL, that took the lives of 49 young men and women—one of the worst mass shootings in the Nation's history—you supported tighter background checks for gun sales and raising the age requirement to purchase a semiautomatic weapon.

I want to personally thank you, as well, for showing exceptional political courage in cosponsoring my DACA legislation in the Dream Act. I will never forget it.

I am also proud that you were an original cosponsor of Justice in Policing. That wasn't an easy one either for anybody and for you especially, but you stood up for what you believed in. That is legislation that I joined in introducing with our friend CORY BOOKER and soon-to-be Vice President KAMALA HARRIS.

So you have left your mark. It may seem like a short time in the Senate, but there are those who have served for much longer who have a lot less to show for it. You told us who you were on your first day, and you proved it every day thereafter. It has been an honor to count you as a colleague. I know that you are going to continue to find ways to bend that moral arc of the universe toward justice, and I look forward to supporting you in every way that I can in that goal. I wish you the best.

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

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

CORONAVIRUS RELIEF

Mr. SCOTT of Florida. Mr. President, I came to the Senate 2 years ago because the people of Florida entrusted me to fight against the broken ways of Washington and the out-of-control spending that is threatening the future of our children and our grandchildren.

I am fighting every day against the political class in Washington—the same elites that scoff when people like me say that government needs to be run like a business. They say government is too complicated to run like a business, but I say that any elected official or government bureaucrat who believes that should resign tomorrow because they are part of the problem.

It is time to wake up. It is time to wake up to the fact that every dime spent in Washington belongs to American taxpayers, and every dollar spent now is a tax increase for a future generation.

It is time to wake up to the fact that our Nation is more than $27 trillion in debt. Every cent we spend moving forward threatens our ability to fund our military and our safety nets like Social Security, Medicare, and Medicaid.

It is time to wake up to the fact that our position as the leader of the free world is not promised and shouldn't be taken for granted. Irresponsible career politicians who care more about their next election than the future of our country will run this Nation into the ground if we let them, and I am fighting like hell to make sure they don't.

Now, let me be clear. I support another relief measure to help our small businesses and individuals who are hurting because of the coronavirus.

For months, Senate Republicans have been trying to pass responsible and targeted measures to quickly help those in need. And for months, Democrats have blocked these measures because of politics.

NANCY PELOSI admitted it. She said she purposely stood in the way of the deal until after the Presidential election so that politics would be in their favor to avoid ''considerations in the legislation that we don't want.''

It is shameful and exactly why the American people are fed up with Washington.

Congress has already allocated $2 trillion in direct and indirect aid to States and localities. And we know, unfortunately, because Congress tried to get this money out the door as quickly as possible, many programs within the CARES Act are riddled with waste, inefficiency, and fraud.

Now a group of my colleagues want to spend another trillion dollars, including almost $200 billion to bail out liberal States with Governors who can't do the basic job they were elected to do—manage their own budgets. And we don't even know how much is still unspent from the previous coronavirus relief packages.

I have reached out to every single Governor—twice now—to learn exactly how they have spent the hundreds of billions of dollars they have already received, and only 10 have replied. They won't tell us because they don't want us to know there are still billions of dollars left unspent. They don't want us to know that the real purpose is to take taxpayer money meant to help get through this crisis and use it to backfill their inefficient and wasteful budgets and pension programs.

Liberal Governors and mayors around the country think the American people are stupid. They think taxpayers in States like Florida won't realize if the Federal Government uses their taxpayer money to bail out States like New York and California and pay for those States' wasteful spending.

Governor Newsom has had his hand out for a bailout despite the fact that California's tax revenues for this fiscal year are running $9.9 billion or 18.6 percent above projections. Personal income tax revenue in October was $1 billion—15.6 percent higher than in the previous October in California, and sales taxes were up 9.2 percent. For the last 4 months, overall revenue in California has exceeded spring forecasts and even 2019 collections.

This is a State that paid $1.5 million to the chief investment officer of its public pension fund, who was actively investing in companies tied to the Chinese Communist Party, only to later find out this person was personally invested in companies with ties to the Chinese Communist Party. You can't make this stuff up. How is that for pension waste and a national security threat?

It is the same story with Governor Cuomo. New York's overall tax revenue was up 4.3 percent in September compared to September 2019.

These are the same Governors who are OK issuing new stay-at-home orders that are killing small businesses. As long as they get more money from the Federal Government to backfill their budgets and pension plans, they don't care how many people in their States have to suffer. These Governors and mayors don't care, as long as they don't have to follow their own oppressive rules.

Let's not forget about NANCY PELOSI and the hair salon, California Governor Gavin Newsom dining at the French Laundry, Austin Mayor Steve Adler encouraging constituents to stay home from his timeshare in Mexico.

Do as I say, not as I do.

These liberal politicians who refuse to open their States or spend taxpayer money wisely are seeing high numbers of unemployment. Most of the States with the highest unemployment rate in the country are controlled by Democrats.

On the other hand, Republican-led States that are making the hard choices to get on a fiscally responsible path and reopen their economy safely are succeeding and seeing lower unemployment rates.

Thirty States have halved their unemployment rate since May, while real GDP grew 33 percent in the third quarter, erasing losses from the previous quarter. You can see there, this is from a Wall Street Journal editorial—if you haven't heard, ''states are experiencing a surge of—tax revenue.'' Politicians don't want this good news to get out because they want to get more of our money from States like Florida to pay for the budgets of Illinois, New York, California, and New Jersey. You can see the GDP growth of 33 percent in that quarter.

Over here you can see States have seen a big drop-off in their unemployment rates by half over the last 6 months, and there has been a big growth in private sector employment, but it doesn't stop these liberal Governors and mayors from wanting more money.

Look, I know everyone wants to help our States, and so do I. We help our States by ensuring appropriate spending of the billions of dollars in taxpayer dollars already allocated. We help our States by safely opening the economy and getting Americans back to work. We help our States by sending money to schools to safely reopen and funding vaccine research and distribution.

Most States will be in a strong position to get through this pandemic without more Federal aid, and that is great news for our country. But we know New York, California, Illinois, New Jersey don't need bailouts; they want bailouts so they can use that money intended to address the fallout from COVID to backfill their longstanding budget problems and their pension problems.

I have said all along that I will not support that. It is not fair to the citizens of States like Florida, where over my 8 years as Governor, we made the hard choices—they were hard—that put our State on a fiscally secure path. We paid down our State debt. We cut taxes. We balanced our budget every year without borrowing money.

And $908 billion—$908 billion—of spending today equals a tax increase of $7,000 per American family down the road. It is not money that we have. It is a tax increase of $7,000 per American family down the line.

Many families in our country right now are trying to figure out how to celebrate this holiday season while they struggle to afford daily expenses. These are people we need to be helping.

You wouldn't run your business or family the way Washington is run—like there is an endless supply and no consequences to racking up unthinkable amounts of debt. That is what many of my colleagues want. But to keep spending money like this means taking away the same opportunities that I have had and others have had to live the American dream, and it will take it away from our children and our grandchildren.

It is time to wake up. It is time to make the hard choices to put our Nation on a path to recovery—recovery from this virus, from the economic devastation it has brought with it, and from the fiscal calamity that decades of politicians have ignored. That includes refusing to bail out wasteful States for their decades of poor fiscal choices.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

S.J. RES. 77

Mr. BLUNT. Mr. President, later today, we will vote on whether to go forward with the arms sales that the administration notified the Congress of a few weeks ago. These would be arms sales to the United Arab Emirates, equipment sales. These sales clearly would continue the 20 years of growth in our relationship, working side by side against common concerns and common enemies.

This really goes back through three different administrations, going back to 9/11 and beyond, where the UAE has consistently been willing to stand with us in at least six long-term deployments. They come; they stay. They are side by side with us in the field. They have been with us in the air. They are flying what has previously been our best piece of aircraft at a level that we would share it with other countries that are friends of ours.

This sale will continue that. It continues to allow even more interoperability between the United States and the UAE and Israel.

Israel, by the way, is totally supportive of this sale. The Ambassador from the United Arab Emirates and the Ambassador from Israel earlier this week had a public event where they both talked about the support of Israel for this sale.

As you know very well, our law requires a quantitative advantage for Israel when we sell them equipment. We have even a slightly different advantage, but being able to continue this relationship is important.

The F–35 jets, the MQ–9 unarmed aerial vehicles, advanced munitions—I think the total sale is about $23.5 billion. And this is not any kind of gift from the United States to the UAE. This is the UAE making a purchase totaling $23.5 billion for equipment that

is made by American companies and almost always by American workers.

In August, we had the first breakthrough in a diplomatic sense in the Middle East in a long time. President Trump deserves credit for that. Israel deserves credit for that. But the UAE deserves credit for that. The Abraham accords, where the UAE formally recognized Israel, began to have flights back and forth and other things that were significant in changing the environment in the Middle East, the most difficult part of the world—the greatest breakthrough in 40 years. But that followed a number of breakthroughs that weren't quite as public, where this relationship has grown—the Israel relationship with the UAE—just like our relationship has gotten stronger over time.

To see the recognition of the two governments together, to see Bahrain follow that—I think we are going to see other countries in the area decide that a region that lives in peace with Israel is a good thing for everybody involved, not a bad thing for anybody. So it is important.

I think how the Congress deals with this is significant. We have been notified as the law requires us to be notified. Under this notification process, I don't believe any sale has been denied, and only one sale has been altered.

The President has to agree. So if we debate this for hours and somehow it narrowly passes and the President vetoes it and we don't have the votes to override the veto, which I am confident we would not have—in fact, I think we very likely have the votes to go ahead and deal with this right here, right now. It is the right thing to do. It is the right time to do it. We will never have more of a long-term runway of how things under the Bush administration, the Obama administration, and the Trump administration have continued to progress to where the UAE has become a trusted ally.

Now, they have become a trusted ally and a trusted diplomatic partner in this important breakthrough. Having this kind of equipment not only allows us to be interoperable, but frankly, it creates the opportunities for American military and American technicians to be working with them every time you have an upgrade, every time you have a significant maintenance issue. That just further enhances, as does working through how that equipment is used afterwards—all of that further enhances the constant dialogue, the constant reinforcement of our friends who see common enemies and are working directly to move their country and their region in a much better direction.

I hope that the Senate today does what it needs to do and sends that message that we understand what Israel would like to see happen, what the UAE would like to see happen, and, frankly, what will happen and happens better if this debate focuses more on what that outcome produces, rather than a debate that makes people wonder exactly what do you have to do to continue to be a trusted partner of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I would restate my request, whenever I come to the floor, that the Presiding Officer wear a mask because he has people sitting in front of him that could be at risk.

REMEMBERING PAUL SARBANES

Mr. President, this weekend, we lost a former Member of this body who truly embodied the spirit of service that should animate all of our work. His name is Paul Sarbanes. He passed away a few days ago. He was a longtime chair of the committee of the Presiding Officer.

As chair of the Banking and Housing Committee, he was always a voice for consumers and working families, standing up against powerful corporate interests. The accomplishment that bears his name, the Sarbanes-Oxley Act, was a landmark law in our efforts to hold corporations accountable. It helped protect Americans who invest hard-earned money for retirement and for their kids' education from corporate banking fraud, the kind that bankrupted families after scandals like Enron.

Senator Sarbanes also never ignored the housing part of our committee's jurisdiction. He fought to make sure that all Americans could find and afford a place to call home. Whenever developers tried to make a deal in Maryland, he was always adamant they include affordable housing in their projects because, fundamentally, he never forgot where he came from. The son of Greek immigrants, Paul Sarbanes grew up a working-class kid, bussing tables at his family's restaurant on the Eastern Shore.

In the Senate, he cared about getting results for the people he served, not about getting the credit. Some of his colleagues called him the ''stealth senator.'' He welcomed the nickname. He told the Baltimore Sun that stealth is ''one of the most important weapons in our military arsenal. . . . If you let somebody else take the credit, you can get the result.''

Senator Sarbanes was the definition of a true public servant. May he rest in peace as he joins his beloved wife Christine. Connie and I pray for Representative JOHN SARBANES, his son, and the entire Sarbanes family.

I hope my colleagues will join me in honoring Senator Sarbanes by building on his legacy, standing up to the corporations that have too much power in this country, and fighting for the working people we serve. Paul Sarbanes, like many others in this body, understood the dignity of work.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. President, yesterday the House overwhelmingly passed the NDAA conference report by a veto-proof majority of 335 to 78. That bill includes our comprehensive bipartisan reform of our anti-money laundering laws.

I would like to thank my colleagues, especially Senator CRAPO and other Banking and Housing Committee colleagues: Senators WARNER, JONES, REED, ROUNDS, and off the committee, Senators WYDEN, WHITEHOUSE, GRAHAM, and GRASSLEY, and the Presiding Officer, Senator COTTON, for his work on this legislation.

On the House side, Chairwoman WATERS and Chairman MALONEY and Representative CLEAVER, thank you to all of them for working so hard to ensure that today we have this crucial bipartisan legislation in this defense conference report that will reform our money laundering laws and finally end abuses by anonymous shell companies.

I would like to extend my thanks to a former colleague, Chairman LEVIN, who was chair of Armed Services and the Permanent Subcommittee on Investigations and to President Obama, who both voted on these issues for years. Many of their good ideas are codified in this bill, harvesting some of the seeds they planted years ago.

The Anti-Money Laundering Act and the Corporate Transparency Act are the products of months and months of bipartisan negotiations between and among Members of the House and Senate and certainly the staffs of Senator COTTON and me and Senator CRAPO and others. I thank them for their good work.

The bill is a critical step to fight money laundering and crack down on shell companies. While there are things I would have done differently had we been writing the bill on our own, overall, it is an effective and comprehensive response to the problem of illicit finance. I strongly support it.

Criminals abuse the U.S. financial system to launder money from drug trafficking, organized crime, Medicare and Medicaid fraud, weapons sales, and other criminal activities. I spoke today about this with Sheriff Burke of Toledo, the Lucas County Sheriff, a longtime sheriff, and U.S. Marshal Pete Elliott of Cleveland of the Northern District. They welcomed this language, and they welcome this law. This will help them do their jobs better.

Much of this dirty money that comes from organized crime in Medicaid fraud, weapons sales, drug trafficking, and sex trafficking is laundered through anonymous shell corporations. These are not victimless crimes. They directly hurt Ohio communities, especially those torn apart by the opioid crisis.

Sinaloa cartel actors and Fentanyl traffickers have been destroying thousands of families. They use money laundering to get their drug money in and out of the country. Human traffickers who prey on runaways at truck stops along major interstate highways in Ohio and across the country also use the financial system to launder their profits. We need to give law enforcement new modern tools to stop their crimes.

The bill finally requires comprehensive reporting by U.S. companies of their actual owners—no more hiding these abuses in anonymous shell companies. It cracks down on bankers who look the other way to actively aid money laundering and cracks down on Big Banks that have shoddy compliance systems. If you are helping drug traders hide their illegal fentanyl profits, you deserve more than a slap on the wrist. Banks cannot be too big to jail, and laws can't treat them that way.

I will closely monitor how this critical legislation is being implemented. I spoke this week already with the Secretary of Treasury designee and the Deputy Secretary of Treasury designee about being ready to administer and enforce these laws. I look forward to working with the administration to ensure that Treasury puts in place effective anti-money laundering and corporate transparency rules to implement the bill as soon as possible.

We know that criminals have long been revising their tactics to get around our current laws. This bill will enable us to get ahead of them and stay ahead of them.

I urge my colleagues to support it. They supported this language in the NDAA, and I ask them to support the NDAA.

Taken together, as we designed them, these measures reform, update and strengthen our current anti-money laundering laws and make critical changes to U.S. corporate disclosure laws to combat abuses by owners of anonymous shell companies—including foreign owners from China, Russia, Iran, North Korea and other countries—who have for years been exploiting our system for criminal purposes.

The legislation strengthens the Treasury Department's financial intelligence, anti-money laundering (AML), and countering the financing of terrorism (CFT) programs, modernizing our legal regime and improving communication, oversight, and information-sharing in these areas.

The conference agreement requires much more routine and systemic coordination, communication, and feedback among financial institutions, regulators, and law enforcement, to enable them to identify and act on suspicious financial activities, better target bank resources on critical AML tasks, and increase the likelihood of bad actors being caught by law enforcement.

It also provides for new whistleblower protections for those reporting BSA violations and provides for payment of whistleblower rewards.

It establishes tough new penalties on those convicted of serious Bank Secrecy Act violations, including additional penalties for repeat violators, and imposes a ban on financial-institution board service for those convicted of egregious BSA-related crimes.

It would require important new reporting from the Department of Justice and Treasury to better enable Congress to oversee the use of—and sometimes continuing violations by banks under—deferred prosecution agreements and non-prosecution agreements, which too often are a slap on the wrist by regulators for banks that evade sanctions, violate our AML rules, or otherwise violate banking laws. As I have said, banks can't be too big to jail, and regulators can't treat them that way.

To help accomplish all these goals, the conference agreement authorizes additional funding for the Treasury Department, and we expect the Department to insist on strong accountability for results and to be responsive to congressional oversight as its officials work to implement this legislation.

In addition, the bill finally requires comprehensive reporting by U.S. companies of their actual owners. No more hiding in the dark abuses by anonymous shell companies to commit crimes.

Unlike in most areas of reform and transparency, where the U.S. has led the way, on this issue of anonymous shell companies we have long lagged behind other nations, and failed to require uniform and clear ownership information for firms at the time of their incorporation in the states.

This information is critical to law enforcement. In the U.S. investigators often have to spend precious time and resources issuing subpoenas and chasing down leads—sometimes jumping from anonymous shell company to anonymous shell company—to secure basic information about who actually owns a company. That makes no sense. And with this bill, it will end.

Treasury's National Money Laundering Risk Assessment estimates that around $300 billion in illicit proceeds from domestic financial crime is generated annually.

Criminals have for a very long time abused our financial system to launder funds gained through narcotics trafficking, organized crime, Medicare and Medicaid fraud, weapons proliferation and other criminal activities. Much of this dirty money is laundered through anonymous shell corporations.

Over the years we have heard all about these abuses, from the ''Panama Papers'' to the ''Paradise Papers'' to, more recently this year, the series of news articles called the ''FinCEN files.''

These exposures of abuses in our system by dedicated journalists and national and international transparency organizations have highlighted problems involving human trafficking, drug trafficking, terrorism, money laundering, fraud, tax evasion, and other crimes involving illicit finance.

None of these abuses are victimless crimes.

Money laundering for drug cartels has a direct line to the opioid crisis in Ohio, where Sinaloa cartel actors or fentanyl traffickers have been destroying thousands of families. Combined with the pandemic, these drugs have hurt thousands of Ohio families.

Human traffickers who exploit the misery of runaways in truckstops along major interstate highways in Ohio and across the country use the financial system to launder their profits.

Medicare fraudsters cost the taxpayers $2.6 billion in one recent year, according to the HHS Inspector General, and tarnish the reputation of this lifeline for seniors.

That's why anti-money laundering and corporate transparency laws are so critical: they protect the integrity of our financial system, provide critical intelligence to law enforcement to combat crime and help give victims the tools they need to hold bad actors accountable.

Under Treasury's existing rules, banks are already working to secure some of this information from accountholders when they open accounts. And while banks must continue to play a key monitoring role, it's also important that we finally, after all these years, require companies to provide basic information on their ownership when they're formed.

The bill contains a strong definition of ''beneficial owner'' which includes a two-part test covering individuals who, directly or indirectly, exercise substantial control over an entity or hold or control an ownership interest in the entity. The definition is clear that a nominee, intermediary, custodian, or agent acting on behalf of another individual cannot be the beneficial owner of an entity. Nominees are not beneficial owners; neither are trustees or attorneys acting as agents.

The definition is also clear that employees do not qualify as beneficial owners of an entity unless, apart from their employment status, they hold an ownership interest in the entity or can exercise substantial control over the entity such as the ability to transfer some or all of the entity's assets or earnings to their personal use. The provision defines ''beneficial owner'' as an individual who directly or indirectly ''owns or controls not less than 25 percent of the ownership interests of the entity.'' When applying this part of the test, FinCEN must consider what to do if no one individual meets the 25 percent minimum, and how that situation may trigger the second part of the beneficial owner test which requires disclosure of the individuals who exercise ''substantial control over the entity.''

To determine whether an individual exercises ''substantial control'' over an entity, FinCEN is not intended to devise a numerical, narrow, or rigid test. Instead, the standard is intended to function with flexibility to take into account the myriad ways that an individual may exercise control over an entity while holding minimal or even no formal ownership interest.

They include written and unwritten agreements, arrangements, or understandings, instructions to company directors or officers, letter of wishes,

control over personnel decisions, economic pressure on company shareholders or employees, coercion, bribery, threats of bodily harm, and other legal and illegal means of exercising control.

Evidence that one or more individuals are exercising substantial control over a specific entity is expected to vary widely and may encompass such matters as emailed or telephoned instructions from the individuals suspected of being beneficial owners or their agents, employment or personnel decisions made at the direction or with the approval of such individuals, financial accounts that name such individuals as signatories, investment decisions made at the direction or recommendation of such individuals, or transfers of funds or assets to or at the direction of such individuals.

Requiring companies to provide their ownership information and storing it in a secure federal database like FinCEN's, alongside account holders' banking information, will help address longstanding problems for U.S. law enforcement.

It will help them investigate and prosecute cases involving terrorism, weapons proliferation, drug trafficking, money laundering, Medicare and Medicaid fraud, human trafficking, and other crimes. And it will provide ready access to this information under long-established and effective privacy rules.

Without these reforms, criminals, terrorists and even rogue nations could continue to use layer upon layer of shell companies to disguise and launder illicit funds. That makes it harder to hold bad actors accountable, and puts us all at risk.

The bill also contains certain exemptions. The basic justification behind the bill's exemptions is that each exempt category refers to entities that already disclose their beneficial owners to the government in one way or another and so don't need to duplicate that disclosure in the FinCEN database.

For example, publicly traded companies already disclose their true owners to the SEC, and banks already disclose their true owners to federal bank regulators; there is no reason to require those entities to disclose the same information to FinCEN. Each of the exemptions should be interpreted as narrowly as possible to exclude entities that do not disclose their beneficial owners to the government.

Exemptions created for pooled investment vehicles, dormant companies, and certain nonprofits require especially narrow interpretations to limit those exemptions to entities that provide some level of ownership disclosure to the government.

The exemption for pooled investment vehicles is intended to be available only to PIVs that rely for investment advice and services on a regulated bank or on a securities broker-dealer, investment company, or investment adviser that is registered with the SEC, has disclosed its own beneficial ownership information to the federal government, and has filed a Form ADV disclosing the PIV's legal name and any other information related to the PIV that the federal government may require.

In addition, PIVs formed under the laws of a foreign jurisdiction must file with FinCEN a certification identifying every individual that exercises substantial control over the PIV, providing the same information required for beneficial owners.

Because evidence shows that criminals, fraudsters, and U.S. adversaries are increasingly using PIVs to launder funds and commit other wrongdoing, this exemption is of special concern and should be subject to continuous, careful review by Treasury as provided in the new 31 U.S.C. 5336(i) to see whether it should be retained or removed.

The exemption for dormant companies is intended to function solely as a grandfathering provision that exempts from disclosure only those dormant companies in existence prior to the bill's enactment; those grandfathered entities are also required to immediately disclose their beneficial owners to FinCEN as soon as their ownership changes hands, they become active entities, or they otherwise lose their exempt status. No entity created after the date of enactment of the bill is intended to qualify for exemption as a dormant company.

The exemption provided to certain charitable and nonprofit entities also merits narrow construction and careful review in light of past evidence of wrongdoers misusing charities, foundations, and other nonprofit entities to launder funds and advance criminal and civil misconduct. This exemption is intended to apply only to entities that are engaged in charitable or nonprofit activities, and not to entities engaged in for-profit businesses or for-profit activities.

The exemption is based, in part, upon provisions in U.S. and state laws that enable federal and state officials to regulate and investigate nonprofit organizations to ensure, for example, that the individuals behind them are not using the entity's assets to inappropriately enrich themselves, unfairly compete against businesses that pay taxes, or advance other inappropriate objectives.

In addition, the exemption given to entities that ''operate exclusively to provide financial assistance to or hold governance rights over'' a charitable entity is intended to be even more restrictive; it is confined to entities that qualify as U.S. persons under U.S. tax law, have only U.S. citizens or residents as their beneficial owners, and derive ''at least a majority'' of their funds from U.S. persons—meaning the exemption is not available under any circumstance for entities formed under foreign laws, established for foreign beneficial owners, or funded primarily with foreign funds.

Again, these exemptions are intended to be narrowly interpreted to prevent their use by entities that otherwise fail to disclose their beneficial owners to the federal government.

To ensure the bill's exemptions function as intended, the Treasury, FinCEN, OCC, IRS, SEC, CFTC, and other federal regulators should review and, if necessary, strengthen their filing forms to ensure that beneficial as well as nominal owners are disclosed to the federal government by the specified exempt entities, including investment companies, investment advisers, pooled investment vehicles, money transmitting businesses, and all entities registered with the SEC, among others.

The justification for the exemption of entities that have both physical operations and at least 20 employees in the United States is that those entities' physical U.S. presence will make it easy for U.S. law enforcement to discover those entities' true owners. Like other exemptions in the bill, this exemption should be narrowly construed to exclude entities that do not have an easily located physical presence in the United States, do not have multiple employees physically present on an ongoing basis in the United States, or use strategies that make it difficult for U.S. law enforcement to contact their workforce or discover the names of their beneficial owners. This exemption should be subject to continuous, careful review by Treasury under the new 31 U.S.C. 5336(i) to detect and prevent its misuse.

Extending the disclosure exemption to subsidiaries whose ownership interests are owned or controlled by one or more of certain identified exempt entities is, again, intended to be interpreted as narrowly as possible to exclude subsidiaries that never disclose their true owners to the federal government.

The exemption is intended to apply only to subsidiaries that are wholly owned or controlled by one or more of the exempt categories of entities; that's why the provision does not contain any reference to the 25% ownership figure that appears in the definition of beneficial owner.

The Federal Reserve, Treasury, OCC, SEC, CFTC, FDIC, and other federal regulators should review their filing requirements to ensure that the entities that report to them, such as banks, publicly traded corporations, securities dealers, exchange operators, or commodity brokers, include requirements to disclose the subsidiaries they wholly own or control. This exemption, like others, should be subject to continuous, careful review by Treasury under the new 31 U.S.C. 5336(i) to detect and prevent its misuse.

For their part, FinCEN identifiers are intended to simplify beneficial ownership disclosures by eliminating spelling and naming issues that can cause confusion or mistakes related to the precise individuals or entities in an ownership chain.

FinCEN should design rules that will encourage both individuals and entities to obtain and use FinCEN identifiers in their beneficial ownership disclosures. When assigning FinCEN identifiers to entities, FinCEN should first ensure that the entity has already disclosed its beneficial ownership information to FinCEN. An entity that has not disclosed its beneficial ownership information to FinCEN does not qualify and should not be granted a FinCEN identifier.

It is critical that, from the beginning, FinCEN issue rules that ensure only one identifying number is assigned to each individual and to each entity, including all successors to a specific entity. FinCEN should also establish mechanisms to detect and correct any procedure or database field that may lead to the same individual or entity possessing or using more than one FinCEN identifier.

Chairman CRAPO and I agreed two years ago that we must get this done in this Congress—we must finally enact sweeping legislation to require complete ownership information—not of front men and women, not of those forming companies on behalf of those who will pull the strings from behind the curtain—but of the actual owners of companies to be available to appropriate law enforcement, intelligence and national security officials in our government who need it to combat crime.

This bill lays out a system to do that simply, efficiently and effectively, without unduly burdening small businesses or others, and while providing extensive protections for the information. In Europe, that information is included in a public database. This approach is different, imposing some limits on who will have access, and under what circumstances.

For example, it provides that federal agency heads or their designees—and agencies can extend that delegation as far down in their organizational chain as they like—can provide access to the database to appropriate law enforcement authorities once per investigation, so they do not need to keep repeating that authorization for the same investigation. And those delegations can be made on a bulk basis, so groups or classes of employees can be authorized to access the data as needed.

For State, local or tribal law enforcement, they must get approval by a tribal, local, or state court of competent jurisdiction, which need not be a judge—it can include an officer of the court like a magistrate, court clerk or other administrative officer.

While I saw no reason to treat federal, state and local law enforcement officials differently, my Republican colleagues insisted on this differential treatment, and I am hopeful that the flexibility we have built in should make it workable.

It is far more workable than the scheme some had pushed, to require approval by a federal judge each time law enforcement wanted to access the database—an approach which would have gutted the bill, tied up our federal courts, and effectively rendered it inaccessible to state and local law enforcement. But the key here is a robust, functional and effective database at FinCEN to house this information and make it readily available.

FinCEN should take immediate steps to create the new database needed to contain beneficial ownership information. It should use state of the art technology, procedures, and safeguards to ensure the database is secure, easy to search, easy to audit, and easy to correct and update. FinCEN should use its new hiring authority to hire the information technology specialists needed to create the new beneficial ownership database. In designing the database, FinCEN should survey other beneficial ownership databases to determine their best features and design, and create a structure that secures the data as required by law. FinCEN should ensure that federal, state, local, and tribal law enforcement can access the beneficial ownership database without excessive delays or red tape in a manner modeled after its existing systems providing law enforcement access to databases containing currency transaction and suspicious activity report information.

FinCEN should allow federal, state, local, and tribal law enforcement to access the beneficial ownership data for both criminal and civil purposes, including law enforcement activities designed to combat terrorism, money laundering, trafficking, corruption, evasion of sanctions, noncompliance with tax law, fraud, counterfeit goods, market manipulation, insider trading, consumer abuse, cybercrime, election interference, and other types of criminal and civil wrongdoing.

FinCEN should also provide appropriate access to beneficial ownership data for foreign law enforcement requesting the information for criminal or civil purposes, including appropriate requests made by a prosecutor, judge, foreign central authority, or competent authority in a foreign jurisdiction, keeping in mind that U.S. law enforcement will be seeking similar information from those same foreign law enforcement agencies on a reciprocal basis. FinCEN should endeavor to design a system that will provide appropriate beneficial ownership information to foreign law enforcement without excessive delays or red tape.

As part of its implementation effort, FinCEN should take immediate steps to work with states and Indian Tribes to determine how to confirm that all covered entities formed or administered by those states or tribes actually file and update the beneficial ownership information required by law.

We expect FinCEN to include any resulting procedures or audits in the rule implementing the law. FinCEN should also include appropriate provisions in the implementing rule requiring federal, state, and tribal agencies to cooperate with its efforts to ensure an accurate, complete, and highly useful database of beneficial information and to provide notice of the law's beneficial ownership transparency obligations, as required by the new law.

The Treasury IG should take immediate steps to establish a process to accept, store, and analyze information provided by a federal, state, local or tribal agency, foreign government, financial institution, reporting company, civil society group, the public, or others in the form of comments or complaints related to how FinCEN provides notification of the law's beneficial ownership transparency requirements, how FinCEN collects and stores beneficial ownership information, or regarding the accuracy, completeness, or timeliness of the information in the FinCEN beneficial ownership database.

As part of that process, the Treasury IG should establish procedures that will enable comments or complaints identifying false, out-of-date, or incomplete beneficial ownership information in the database or providing correct, up-to-date, or complete beneficial ownership information in the database promptly to reach the FinCEN personnel charged with ensuring the database's accuracy, completeness, and timeliness. In addition, the Treasury IG should establish a procedure to conduct periodic audits to determine the extent to which such information actually reached the proper FinCEN personnel, was logged, stored, and analyzed, led to changes in the database, and actually improved the accuracy, completeness, and timeliness of the beneficial ownership database.

In response to the bill, the Administrator for Federal Procurement Policy should take immediate steps to revise the Federal Acquisition Regulation to require covered federal contractors and subcontractors, at an early stage in the federal procurement process, to disclose to the federal government in writing, and to update over time, information on their beneficial owners.

To carry out this provision in the law, the Administrator should work with the General Services Administration to add a beneficial ownership disclosure requirement to the database authorizing entities to bid on federal contracts.

At the same time it is developing regulations to implement the new law, FinCEN should simultaneously revise the existing customer due diligence rule to bring it into harmony with the new law and all proposed regulations. In doing so, FinCEN should carefully evaluate the existing customer due diligence rule and preserve provisions that do not conflict with the new law. Among other changes, the revised customer due diligence rule must use the new definition of beneficial owner established in the law. Treasury and

FinCEN should create a transition period for financial institutions to implement the new beneficial ownership requirements. Lastly, FinCEN should also take steps to establish procedures as needed to administer the revised customer due diligence rule effectively.

Updating and strengthening our AML and beneficial ownership laws will give us a 21st century system to combat these crimes. I guarantee you criminals have long been revising, adjusting and amending their tactics to circumvent our current laws. We must get ahead of them, and stay ahead of them. This bill will enable us to do that.

I urge my colleagues to support the conference report and this important measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

## MOTION TO DISCHARGE—S.J. RES. 78

Mr. PAUL. Mr. President, I rise today to oppose another massive infusion of arms into the volatile Middle East.

Someone must ask the question: Can a lasting peace be purchased with more weapons? Will selling sophisticated fighter jets and weaponized drones bring more stability to the Middle East? Is it wise to pour fuel on the fire that burns in the Middle East?

The Senate today is debating with these joint resolutions whether to disapprove of the announced sale of 50 F–35s and 18 Reaper Drones to the United Arab Emirates, a country that has recently taken encouraging steps specifically toward Israel, but with an overall record that should give concern.

The primary questions we should be asking ourselves are: To what ends has the UAE deployed its military and its military technology in recent years? Does the UAE have a record that we can trust? What military behavior are we encouraging and rewarding with this sale? Will the U.S. bear responsibility if the UAE misuses these incredibly sophisticated weapons?

The answers to these questions are far from clear. In fact, the UAE's record should give us pause. The UAE is not a democracy. Their human rights record is mixed, and their military activities in the region, as a one-time member of the Saudi coalition, contributed to the bloodshed and devastation in Yemen.

On human rights, let's look at some recent reported examples. In 2017, Ahmed Monsoor, a human rights activist, was given a 10-year prison sentence based on his speech. Specifically, he was charged for posting ''false information that harms national unity'' on social media. The charges against him were based on a call for the release of another activist who had been put in prison for political speech. Is this the kind of democracy or lack of democracy and lack of speech that should be rewarded with our most sophisticated weaponry?

In 2017, the UAE government also handed down a 10-year sentence to Nasser bin-Ghaith, an economist, for his criticism of the UAE and Egyptian Governments. Is this the kind of country that deserves our most sophisticated weaponry?

In 2018, the UAE arrested Matthew Hedges, a British citizen and doctoral student, and denied him access to legal counsel for 5 months. They sentenced him to life in prison for spying charges based on a confession that was obtained in an undisclosed location. They were ultimately forced to pardon him after international outrage. Is this the kind of country that we can trust with our most sophisticated weaponry?

The fact that the UAE is willing to buy this technology is not in and of itself justification for the sale. This is the time to carefully study the situation in the region and to consider the effects of accelerating the Middle Eastern arms race in the short-term and in the long-term.

This is why our government shouldn't be rushing into approving this sale; yet our government is moving at warp speed to approve this sale. It is as if we intentionally don't want to consider all of these issues.

The most frequently cited argument in favor of this sale is that the UAE has taken encouraging steps in the last few months. They have normalized relations with Israel, facilitated civilian travel, and more. Great. I am all-in for that.

We should be encouraging peaceful relations between countries. I support those efforts. But it is not clear that dropping advanced military technology into the region is, in fact, encouraging peaceful relations, given how these weapons have been used in recent times.

The UAE spent years bombing Yemen as part of a coalition with Saudi Arabia to stop the Houthis. This bombing campaign was undisciplined and sloppy. Civilians, residents, and other non-military targets were often destroyed. The U.N. reports approximately 7,000 civilians killed in Yemen and over 10,000 wounded.

The Saudi-UAE coalition helped create a humanitarian crisis in Yemen. Amid collapsing public services, the largest cholera epidemic on record has affected at least 2 million people—probably more—and killed almost 4,000. A lot of this is to be blamed on the civil war that had been perpetuated by Saudi Arabia and the UAE.

At the height of the destruction, a Yemeni child would die of starvation every 10 minutes. More than 50,000 children have been lost to starvation.

I have argued for years that the United States should play no role in worsening the crisis via an arms pipeline to the coalition that perpetuates this war. American technology helped facilitate this crisis and should be a real concern about sending more American bombs and fighter planes into this region.

If they weren't used wisely in the most recent years in the Yemeni war, will they be used differently in the future? Can we trust the people who were part of a bombing campaign of civilians in Yemen to do an act more wisely with weapons in the future?

Let's also not forget that a media investigation found that weapons that we sent to the coalition—U.S. weapons that were sent to the Saudi-UAE coalition—were lost, and, in some cases, handed over to terrorists. That is right. Military equipment from the United States was sent to the UAE, but it wound up in the hands of terrorists. The Saudi-UAE coalition reportedly used U.S. weapons as currency to win the approval of militias inside Yemen.

To be clear, these activities are against the terms of sale. We told them: You can't give away our weapons. You can't use our weapons to purchase the support of Sunni extremists in Yemen. But they did. This should give us cause for concern. This should make us say: Whoa. Let's stop, and let's pause before we send more weapons into this war.

Not only that, but Iranian proxies captured some of these weapons, and, predictably, pointed them back at the Saudi-UAE coalition. Guns, missiles, and vehicles ended up in the hands of terrorists—weapons that we put on the ground in the Middle East.

The same investigation found Mine Resistant Ambush Protected Vehicles, MRAPs, in the hands of Sunni allies of the UAE and Saudi Arabia. But guess who some of these Sunni allies were. Al-Qaida in the Arabian Peninsula. We are talking about the remnants of al-Qaida in Yemen were getting weapons that we were giving to the UAE in Saudi Arabia. Does this sound like the kind of behavior we should reward with more weapons?

One of the MRAPs still had the export label on it indicating that it had been sent from Beaumont, TX, to the UAE before ultimately getting illegally transferred to extremists in Yemen. Is this the kind of behavior we should reward with more of our sophisticated technology?

The serial number on another MRAP in the possession of the Iranian-backed Houthis was traced back to the 2014 sale of U.S. MRAPs to the UAE. So the UAE not only was trading our weapons for support among Sunni extremists, including al-Qaida-affiliated extremists in Yemen, but they also were having their equipment taken by the Houthis. So on both sides of the war in Yemen, we had U.S. weapons. Is it a good idea to flood the Middle East with more of our weapons? Is it a good idea to keep sending weapons that wind up in the hands of people who don't have our best interests at heart?

Now, people say: Well, the UAE is doing better. They have stepped back from the coalition. They are not, you know, fighting as vigorously in the UAE. But there still are reports that UAE is still involved in the civil war in Yemen and that they are still engaged.

The UAE has a very conflicted record on human rights. I mentioned a few of those who have been in prison for 10 years to life for speech—for speech against the government or even just speech the government doesn't like. But flogging is also used as a form of punishment. There is no true freedom of speech or press in the UAE. Is this the kind of country we should give our most sophisticated technology to?

Activists have been held in secret detention centers in the UAE. Electric shocks have been used as a form of punishment in the UAE. Social media statements against the government are criminalized. You can be put in prison for text messages, and people have been put in prison and/or deported for text messages.

The government has used mass trials against dissidents. Statements of support for Qatar were made illegal during the region's diplomatic standoff. Criticisms of government officials were made illegal by decree. This is not an open society; this is not a democracy; and this is decidedly not a country that we should be giving our most sophisticated weaponry to.

Do we believe these arms sales will encourage or discourage bad behavior from the UAE? We are clearly communicating to the UAE that human rights take a backseat to arms sales.

Part of the consideration for these arms sales is the recent developments from the UAE—most prominently, the UAE's normalizing relations with Israel through the Abraham accords. It is a positive development, without a doubt. I am all in favor of it. I am all in favor of trading with the UAE. I am all in favor of Israel trading with the UAE. I am all in favor of good diplomatic relations, but you can also have diplomatic relations without flooding the region with our most sophisticated armaments.

Outwardly, we are told by all involved that the F–35s are not a condition for the Abraham accords, but if you ask whether it is a good idea to send some of our most advanced weaponry to the UAE, we are nonetheless told, if we don't, it might jeopardize the accords. Well, which is it? They are either part of the accords or they are not.

I, frankly, think, if the weapons were not to go, that the advantages to Israel-UAE having diplomatic relations in trade are so great that they will continue. The assurance right now is that we will guarantee what is called Israel's qualitative military edge in the region, even after the sale of F–35s and Reaper drones to the UAE. So the message to Israel is: Yes, we are giving the same advanced fighter jets to the UAE, but we will give you even better jets in the future.

All I can say is, that is a big maybe. And people who accept, on the face of that, that, oh, yes, we are going to guarantee something, but we are giving this same equipment to people who have been on the other side of virtually every other war in the Middle East, I think, is a hopeful promise but not necessarily a guarantee.

The easiest way, if you favor protecting Israel's QME, or military edge, is to stop sending military assets to other countries in the region. We are competing with ourselves right now. We give advanced weaponry to Israel, and then we say we are going to keep your advantage. But then we give the advanced weaponry to the UAE, and so Israel comes back and says we need more. Then we give more to them, and the Saudis want more. And then once we give the weapons to the Saudis, Israel wants more. It is a never-ending arms race between the so-called countries that are actually getting along, not to mention the arms race between those who are opposed to Iran in the region.

The easiest way to protect the qualitative military edge of Israel is to quit sending more advanced weaponry into the region. We have committed to protecting Israel's QME in response to these sales, but we continue to obligate ourselves to increasingly large sales to offset the large sales we have already approved to others, like the UAE and Saudi Arabia.

There is another aspect to the qualitative military edge that is rarely discussed. It is the QME that Saudi Arabia and the Gulf sheikdoms have over Iran. Saudi Arabia is the third biggest purchaser of weapons and the third biggest spender on military of anyone in the world now, but if you add Saudi Arabia's weapons to the Gulf sheikdoms' weaponry, you find that they spend eight times more on their military than Iran. So what kind of response would we imagine?

We may not like what Iran does, but we should at least think about what they will do in response to what we do, and what in response to what the Saudis do and the UAE does and Israel does. Exacerbating the QME inevitably leads to pressure on Iran to further escalate the arms race and becomes a never-ending destructive cycle of more and more weapons.

People say—and this administration has said—we want an agreement with Iran but not just a nuclear agreement. So we got out of the nuclear agreement. We want an agreement on conventional weapons. But how will that work? We asked Iran to limit their weapons, but we keep piling weapons on the other side? Do you think Iran is going to agree to limit their weapons if we keep piling more of our sophisticated weapons into the hands of the Saudis and into the hands of the UAE and others?

There is great concerns with this sale, and rushing it through is a mistake. What happens if the F–35s are shot down? What if Russia or China is able to access our sensitive stealth technology? How will the need for contractors be handled in a secure fashion?

Some supporters of Israel are very worried about this. The Zionist Organization of America, for example, has opposed the sale because it jeopardizes Israel's qualitative military edge. It makes the technologies on which Israel relies less secure.

This statement from the Zionist Organization of America is quite clear: ''The security of both the U.S. and Israel is best served by preventing any other countries from acquiring this advanced aircraft.''

They couldn't be clearer. Even many in Israel were initially, and very vocally, opposed to this sale. Their Minister of Defense, Benny Gantz, said absolutely it was a terrible idea. Their Minister of Settlements, same thing.

I would urge my colleagues to consider the possible consequences of this sale. We should not accelerate an arms race in the Middle East; we should not jeopardize the security of our military technologies; and we should not reward a decade-plus of undesirable behavior by the UAE. I urge a vote in support of these resolutions of disapproval.

Madam President, pursuant to the Arms Export Control Act of 1976, I move to discharge the Foreign Relations Committee from further consideration of S.J. Res. 78, a joint resolution providing for congressional disapproval of the proposed military sale to the United Arab Emirates of certain defense articles and services.

The PRESIDING OFFICER (Mrs. BLACKBURN). The motion is pending.

Mr. PAUL. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise today to urge my colleagues to support these two resolutions of disapproval. I appreciate my distinguished colleague from Kentucky and his support and advocacy here in these particular arms sales to the United Arab Emirates.

Simply put, many aspects of this proposed sale remain conceptual—conceptual. We are being asked to support a significant transfer of advanced U.S. technology without clarity on a number of key details regarding the sale or sufficient answers to critical national security questions.

There are simply too many outstanding questions about the protection of critical U.S. military technology and the broader implications of these sales to U.S. national security regarding the UAE's relationships, for example, with Russia and China as they exist today—as they exist today.

I have heard some of my colleagues say: Well, aren't we concerned that they will go to Russia—they have relationships with Russia and China as it exists today in a military purchase context—and about the long-term implications, of course, to the United States and to our ally, the State of Israel, in terms of national security?

Now, it is disappointing that we are forced to discuss these issues in such a public way through a formal congressional expression of disapproval. That is not normally how we do this. However, the administration left us no

choice because of the way that it attempted to rush through these sales by completely subverting congressional oversight, and, it appears, increasingly, the need for greater interagency review.

Now, the U.S. Congress has a unique legislative responsibility to oversee U.S. arms sales abroad. This process allows Congress to engage privately with relevant national security agencies and the intended recipient countries in order to better understand the intricacies and security implications of any proposed sale. But as it has done before, the administration decided to ignore the congressional responsibilities here and rush through with this sale. They blew right through that period of review that the Congress has had normally for about 40 days.

Let me just say, the United Arab Emirates, from my view, has been an important partner in the fight against terrorism and for other U.S. national security priorities, and I will suspect it will continue to be so after this. It is unfortunate, however, that we find ourselves in this situation.

Following the historic Abraham accords, we started hearing that the administration was planning to grant the UAE a longstanding request—the sale of the most advanced U.S. stealth fighter jets. Both the Emiratis—and I have spoken to their Foreign Minister and to their Ambassador—and the U.S. administration continued to insist, however, that there is no connection—none—between the Abraham accords and this sale. So that is a red herring for those who are concerned that somehow we are going to disrupt the Abraham accords.

While I join just about all of my colleagues in applauding the advancement of diplomatic relations that builds upon years already of Israeli and Emirati engagement, there is absolutely no reason to rush through an arms sale of this magnitude, especially when we are being told there is no connection.

Interagency review of such sales usually takes many months of careful deliberation. The Departments of State, Defense, and others must assess what capabilities are safe to sell, what technology security measures are appropriate and necessary, what restrictions on use are imposed, and how the sale will affect the national security of our friends and allies in the region and elsewhere.

Once these deliberations have concluded, a sale of this magnitude usually sits with the Senate Foreign Relations Committee for an informal review process that, by the State Department's own requirement—the State Department's own requirement—would last 40 days.

Then, for reasons the administration has concealed, it completely subverted this review process and officially started a statutory 30-day review—all before any briefings were even given to staff, let alone Senators and members of the committees of jurisdiction.

To date, we have yet to get a clear answer as to why the President and the Secretary of State are trying to, again, circumvent the congressional arms sales oversight process by rushing the sale of 50 of the most advanced fighter jets in the world—technology that gives Israel and the United State a critical military advantage over any adversary.

Moreover, the administration wants to push through without any congressional oversight the second largest ever sale of armed Reaper drones to the UAE and over 14,000 additional aircraft munitions on top of the 60,000 already sold to Abu Dhabi as part of the non-emergency last year. I say ''non-emergency'' because they declared an emergency, but there was no emergency to be justified.

Delivery of the most advanced features could take years. I say that because, therefore, there is no reason that giving us a timeframe to do what we normally do to determine whether this is the right sale in the national security interests of the United States, not starting an arms race in the Middle East, also dealing with Israel—is that too much to answer when you are not even going to get any of this equipment for years? These are major sales by any measure.

Part of this conversation is also, as my colleague has said, about Israel's qualitative military edge that it currently has over its neighbors and was expected to maintain with its own purchase of 50 F–35s that are still in the process of being built and delivered.

Let me make it clear. I take a backseat to no one when it comes to advancing U.S. policies to protect Israel's national security. I have proven that time and again. But this sale is fundamentally about U.S. national security, about the U.S. qualitative military edge, and about our long-term national security. It is also about not wanting to start and thinking about, at least, what does it mean in terms of an advanced arms race in the region.

Unfortunately, particularly for Members who do not serve on national security committees, there is much we cannot discuss in an open setting, but let me assure all of my colleagues that these sales have very real implications for their own technology security.

On October 9 of this year, Armed Services ranking member Senator REED and I sent a letter to former Secretary of Defense Esper and Secretary of State Pompeo with 16 detailed questions about the F–35 sale. To date, we have not received satisfactory answers to any or all of those questions.

I ask unanimous consent to have that letter printed in the CONGRESSIONAL RECORD.

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

Hon. MIKE POMPEO,
*Secretary of State, Department of State, Washington, DC.*
Hon. MARK ESPER,
*Secretary of Defense, Department of Defense, Washington, DC.*

DEAR SECRETARY POMPEO AND SECRETARY ESPER: We write today to seek clarity on public reporting and mixed messaging from the Administration on a proposed sale of the F–35 aircraft to the United Arab Emirates. As you well know, Congress has statutory authority over foreign arms sales, but it appears that the Administration is trying to rush through a precedent-setting sale of the United States' most advanced fighter aircraft to a country in a volatile region with multiple ongoing conflicts. The Administration appears to be ignoring long-standing, deliberative, internal U.S. processes for considering whether selling such a sophisticated and mission-critical military system abroad could compromise the United States' national security interests—and in this case Israel's—and instead is rushing to meet a political deadline.

There are numerous questions as to how the national security interests of both the U.S. and Israel will be served, or undermined, by such a sale. We fear that the Trump Administration's recklessly accelerated timeline will preclude sufficient and comprehensive consideration of these issues by the national security professionals in the Departments of State and Defense, as well as by the Congress.

Emirati officials have publicly and privately declared that their decision to normalize relations with Israel was not dependent on getting the F–35; however, the Administration's attempt to move at breakneck speed so close to this announcement would give the appearance that it was. Additionally, this sale seems more tied to the American political calendar than to a sober deliberation about regional security.

U.S. national security and the safety of American troops could be seriously compromised by this sale. The F–35 is one of the most advanced aircraft in the world, giving the United States and its allies and partners a tremendous military advantage. This therefore creates an immense counterintelligence threat against this aircraft. Indeed, assessing the risk to our own military advantage is a critical part of the internal deliberations we must make before agreeing to provide this aircraft, including any recipient country's history of use of U.S. origin weapons and its capacity and willingness to protect critical U.S. technology. Indeed, given that the F–35 has been financed, developed, produced, and sold to our security partners as part of an international consortium, the sale has the risk of undermining their security as well.

In light of these concerns, we have listed below a series of vital questions that must be fully answered before this sale is sent to Congress for review, as required by statute.

1) What precisely has the U.S. agreed to in terms of selling the F–35 and other aircraft to the UAE?

How many?

On what timeline for delivery?

Has the U.S. received a formal Letter of Request from the UAE for these aircraft?

2) Would the Emiratis have signed the Abraham Accords if not for the promise of this sale? Were F–35s or any other military sales discussed as part of deliberations related to the Abraham Accords?

3) Has the UAE articulated a military threat necessitating the acquisition of F–35 aircraft?

How would the UAE employ F–35s against that threat?

Are there other military or other means that could also counter this threat or threats?

4) It has been reported that the U.S. and the UAE have agreed to conclude a Letter of Offer and Acceptance (LOA) for the aircraft by December 2nd. This is an extremely accelerated schedule for interagency review, consultation with Congress, and preparation of the LOA and negotiation on its terms with the UAE—a process that can take months, if not longer.

Is this deadline correct?

If so, why did the Administration agree to this arbitrary deadline in concluding an LOA?

How would such an accelerated timeline affect the Congressional review and approval process?

5) It has traditionally taken months for a complete and comprehensive interagency review of a proposed sale of this importance and sensitivity.

Has the U.S. interagency reviewed and determined what variant of the aircraft would be best to sell, in terms of protecting the aircraft's technology and in terms of protecting Israel's Qualitative Military Edge (QME)?

If not, when will that review commence and how long might it take?

6) Has a determination been made that the sale of this aircraft to the UAE will not jeopardize Israel's Qualitative Military Edge?

If so, upon what basis was that determination made?

7) Will any aircraft sold to the UAE be reduced in capabilities compared to comparable U.S. aircraft?

If so, how much less capable will these aircraft be compared to Israeli and U.S. F–35 aircraft and other aircraft?

Exactly which systems, software, and components will be reduced in terms of operational capability in comparison with Israeli and U.S. aircraft, and to what degree and with what effect? Please provide a detailed written and graphic comparison.

8) What anti-tamper measures will be incorporated into the F–35 and other aircraft sold to the UAE to ensure that critical or sensitive military technology and components within such aircraft are not compromised, either in operation or in terms of revealing classified information about such technology and components?

9) Will the UAE be required to enter into binding commitments not to employ such aircraft in situations that might expose them to technological intelligence collection efforts, such as exposure to advanced anti-aircraft radar systems?

10) What secondary security measures will be put in place to protect critical U.S. technology inherent in the F–35?

Will the U.S. require continuous U.S. presence on base to monitor the security of the aircraft?

Will the U.S. be made aware of any proposed third-party nationals to visit the base(s) where the F–35 aircraft are based?

Will the U.S. be able to veto any physical presence of such nationals if, in the opinion of U.S. personnel present in the U.S. Embassy or in Washington, the close physical proximity of such third-party nationals could constitute an intelligence threat to sensitive technology in or of these aircraft?

Will any automatic electronic security measures be employed to protect U.S.-origin aircraft, manuals, and related documents?

Will the maintenance and servicing of these aircraft be performed solely by U.S. personnel, or in concert with Emirati personnel?

11) What measures will be taken to counteract any reduction in Israel's QME?

Will the U.S. shift from a Qualitative Military Edge measurement to a Quantitative one, selling or providing more aircraft and munitions meant to overwhelm the heightened military threat to Israel?

If so, how will these additional arms to Israel be financed? Will the U.S. need to increase Foreign Military Finance levels in order to offset this sale to the UAE?

12) The UAE has taken an active role in supporting Khalifa Haftar, who has continued a brutal military campaign in Libya against the internationally recognized Libyan government. According to recent reports, the UAE may even have violated the U.N. arms embargo on Libya.

What will prevent the UAE from using F–35 aircraft in conflicts where the United States and its allies are pressing for a diplomatic solution?

Will the United States require any commitments from the UAE that it will not employ such aircraft to the detriment of Israel's security interests or the foreign policy and national security interests of the United States, as determined by the Israel and the U.S. respectively?

13) To what extent would this sale stimulate an arms race in the region, both among the Gulf States and with Iran? With the arms embargo against Iran in danger of expiring, would this sale provide greater encouragement to China and Russia to sell Tehran advanced fighter aircraft and advanced air defense systems, in numbers and under more favorable financial terms than would otherwise be the case?

14) In 2017, the UAE and Russia signed an agreement to develop a fifth-generation fighter jet, along with a separate UAE purchase of Russian Sukhoi Su-35 fighters. In addition, after being rebuffed in its attempts to purchase armed drones from the United States, the UAE reportedly purchased Chinese surveillance drones and outfitted them with targeting systems. Other reports indicate that expatriates from countries aligned with China operate some of the UAE's weapons systems.

What is the status of the UAE's cooperation with Russia? Would these efforts present security and counterintelligence threats to the F–35?

What assurances and commitments, if any, has the UAE made to the United States to safeguard U.S. technology from Russian and Chinese personnel that may be involved in either of these programs?

Has the UAE agreed to terminate all such cooperation and purchases from Russia and China?

15) What are the Administration's thoughts regarding other sales of the F–35 in the region?

16) Have you, or will you, consult with our partners about these risks and their views of this potential sale to the UAE concluding the sale?

Will you take their concerns into account during the interagency review process to address their concerns?

We look forward to your immediate response.

Sincerely,

ROBERT MENENDEZ,
*U.S. Senator.*
JACK REED,
*U.S. Senator.*

Mr. MENENDEZ. I am not opposed to these sales if they make sense and pose no threat to U.S. or Israel security in the short and the long term. But these sales require and deserve careful and deliberate consideration within the interagency process and by this Congress. However, that simply has not happened.

A little while ago, my distinguished colleague from Missouri, Senator BLUNT, asked on the floor: Well, what do you have to do to be a trusted partner? Let me try to answer that question.

Following a classified briefing with the administration—the details of which I will not discuss here—there are a whole host of issues that a trusted partner would ultimately have to agree to.

One, the United Arab Emirates has been building its military relations with Russia and China. Just a few years ago, the Emiratis and Russia signed an agreement to develop a fifth-generation fighter jet and to purchase Russian Sukhois. Our own Department of Defense inspector general recently indicated that they may be funding the malicious Russian Wagner mercenary forces in Libya. So what is the status of and what specific efforts are we taking to address the UAE's current and future military relationship with China—where they are talking about building an airbase outside the UAE's waters, on artificial land—and Russia? There are no answers to that. Do we not deserve, if we are going to send the most sophisticated equipment in the world to the UAE, to make sure that there is a written commitment that they are going to phase out those military engagements?

What specific steps and assurances are the United States taking to safeguard U.S. military technology against sophisticated espionage, and what specific commitments do we have from the Emiratis? There is no answer to that question. A trusted partner would agree to those safeguards.

Three, the UAE last year transferred U.S.-origin weapons to a terrorist organization in Yemen that has a history of targeting civilians. The Emiratis have been repeatedly accused, along with others, of violating the U.N. arms embargo on Libya. Well, what assurances do we have about how and where these new sophisticated weapons would be used? There is no answer. A trusted partner would agree to those limits.

Four, the long-term threat of a highly lethal arms race and the great power competition implication this could set off across the region and implications for future gulf cooperation—the Qataris have already asked for their own F–35s. Is that what is next? Saudi Arabia—well, they may say: We like the United Arab Emirates, but we can't be inferior for our own national security.

What security threats would be posed when the entire region is armed with the most sophisticated weapon we have to offer? There are no satisfactory answers, if any, to these questions.

What guarantees do we have that these weapons will not be used against the United States or Israel's national security in the future? How will that be determined?

What might Israel need in the future to secure its qualitative military edge? There is no clear answer to that.

What specific military threat have the Emiratis articulated that they need the F–35s to address right now? If

they have specific needs, then we need to know that because if these aren't going to come online for some time, maybe their needs are more consequential and they need to be dealt with in a different way.

How might the Iranians react to the increase of stealth fighter aircraft in their neighborhood? We have no analysis of that.

Finally, the timeline. When will the letters of offer and acceptance be concluded? Why was there an initial artificial deadline? Why the rush to cut short the normal, monthslong interagency review process by the Congress and national security professionals? Why? Why? Are they trying to lock in the sale before President-Elect Biden is inaugurated, regardless of the possible cost to U.S. and Israeli national security? We have no answer to that.

As I have said before, the United Arab Emirates has been an important partner for critical U.S. interests, including the fight against terrorism and in our efforts in Afghanistan. But according to the United Nations and to the Department of Defense's own inspector general, at the same time, the UAE also seems to be working against our stated interests in other areas. A trusted partner would be in collaboration and in cooperation with us.

Look, I wish we could have had these discussions in more appropriate settings. That is what we normally would have done.

This is, of course, not the first time the administration has subverted Congress's important oversight role in arms sales. Last May, the administration notified more than $8 billion of weapons to Saudi Arabia and the United Arab Emirates. It cited a bogus ''immediate'' threat from Iran, despite the fact that most of the sales, like these F–35s, would take years—years—to reach their intended recipients.

So, colleagues, at the end of the day, we must assert our congressional prerogative, not for the sake of prerogative in and of itself but to safeguard the U.S. national security interests that we are all collectively and individually entrusted to do.

We must demand answers to the very serious and very reasonable questions many have of this sale. Perhaps with due diligence, we will find that this sale will indeed bolster U.S. national security, but right now, the truth is, we do not have clarity on that most fundamental question.

Colleagues, do you really want a sale of this magnitude to go through without the appropriate vetting measures?

Voting against these resolutions sends a message to the executive branch—I don't care who is sitting there; the present occupant, a future occupant—whoever is sitting in the White House, that we are willing to give up our congressional responsibilities. It is hard to bring that back once you let it go. It says that we will not stop arms sales in the future that have not gone through the appropriate review process.

For that reason, I urge all of our colleagues to support these resolutions of disapproval so that we may have more time to assess for ourselves the nuances of these sales and the repercussions they may have in the region for decades to come, to ensure technology transfer doesn't take place, and to ensure that the national security interests of the United States are preserved. I urge you to support these resolutions to stand up for those propositions. Both are critical to protecting U.S. national security interests.

VOTE ON MOTION TO DISCHARGE—S.J. RES. 77

Madam President, I ask unanimous consent that all debate time on S.J. Res. 77 and S.J. Res. 78 be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, the question occurs on agreeing to the motion to discharge S.J. Res. 77.

Mr. MENENDEZ. 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 Georgia (Mrs. LOEFFLER), the Senator from Georgia (Mr. PERDUE), and the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

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

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—46

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

NAYS—50

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

NOT VOTING—4

| | |
|---|---|
| Harris | Perdue |
| Loeffler | Rounds |

The motion was rejected.

VOTE ON MOTION TO DISCHARGE—S.J. RES. 78

The PRESIDING OFFICER. Under the previous order, the question occurs on the motion to discharge S.J. Res. 78.

Mr. MENENDEZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mrs. LOEFFLER), the Senator from Georgia (Mr. PERDUE), and the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

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

The result was announced—yeas 47, nays 49, as follows:

[Rollcall Vote No. 262 Legislative]

YEAS—47

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

NAYS—49

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

NOT VOTING—4

| | |
|---|---|
| Harris | Perdue |
| Loeffler | Rounds |

The motion was rejected.

The PRESIDING OFFICER. The majority leader is recognized.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the conference report to accompany H.R. 6395.

The PRESIDING OFFICER. The Chair lays before the Senate the conference report to accompany H.R. 6395, which will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6395), to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

Thereupon, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 3, 2020.)

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk for the conference report.

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

The 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 conference report to accompany H.R. 6395, an Act to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mitch McConnell, John Thune, Shelley Moore Capito, Thom Tillis, Roy Blunt, Cory Gardner, Roger F. Wicker, Marsha Blackburn, John Cornyn, Mike Crapo, Pat Roberts, Cindy Hyde-Smith, Kevin Cramer, Richard Burr, James M. Inhofe, Steve Daines, Deb Fischer.

The PRESIDING OFFICER. The Senator from Florida.

UNANIMOUS CONSENT REQUEST—S. 1151

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 189, S. 1151. I further ask that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Connecticut.

Mr. MURPHY. Mr. President, reserving the right to object, this is a substantial proposal, one that merits full consideration on the floor of the Senate with the opportunity to debate and amend to understand how many government agencies would be affected, to understand whether it merits a sunset date, to understand what the effects would be, not just on the regime of Venezuela but the people of Venezuela, and for that reason I will object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I rise to speak again today about the crisis in Venezuela, a defining human rights issue of our time.

Nicolas Maduro is starving his own people, and innocent children are dying. It is a genocide right here in our hemisphere. Every day that passes, the situation in Venezuela grows more dire.

This weekend, the world watched as Maduro orchestrated a sham election. No one was fooled by this pathetic attempt. The appearance of democracy is not democracy. Maduro is a murderous dictator who doesn't respect human rights or the will of his people. He must be stopped.

The Trump administration has taken decisive action to hold Maduro accountable, sanction the Venezuelan regime, and cut off the funds Maduro uses to hold on to power. But the United States and all freedom-loving countries around the world must do more.

As Governor, I strictly prohibited the State of Florida, including all State agencies, from investing in any company that did business with Maduro's repressive regime.

It is simple. Why would we ever use taxpayer money to support a regime that is killing its own people?

My bill, the Venezuelan Contracting Restriction Act, does the same thing on the Federal level by prohibiting Federal agencies from doing business with anyone who supports Maduro. Last year, we included a targeted version of this measure in the NDAA that prohibited the Department of Defense from doing business with anyone supporting Maduro's regime.

Now it is time for us to be clear and united in our support for the Venezuelan people and prohibit every agency in the Federal Government from doing anything that would support Maduro and his genocide.

Mr. President, I ask consent to address the Senate in Spanish.

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

Mr. SCOTT of Florida. (English translation of the statement made in Spanish is as follows:)

I stand with the people of Venezuela and will always fight for freedom and democracy in Latin America.

Mr. President, what I have proposed is a simple action we can take as Americans to help end Maduro's genocide.

I am completely disappointed with my Democratic colleague's objection to my request today. This bipartisan proposal cleared the Homeland Security and Government Affairs Committee with unanimous consent.

I am eager to resolve my colleague's concerns quickly, and I hope that he and the other Senator who objected before will work with me to get this done. Unfortunately, they have not been willing to meet with me to fix this and to get this done.

I am not giving up and plan to bring this up again and again. We don't have time to delay. We cannot lose sight of the fact that Nicolas Maduro is killing his citizens. We need to take every action we can to say to Maduro that the United States will not stand and let this continue.

Even though my bill was blocked today, I will never stop fighting until Venezuela and all of Latin America can begin a new day of freedom.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I mentioned recently in one of these speeches that an identity-laundering group called Donors Trust decided to do a letter to the editor of my home State paper asserting that they were just as innocent as newborn lambs.

The Center for Media and Democracy has recently obtained the IRS form 990 for calendar 2019 for this little lamb, Donors Trust, and it has some fascinating findings.

Donors Trust took in a total of $312 million in donations in 2019—nearly a third of a billion dollars—up from $198 million in 2018. Of that, more than two-thirds came from two huge donations—two—one for $150 million and another for $69 million.

Out of the $312 million they received, $219 million came in two donations, and both of the donations were anonymous. Now, who makes anonymous donations of that size? Most people making a donation that big want their name on the building at the university. What is going on? Who has that kind of money to give away and a desire to hide themselves? One wonders.

Donors Trust gave out $162 million in anonymized grants in 2019—mostly to rightwing groups. This is up from $142.3 million in 2018. I should actually probably not say that Donors Trust gave them out but, rather, that they transmitted the funds for the anonymous donors because a donor can tell Donors Trust where the money is to go. Donors Trust then provides the expedient service of hiding the donor's identity.

So where did this anonymous money go? Well, grants of interest include $7 million to the Federalist Society—1 year, $7 million—up from last year's $5.9 million. Yes, this is the same Federalist Society that has selected judges and Justices for the Trump administration.

Is it not obvious that big special interests might buy their way to the Federalist Society judicial selection table with big, anonymous donations? When you farm out to secretive private organizations the power to select Supreme Court Justices and the secretive organizations take big, anonymous donations, what else are you to expect?

It would be interesting to know who paid for a voice in selecting Supreme Court Justices, and it would be interesting to know what business they may have before the Court. But all of that is shrouded in secrecy and anonymity. It would be logical to assume that $7 million bought a seat or two at that table; we just don't know for whom or what their interests were.

Relatedly, Donors Trust transmitted $10.5 million to something called the 85 Fund, a Leonard Leo shell group formerly known as Judicial Education Project. Who is Leonard Leo? Leonard Leo ran the Justice-picking, Court-packing scheme for the Federalist Society for years until an expose by the Washington Post made it prudent for the operation to bring in a new face named Carrie Severino. It is a little bit like replacing a burned agent in a covert operation with a new agent.

The logical conclusion is that this $10 million is also related to packing the courts with special interest-chosen judges and Justices, and if so, that brings the total for that project to over $17 million, counting the Federalist Society money—$17 million in 1 year just through Donors Trust.

Of course, once you have packed the Court with agreeable Justices, you need to tee up agreeable cases for them. And guess what. Donors Trust also transmitted $2.7 million to advocacy groups that bring those cases, including the groups that presented to the Supreme Court Janus, the anti-labor case, and Shelby County, the anti-voting rights case. These are just two of the more infamous of the 80 5-to-4 partisan decisions giving big wins to Republican donor interests—just the kind of interests that have the money to push millions through Donors Trust and the motive to use Donors Trust to cover their tracks.

When this dark-money-funded enterprise is not busy at the task of packing the Court, it is busy propagating climate denial and obstruction. It has been at that particular scheme for years. Climate denial and related political obstruction, packing the courts, and electing Republicans are the three primary purposes of this dark-money enterprise.

To keep climate denial cooking, Donors Trust transmitted nearly $19 million to rightwing local so-called think tanks, collectively called the State Policy Network—a group that propagates climate denial and obstruction at the State government level—and to ALEC, the American Legislative Exchange Council, which drafts up rightwing and climate denial and obstruction legislation for State legislators. This ALEC group is so reprehensible that even ExxonMobil withdrew its support for it—or maybe they just laundered their support through Donors Trust. We don't know.

Not content with climate denial and obstruction at the State level, Donors Trust also transmitted $4.5 million in anonymous money to eight different national climate denial organizations. These include the Heartland Institute, notorious for comparing climate scientists to the Unabomber and sending 200,000 fake, climate-denying textbooks to school teachers around the country.

On this graphic prepared by a researcher into the climate denial enterprise, Donors Trust is front and center, right here, right in the middle of the web, and that Heartland Institute is right here, part of the network.

The other organization that it funded is the Competitive Enterprise Institute, which planted noted climate denier Myron Ebell to lead the Trump transition at EPA and usher in the disgraced Scott Pruitt as Administrator.

On a personal note, I should thank Donors Trust for transmitting $769,000 from some anonymous donor or donors to a dark-money opposition research group called Capital Research Center, which has as one of its tasks to feed misinformation about me to rightwing media outlets. I think that is my reward for calling out this whole crooked dark-money operation. And wouldn't you know—they send out a dark-money group to defend their dark-money operation. I appreciate the attention and the irony.

Others in the Donors Trust dark-money creep show include $4 million to Project Veritas, which cooked up deceptive sting videos in Minnesota and other States to feed the false election fraud narrative of Donald Trump and the far right, and also $1.5 million to a beauty called VDARE Foundation, whose website is a vector for anti-Semitism, xenophobia, and White nationalism. I can see why someone would want to hide giving a million dollars to that.

Donors Trust has a tag-along entity that sends a lot of money into the same places—the Charles Koch Foundation. In fact, it is a little hard to tell where this Koch Foundation ends and where Donors Trust begins.

Donors Trust has provided significant financial support to the Koch political operation's major front group through the Americans for Prosperity Foundation, which is here on the graphic. It is like a reunion going through this research. And Donors Trust, in turn, has received financial support from the Charles G. Koch Foundation. So money out to the Koch political operation and in from the Koch Foundation. I don't know why the Koch Foundation couldn't just have given the money directly.

It has been reported that the Koch network has provided Donors Trust with most of its backbone, even to the point of being described as part of the Koch network, and the Donors Trust employees have extensive histories within the Koch network of political front groups.

The Center for Public Integrity reported this gem: ''At a private Koch fundraising meeting in the summer of 2010, Donors Trust hosted cocktails and dessert for . . . a 'target-rich environment' of wealthy donors.'' Sweet indeed.

So when we look at this Charles Koch Foundation, we are looking at something interlinked with Donors Trust, and sure enough, there is also overlap in where the money goes.

In 2019, this Koch Foundation gave out $141 million, up from $127 million in 2018. For the State-level climate denial State Policy Network we talked about, it gave $2.5 million across 13 so-called think tanks, and it gave nearly half a million dollars to that same ALEC—American Legislative Exchange Council—we talked about.

Other Koch grants of note include over $22 million to George Mason University, whose role as a hothouse for developing deregulatory and climate denial theories is well documented in Nancy Maclean's terrific book, ''Democracy in Chains.'' This $22 million continues a relationship that helped put Koch operative Neomi Rao from George Mason into the Trump White House and then onto the DC Circuit Court of Appeals to do the Koch operation's business from behind robes.

Remember those special interest front groups that tee up legal cases for the judges and Justices who have been ushered onto the courts? The Koch Foundation turns up there too. The Koch Foundation has spread $6.2 million around 10 separate amici curiae—friends of court, so-called—that showed up in a case called Americans for Prosperity v. Becerra. And what do you know? Yes, Americans for Prosperity is that Koch political operation's main front group—such a small world.

Why would Koch political interests want to fund amici in a case where a Koch front group is already the plaintiff? Well, let's look at that case. The ''Becerra'' in Americans for Prosperity Foundation v. Becerra is the California attorney general, a nominee for HHS Secretary now, I gather. The case is an abstruse technical challenge to how the IRS shares tax information with States.

Why this gathering of the Koch-funded clan of front groups around this little technical case? Because the lifeblood of all this dirty operation is dark money. Indeed, today, our Supreme Court is the Court that dark money built. So the dark money operation sees a chance to enshrine dark money in the American Constitution. The dark money forces that built this Court want the Court to expand the First Amendment to protect anonymous, dark money political spending by secretive billionaires and corporate interests. This is the case where they intend to make their move. It is waiting in the Supreme Court right now. Who knows, maybe it has been waiting for Justice Barrett.

Lined up as amici curiae in this otherwise nondescript case, in the order of their Koch Foundation funding, are: the Cato Institute—I can't read this well enough to point them out, but these are inhabitants of this graph as

well—$2.4 million from the Koch Foundation; Texas Public Policy Foundation, $1.5 million; Pacific Legal Foundation, $1 million; New Civil Liberties Alliance, $1 million; Buckeye Institute, $104,200; Independent Women's Forum, $100,000; Pacific Research Institute, $100,000; Philanthropy Roundtable, $30,000; Institute for Justice, $12,584; and National Right to Work Legal Defense Foundation, $8,156. When you look at the kind of money that is being doled out, I think the Institute for Justice and the National Right to Work Legal Defense Foundation have some cause to complain that they got treated so poorly with such small donations from such a big operation.

The gathering of that clan is not the only clue that something is up. Big players in the dark money racket, like the fossil fuel titan Marathon Petroleum and the massive climate obstructer that calls itself the U.S. Chamber of Commerce, are already objecting to requests for information about their dark money operations by asserting that such a right exists. They are already asserting that such a right exists, while the dark money schemers are lining up in this case to make that push to the Supreme Court. Wouldn't it be convenient if they helped build a Court willing to agree with them and establish this new right to dark money influence?

This whole dark money mess smells to high heaven. Why big donors feel they have to hide? Why this complicated network to play Whac-A-Mole with different groups who can show up? Why the orchestration of Supreme Court briefs with groups that purport to be separate? Why the whole scheme? It is a recipe for corruption. It prevents citizens from understanding what is going on in their own democracy. It empowers the worst forces in politics. It is the mechanism through which climate denial has been effectuated, and it is wrapping its tentacles more and more tightly around our U.S. Supreme Court.

And Donors Trust—that sweet little lamb—is at the center of the web dolling out hundreds of millions of dollars—some lamb. Donors Trust is a wolf in lamb's clothing or perhaps better to say Donors Trust provides the lamb's clothing that cloaks the wolves so that they can feed more voraciously and anonymously on America's body politic.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

TRUMP ADMINISTRATION

Mr. INHOFE. Mr. President, I was listening to the previous speaker from Rhode Island, and I figure it is time to clarify a few things that are said about our President.

I know that right now a lot of people are believing that we are going to have a change; that we will have a Democratic President. A lot of decisions are being made, talk is being made. But to show you that there is a big difference of opinion, I want to say a few things about our President just to remind people. They have forgotten what has happened. Now, I know there are differing opinions on that, partisan opinions and all that.

Right now, my very close friend from the Democratic aisle and I are going to, hopefully, have a vote tomorrow that will take place, the Defense authorization bill—the biggest bill of the year, the most significant bill of the year. Senator REED and I have an agreement on almost every element of it. And we have both come to the conclusion that it is a tremendous bill. It is one you really can't justify opposing.

A lot of things have been said that are not true, but I want to just mention a couple of things because this is a good time to do it.

We have a President who has done things that just have never been done before in terms of accomplishments, positive accomplishments. I remember 2 years ago, I wrote this little card because I was keeping track of all these goods things that have happened. I remember showing it to the President at that time. He read that, and he was very excited about the way that we had composed them. Keep in mind, this was 2 years ago.

Look at these 10 things that this President has done: First of all, the big tax cut that he had. By the way, when we look at the fact that he did such great things for the economy—prior to the pandemic, we had the best economy we have had in my lifetime. The pandemic changed all of that. But he did this by looking back at history—and it was not a Republican; it was a Democrat. It was President Kennedy who had the wisdom to say, when he was working on the Great Society programs that were going to cost so much money: Well, we have to raise our revenue, and the best way to increase revenue is to decrease tax rates. So he decreased tax rates. We all remember that. While it worked, unfortunately, the President died before he could really take advantage and enjoy the benefits of the work he had done by his tax cuts. It has been tried since that time, and it has worked.

But what this President did in addition to that, he didn't have just tax cuts; he had regulation cuts. I call it the golden day of regulation relief, the best economy we have had in that period of time. They say that full employment is 4 percent unemployment, when, in fact, we actually got down below 3 percent. That was something that has not been done in my memory, and all these things happened and good benefits came from that.

There is a difference of opinion between Democrats and Republicans, and we understand that. I have always felt the best thing and indicator of success in the economy is to see how many people you get off of food stamps, and a lot of liberal friends say that they measure it by how many people get on food stamps. Nonetheless, we have 5 million people off of food stamps. That is what happened, and that is why we had the economy that we had. I hate to think of where we would be today if we had started with an average economy. We started with the best economy we had in my lifetime, and that was because of the President and the support he had from our party.

The second thing I hold up—now, keep in mind, I am from Oklahoma. We are an oil State. We renewed—during the Obama administration, there was a war on fossil fuels. Fossil fuels are coal, oil, and gas, and it was an effort to try to get it back into renewables. Someday we may have the development of renewables. They are not there now. In spite of what the previous speaker said, they are not there and available now. So what this President did was he stopped the war on fossil fuels.

As a result of that, we had—and this is in the first 2 years—a 277-percent growth in crude exports, 132-percent increase in coal exports, and a 52-percent increase in natural gas exports. A lot of that translated into the economy that we were enjoying.

In terms of illegal immigration—I know this became very controversial—the wall. People didn't like the idea of the wall. I can remember a conversation I had with Netanyahu when I was in Israel once, and he said he didn't understand how a modern State can have borders that are not secured. He said: You can't do that. That doesn't work. Well, he has now gotten that done against a lot of opposition—we all know that—in Israel.

How many Presidents—every President I can think of in my career here in Washington has said we need to move the U.S. Embassy in Israel to Jerusalem, but they don't do it. So this President just went ahead and did it. He is a little abrupt—we understand that—but he got these things done.

The WRDA bill—the Water Resources Development Act—right now and, actually, the FAA reauthorization were both booming successes. They were his efforts.

And then the judges. I don't know that it is a record, but in the period of time, the 4 years that this President has been in office, we have had about 220 judges who have been confirmed. These are all judges who have one thing in common: They really believe in the Constitution. They are Constitutionalists. In addition to that, he has three of the U.S. Supreme Court Justices.

Then, on the repeal, if you talk to anyone in business in America—this was a couple of years ago—about the biggest problem they had was the Dodd-Frank effort. That was the overregulation of business and industry. And so he relaxed those rules, and that created a lot of prosperity, a reason for the economy that we have today, and the record employment that he has given us of 157 million jobs.

This is back 2 years ago.

Now, I would say, if you single out one thing—I don't say this critically of the Obama administration. We all have different priorities, and I have considered President Obama to be a friend. However, his top priority was not a strong national defense. He had other priorities. We all know that.

As a result of that, if you will take the last 5 years—that would have been from the year 2010 to 2015—in the last 5 years, he reduced the funding of the military by 25 percent. It has never been done before.

But that is something that this President came in and immediately—and I chair the committee, so I was very much involved in this. But we ended up with all these things that—the lifting of that and putting it back in the position that it should be.

Now, this is interesting because somebody reminded me—John Bonsell reminded me this morning. He said: What you ought to do is get a list of these things that have happened since 2 years ago. So real quickly, just to say, identifying China as the No. 1 adversary in the NDS—that is the National Defense System, which has worked very successfully. That is a program that is put together by six Republicans and six Democrats, all experts in the field.

I talked about national defense, and he stuck with that and has identified China for the problems that they are giving us right now.

He had new investments in the future. Hypersonics is a good example. After the last administration, China and Russia both surged ahead of us in the research on hypersonics. That is one of the most recent developments of modern equipment. That has worked, and we are not quite there yet, but we are catching up in the cyber world. He is advancing it in that area.

Then as far as the terrorist leaders Baghdadi and Soleimani, both of them were considered to be the worst terrorists on the planet, and he has taken both of them out.

He established the Space Force. The Space Force is something that we really needed to do not because so much that we were behind in anything but the fact that our competition—Russia and China—were in their particular space forces, and we wanted to make sure everybody knew and our partners knew that we were right there with them.

Then, of course, he eliminated the widow's tax. We remember that.

And the Abraham accords—this is really interesting. We have Arab countries right now that are working closely with Israel. This hasn't happened before. The UAE is right now working with them. And the Israelis didn't have to give up anything, so that is a major advancement that we are enjoying.

Then, of course, one of the issues we are working on right now is on the arms sales. We feel that we need to be selling arms to our allies, and we want to make sure that the whole world knows that, as a loyal friend of ours, we want to make sure that we do for them what we should be doing for them.

During that timeframe he rescued 55 hostages in 24 countries. That is a big deal.

So, anyway, all these things have been going on—and getting tough. I know people are upset with his attitude toward NATO. He believes in NATO, but he believes that the partners in NATO need to start carrying their fair share. And it worked. It increased their share by about $130 billion.

That is something that, when you talk to real people—when you get out of Washington and you talk to the people on the street, they say: Why are we in NATO when they are not carrying their end of it? Well, that is all changing.

Anyway, that is what this President has done. But there is one thing that is happening that I think is maybe the most significant thing that this President has accomplished. He came out with something. I don't know who thought of the words ''Warp Speed'' because I have had a hard time remembering that. I have to write it down because I forget it.

But he came out with something where—General Perna is a real expert and has been monitoring what is going on and getting the medical equipment necessary to defeat this thing that we have been under now for almost a year. And he said—keep in mind, this is back in June. In June, he said, by year-end—by December, maybe as early as November, but by December we are going to have the decision made and have a way to stop the pandemic that has been plaguing us for so long.

We had a hearing—and the Presiding Officer knows this because he was in attendance at that hearing—and we looked at the things that General Perna was coming up with that showed us conclusively that we were going to have a vaccine that was going to work by year-end and then it would take about 3 months after that to get the distribution going.

So we are talking about having this thing over by April. Now, the interesting thing—that happened in June, yet that is still, today—we are right on schedule for that to happen.

My fellow Senator from Oklahoma, JAMES LANKFORD, gave a speech yesterday. It was fascinating. He took a long time to do it, but he went into all the indicators that were out there, and you come to the conclusion that this plague is going to be over and we are going to be able to get back to normal. And that will be certainly good.

So I just want to mention that those things are happening, and those things are things that were on behalf of our President. There are, out there, a lot of people—I have never seen the media turn against someone like they have our President. So people don't even know these good things, but I am hoping we can get this out so that people will be aware of it.

Now, back to the bill that we are going to have. I know that my partner, who is the ranking member on the Armed Services Committee, is going to want to be heard concerning some of the great things that we are going to be doing in that bill. I will be doing the same thing tomorrow morning.

So this is a bill that we can all be proud of. I have never seen it misrepresented as much as this bill has been misrepresented.

With that, I am anxious to hear my partner talking.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

H.R. 6395

Mr. REED. Mr. President, I also want to thank the chairman for his extraordinary leadership in getting us to this point.

For 59 years straight we have passed the National Defense Authorization Act, and I think, honestly, without the chairman's leadership we would have failed this year. So he is owed a great debt of gratitude by all of us and appreciation, particularly from the men and women of the military.

Let me speak a bit about this year's bill: the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021.

We reached a conference committee report which was fair and bipartisan. In fact, I think the best testimony of that was the vote last evening by the House of Representatives—335 to 78, with 1 Member voting present. That is, by definition, bipartisan, substantive, overwhelmingly supported by both sides as a fair—not only fair but extraordinarily beneficial piece of legislation for the country.

You don't get that vote on something that is partisan and narrowly defined and divisive. This bill is bipartisan. Again, Exhibit A: the vote last night in the House of Representatives.

We have passed it for 59 years. There should be no exception this year. This is the 60th. And I hope we complete that and I expect we will complete that tomorrow.

And, indeed, this whole effort, like everything else in this country, has been twisted and exacerbated by the COVID virus. We have to deal with that, but we recognize that, despite all the complications, despite all of the issues that come before us, one of our most important constitutional duties is to provide for the security of this Nation and provide for the men and women who wear the uniform of the United States. This bill does that.

This important bipartisan legislation enhances our national security, strengthens military readiness and defense capabilities, protects our forces and their families, and it supports the defense industrial base.

This bill authorizes the active and reserve component end strength necessary to meet national defense objectives, provides a 3-percent across-the-

board pay raise for the troops, and authorizes a number of bonus, special, and incentive pay authorities necessary to retain and recruit the highest quality individuals for military service.

The conference report, as I indicated, passed by an overwhelming margin in the House, and I hope and believe we will have that same outcome tomorrow in the Senate.

Despite everything in this bill to support our forces and bolster our national security, there have been threats to veto the bill by the President. That is his prerogative as President of the United States, but our responsibility and our prerogative is to pass legislation which is sound, we hope bipartisan, and serves the needs of the Nation and, particularly in this case, the troops. And I believe we have done that.

There has been some discussion by the President of a repeal of section 230 of the Communications Decency Act of 1996. Obviously that is not in our jurisdiction. It is a complicated issue. To simply, at the end of this process, stick it in does a great disservice to the committees of jurisdiction, as well as to the complexities involved in taking away a major factor in the operation of social media companies all across this country.

So, once again, I think it was wise to resist trying to insert a repeal of section 230 into the bill. Indeed, our national security and our troops should not be held, in a sense, hostage to a very specific business concern, and our legislation does not do that.

As I mentioned a moment ago, the crisis affecting every citizen is an exponential spread of the COVID–19 virus, and our military is not immune. As of last Wednesday, more than 31,000 military personnel were infected. If you add their families and Defense Department civilians, the number is over 48,000. These infections undermine our readiness, including the ability to train and to deploy safely.

To respond to this health crisis—again, the most serious crisis we have faced in 100 years, with respect to the pandemic—the conference agreement requires the Department to develop a strategy for pandemic preparedness and response, maintain a 30-day supply of personal protective equipment, and to have the capability to resupply such equipment rapidly and review the Military Health System's response to COVID–19.

The conference agreement also requires the creation of a registry of TRICARE beneficiaries diagnosed with COVID–19 and provides transitional health benefits for National Guard members and their families.

I can't think of a more timely and necessary provision than this provision in our legislation, which addresses this pandemic that faces us today.

Now, there has been one very high profile—there are several high profile but one high profile issue that is surrounding the bill this year, and that is the conference agreement inclusion of the Senate provision renaming military installations that are named after Confederate leaders.

This provision establishes a commission to make recommendations for the renaming or removal of names, symbols, displays, monuments, and paraphernalia that honor or commemorate the Confederacy or any person who served voluntarily with the Confederacy. The provision also requires the Secretary of Defense to rename and implement the commission's plan within 3 years of enactment.

Now, I know the President recalls this, but this passed our committee by voice vote with one, I recall, objection by the Senator from Missouri. It came to the floor, and there were some attempts to make changes, but changes were not made. The bill passed overwhelmingly for—I believe over 80 votes—including the precise language that is in this conference report.

So we went from committee to the floor, to the conference with the same language that was not objected to significantly by anyone. I think that should be pointed out.

The senior Department officials at the Department of Defense are all open to changing these names. There is bipartisan support and cooperation on this issue, and I think it will be something that will be implemented and will be appropriately implemented.

The conference agreement also includes a number of provisions aimed at increasing diversity and inclusion within the Department of Defense and military services, including the creation of a Chief Diversity Officer within the Department and the inclusion of programs at the Department to respond to White supremacist, extremist, and criminal gang activity within the Armed Forces.

I say with some sense of remorse and regret that, unfortunately, there are some—I don't think significant numbers but some of these individuals. We have to respond to them, and we are responding to them.

The conference report also includes the Elijah Cummings Anti-Discrimination Act of 2020, which expands and enhances anti-discrimination employee protections for Federal workers.

Also, the conference agreement strengthens the Department's civilian workforce by including technical fixes and improvements to the Paid Parental Leave Program authorized in last year's Defense bill.

As the Presiding Officer recalls, last year was a major breakthrough, giving Federal employees the incentive of paid parental leave. It has been extremely well received. Now we have made sure that no one has been left out.

We are all, I believe, disappointed that, as we look at the record of all the services dealing with sexual assault in the military, they have not made the progress I think we all deem necessary. To reduce barriers and encourage victims of sexual assault to report that they were assaulted, the conference report requires the Secretary of Defense to establish a safe-to-report policy that would allow victims to report sexual assault without being punished for minor misconduct related to the assault.

We are also concerned about the issue of domestic violence affecting our military families. The conference report requires the Defense Department to contract with a private sector independent entity to assess the Department's domestic violence program and to recommend improvements to enhance the prevention of and response to domestic violence in the military.

Let me turn to the requirements of specific military services. The conference report supports a number of programs necessary for modernization, including robust funding for the Army's Future Vertical Lift Program and long-range precision fires.

For the Navy and Marine Corps, the bill would add roughly $3 billion to authorize a number of unfunded priorities identified by the Chief of Naval Operations and the Commandant, including funding for the CNO's top unfunded priority, the 10th *Virginia*-class submarine in the current multiyear procurement program. It also mandates changes in the oversight and execution of shipbuilding and unmanned systems development programs—changes that should help instill more rigor and discipline within the Navy's efforts.

With respect to the Air Force, the bill helps improve oversight of the Department by requiring the Secretary of Defense to submit an annual 30-year plan for the procurement of aircraft across the services—all the services—which is similar to the 30-year shipbuilding report that is already in statute. The bill also supports the Department's efforts to achieve reduced operating and support costs of the F–35 program.

Turning to science and technology, I am pleased that the bill increases funding for important research activity such as artificial intelligence and quantum computing. It also includes several provisions that strengthen our domestic manufacturing and industrial base, including in critical sectors such as microelectronics, pharmaceuticals, and rare earth materials.

The conference report adopts a large number of recommendations from the Cyberspace Solarium Commission, which was cochaired by Senator KING. I must applaud him for his extraordinary work. They did remarkable work, Senator KING and his colleagues in the Senate and the House of Representatives.

The conference report establishes the National Cyber Director position within the Executive Office of the President to provide national leadership for cyber security, which cuts across many different agencies and jurisdictions. This is one of the key recommendations, but

we have many more recommendations included in the report.

As we turn and look at the world outside of the United States, particularly with regard to Russia and Europe, the conference report enhances our ability to deter Russian aggression, maintains strong support for Ukraine, and reaffirms our commitment to the Transatlantic Partnership by calling for a strong U.S. force posture and capabilities in Germany.

The conference report also expands sanctions on entities engaged in the construction of the Nord Stream 2 Pipeline and a requirement to impose sanctions under the Countering America's Adversaries Through Sanctions Act, CAASTSA, on Turkey for its purchase of the Russian S–400 air defense system.

Turning to China, our other major adversary—and as the chairman pointed out the two major features in the new national defense strategy authored under the guidance and direction of President Trump—turning to China, the bill established the Pacific Deterrence Initiative, a new authority for the Department of Defense modeled after the European Deterrence Initiative, and authorizes an additional $150 million in funding. And I give great credit to the chairman because it was his idea, and he asked me to participate with him. But it is a great recognition of the world as it is today—China in an adversarial position—and we responded to it.

I believe this is one of our strongest bills yet on countering the threat that China poses to the United States and our partners and allies, including India, Taiwan, and other countries in the region.

With respect to countering the continued threat posed by ISIS, the conference report extends the Iraq and Syria train-and-equip programs at the requested funding level, while ensuring appropriate congressional oversight of the use of such funds.

Specific to Iraq, the conference report continues efforts to normalize security assistance to Iraq by transitioning funding to enduring authorities and not other temporary authorities we have been using over the last several years—many years, frankly.

For Afghanistan, the bill extends the authority to train and equip Afghan security forces and enhances congressional oversight. It requires an assessment of the progress made on such issues as anti-corruption, recruitment and retention of security forces, and commitments made by the Afghan Government in support of intra-Afghan negotiations. It also includes a restriction on funding to reduce U.S. forces in Afghanistan until the administration submits an assessment of the impact of such actions on U.S. interests.

In addition, the bill includes a provision to enhance congressional oversight of the administration's negotiations with the Taliban to ensure the Taliban is in compliance with the commitments made on February 29, 2020, and to address current and projected threats to the homeland emanating from Afghanistan.

The key commitment is that we would be able to maintain a counterterrorism presence that would be adequate and sufficient to suppress any threat emanating from Afghanistan, and that has to be confirmed. We are still waiting for that confirmation.

I am also pleased the conference agreement includes several provisions, collectively known as the United States-Israel Security Assistance Act, to extend foreign assistance, cooperative development programs, and other support to Israel. These provisions demonstrate our unwavering commitment to Israel.

Turning to our nuclear triad, the conference report authorized the President's request to continue the modernization of our nuclear deterrent, which is quickly nearing the end of its use life, and the President recognizes that very precisely. The conference report will also ensure the continuation of much needed modernization efforts to continue to rebuild our aging National Nuclear Security Administration infrastructure. The conference report does not support additional testing, as the directors of our weapons labs have assured us and certified that it is not necessary at this time.

The bill before the Senate is bipartisan, with strong support in Congress. This bill is critical to our national security, but more importantly, it provides the resources our troops need in order to do their job and return home safely to their loved ones. Any discussion of vetoing this bill undermines the commitment, I believe, that we have made to our servicemembers and should be off the table. Vetoing this bill would send the wrong signal to our forces, our allies, and our adversaries at exactly the wrong time. It is not necessary, and it should be avoided.

Let me close in the way that I began. Let me commend Senator INHOFE. He has worked this bill tirelessly, and I believe he has been fair and transparent throughout the process. As I said before, the reason we have this bill for the 60th year—assuming our vote is strong tomorrow—is because of the chairman and several others, but it is the chairman principally.

I would also like to take a moment to commend MAC THORNBERRY. The bill is named after Mac. He is an extraordinary gentleman. I had the privilege of serving with him for 2 years in the House of Representatives. He is an individual whose wise counsel, whose integrity, whose decency, and whose dedication to the men and women of the armed services is unparalleled. He is an extraordinary gentleman. I can't think of a more fitting tribute and a more apt tribute than naming this bill after MAC THORNBERRY.

I have to conclude by saying that despite the appearance we have done all this work, our staff is extraordinary. John Bonsell and Liz King—the staff directors—did superb work. Let me recognize my staff, my Democratic staff: Jody Bennett, Carolyn Chuhta, Jon Clark, Jonathan Epstein, Jorie Feldman, Creighton Greene, Ozge Guzelsu, Gary Leeling, Maggie McNamara Cooper, Kirk McConnell, Bill Monahan, Mike Noblet, John Quirk, Arun Seraphin, Fiona Tomlin, and last but not least, Elizabeth King.

Again, this Fiscal Year 2021 National Defense Authorization Act conference report is the culmination of months of hard work. It is a good bill. I would say, in fact, it is one of the best bills that we have had in many, many years, and it will provide for our national security and our men and women in uniform and their families. I urge my colleagues to support it.

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. INHOFE. 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. INHOFE. Let me first of all say that my colleague, ranking member of the Armed Services Committee, Senator REED, is absolutely right. I think about the people that he was praising, the staff people.

You don't very often hear people back in the real world really appreciating the time and effort that comes from the staff. In this case, the two individuals that Senator REED talked about, John Bonsell, Liz King—I don't remember one weekend that they have had off during this whole thing.

They are just workaholics. They know how significant this is. They know we had a defense authorization bill for the last 60 years, and the worst thing we could do to our kids in the field who are risking their lives is not send them the resources necessary that are in this bill to defend America.

## MORNING BUSINESS

### STOP THE WAIT ACT

Mr. CASEY. Mr. President, today I rise to discuss the dangerous practice we have in this country that forces people with disabilities to wait for benefits and healthcare coverage. I would first, however, like to congratulate my colleague, the senior Senator from Rhode Island, for his diligence and persistence in working to eliminate the 5-month waiting period for those who have amyotrophic lateral sclerosis, known as ALS. His perseverance is admirable, and I congratulate him for eliminating this misguided policy for people with ALS.

My hope is we can expand this victory to eliminate the waiting periods

for Social Security Disability Insurance benefits and Medicare coverage to all eligible Americans.

Forcing Americans to wait 5 months to begin cash benefits and then another 24 months for Medicare coverage is a dangerous policy. In many cases, applicants have little or no income while they are waiting for government benefits to begin. We should not be forcing someone with stage-4 breast cancer or Huntington's Disease or any of the disabilities or diseases that qualify a person for Social Security Disability Insurance to wait to receive benefits. Those who have been determined eligible are American workers who have paid into the Social Security system throughout their lives. We have an obligation to assist Americans in their time of need in a timely manner. When a person receives a diagnosis, bills do not wait 5 months to be paid, healthcare costs are not put on hold for 2 years. Their rent, their utilities, their healthcare copayments come due immediately. Therefore, the benefits these American workers have paid for through their Social Security contributions should be made available to them when they are found eligible.

I would again like to congratulate the senior Senator from Rhode Island. His bill is an important step forward for people with ALS and for all people eligible for SSDI benefits. Let's use this moment to move forward and make comprehensive change to the way we administer SSDI benefits to all eligible Americans with disabilities. Every eligible applicant continues to have essential expenses and needs the cash benefits and healthcare coverage provided by Medicare.

My bill, S. 2496, the Stop the Wait Act, would eliminate the waiting periods for those eligible for SSDI benefits, regardless of diagnosis. It would eliminate the 5-month waiting period for SSDI benefits, and it would eliminate the 24-month waiting period for Medicare coverage. It would help keep people from slipping in to poverty and would ensure they have healthcare coverage.

Today, let's celebrate the policy victory and the great work Senator WHITEHOUSE has accomplished to improve the lives of Americans with ALS. Tomorrow and for the days to come, let's work to secure that victory for all Americans who are eligible for SSDI. They cannot wait.

## PAID ACT

Mr. SCOTT of South Carolina. Mr. President, yesterday, the Provide Accurate Information Directly, PAID Act took a pivotal step closer to becoming law. Once enacted, this vital legislation, which I had the privilege of coauthoring with Senator Cardin, will save tens of millions of taxpayer dollars through targeted and commonsense updates to the Medicare secondary payer, MSP, statute, which Congress first codified four decades ago. The PAID Act aims to ensure that the Centers for Medicare & Medicaid Services, CMS, in coordinating claims related to Medicare Advantage MA, or Medicare Part D plans, can provide the information needed for settling parties to resolve claims-fairly and efficiently.

In short, this bill is a boon for seniors, Main Street job creators, and the American taxpayer.

As this bill approaches the legislative finish line, I would like to thank Chairman GRASSLEY for his invaluable support in working with my office, as well as with our Democratic counterparts and with CMS, to bolster, refine, and identify legislative avenues for our proposal. I would also like to thank Senator CARDIN for his partnership in co-leading this legislation, along with Representatives KIND and BILIRAKIS, who introduced a companion bill in the House, which passed by voice vote yesterday. Together, I feel confident that we can see the PAID Act signed into law by the end of the year.

Congress amended the MSP statute in 2007 to require parties to a dispute—known as primary plans—to report settlements, judgments, and awards to Medicare through so-called section 111 reports. This amendment allowed Medicare to-seek recovery from settling parties when Medicare paid for healthcare because other payment was not available or reasonably expected to be available. While this system has functioned well for the Medicare Fee-for-Service program, where CMS has the claims data needed for recovery, it has not worked successfully for the MA Part C and Part D programs, where CMS does not have the requisite Part C and Part D claims data and cannot recover for payments that have been made. To compound the problem, settling parties are often unable to identify the correct Part C or Part D plan to be able to coordinate benefits, should they choose to do so. This legislation closes that critical information by having CMS communicate the Part C and Part D plan identification to settling parties in response to a section 111 report. CMS has that data and can provide it.

Congress recognizes that for the last 8 years, CMS has provided section 111 reports to the Part C and Part D Plans, and Congress expects that CMS will continue to do so after this legislation is enacted. Further, the existing MSP statute and regulations impose specific requirements on CMS, and on Part C and Part D plans, to pay for claims in some situations, to not pay for claims in other situations, and to pursue recovery of claims when appropriate. Nothing in this legislation is intended to change any of those obligations or requirements, and Congress expects Part C and Part D plans to continue to seek recovery of claims by timely notifying settling parties when a payment has been made that should be reimbursed, consistent with the CMS notice procedures. This legislation is only intended to provide more information to the settling parties so that they have the ability to coordinate with Part C and Part D plans earlier, if they so choose.

Congress has afforded CMS 12 months to implement this law, and we urge the agency to move with all deliberate speed to both implement its own system changes and coordinate with primary plans throughout the implementation process. Regular communication and coordination will prove critical in ensuring that Primary Plans are aware of the data exchange requirements that CMS plans to implement and are prepared as quickly as possible to utilize the data CMS will be providing under this law. By involving all stakeholders throughout the implementation process, CMS can implement our intent that the needed plan identity information be available for parties to coordinate benefits as efficiently as possible.

# ADDITIONAL STATEMENTS

## RECOGNIZING BAYSHORE FIT

• Mr. RUBIO. Mr. President, as chairman of the Senate Committee on Small Business and Entrepreneurship, each week I recognize a small business that exemplifies the American entrepreneurial spirit at the heart of our country. It is my privilege to recognize a family-owned small business that promotes American health and wellness by operating a gym and fitness business. This week, it is my pleasure to recognize Bayshore Fit of Tampa, FL, as the Senate Small Business of the Week.

In 2012, partners Jeff Fink and Beth Scanlan founded Bayshore Fit in Tampa, FL. Both Jeff and Beth had years of experience training for marathons, bodybuilding, and fitness competitions. Together, they created a gym that met the demand for a personalized alternative to large national gym chains. Jeff and Beth focused on helping every customer meet their health goals, developing a family-friendly, relationship-driven business. As their client base grew, they quickly moved their gym into a larger facility.

Today, Bayshore Fit continues to serve the Tampa area, with members ranging from first-time gym attendees to senior citizens and even professional athletes. The gym has been featured in local media, recognizing their significant membership growth and continued emphasis on personalized programs.

Bayshore Fit's emphasis on healthy living extends to their philanthropic endeavors. They are involved with the South Tampa Chamber of Commerce and the Westshore Alliance in Tampa's Westshore business district. For more than 8 years, Bayshore Fit has sponsored local youth sports teams. They regularly support local nonprofit organizations, including Frameworks of Tampa Bay, Inc., which fosters youth social and emotional development.

Like many of Florida's small businesses, Bayshore Fit temporarily

closed its doors due to the coronavirus pandemic. In April 2020, the U.S. Small Business Administration launched the Paycheck Protection Program, a small business relief program that I was proud to author. The PPP provides forgivable loans to impacted small businesses and nonprofits who maintain their payroll during the COVID–19 pandemic.

Jeff and Beth used their PPP loan to keep their business operating until Florida allowed gyms to reopen. Bayshore Fit pivoted to provide virtual classes and video training sessions. When they reopened, Bayshore Fit developed an outdoor workout facility. They also introduced a Bayshore Fit app to manage workout class schedules and the number of people allowed to enter the gym.

Bayshore Fit exemplifies the unique role of relationship-driven small businesses in building communities. I commend their support to youth athletics programs and promoting public health.

Congratulations to Jeff, Beth, and the entire team at Bayshore Fit. I look forward to watching your continued growth and success.●

## TRIBUTE TO BRENDA TORPY

● Mr. SANDERS. Mr. President, I rise today to recognize Brenda Torpy, who is retiring this month after decades of service at Champlain Housing Trust. Brenda is not only a leader and ally in the fight for affordable housing, she is a longtime friend.

When I was elected mayor of Burlington, VT, in 1981, I knew I had a unique opportunity to change the way things were done, and to serve working families and others who had been left behind by past administrations. My vision was for a municipal government that worked for every one and increased fairness and equity so that all Burlington residents could get ahead. At the time, far too many residents were struggling to keep up with rising housing costs due to gentrification and development, and owning their own home—a hallmark of the American dream—felt like an impossible goal. I wanted to change that.

My vision for housing in Burlington could never have become a reality without Brenda and her work to establish a community land trust in Vermont. Brenda served as the city's first housing director in the newly created Community and Economic Development Office—CEDO—a role in which she demonstrated remarkable talent and dedication. It was Brenda and her colleagues who proposed the idea of a community land trust, which was a novel idea at the time. Thanks to their work with the Institute for Community Economics and their successful engagement with the community, this innovative model for affordable housing came to the city of Burlington and was established as the Burlington Community Land Trust, now the Champlain Housing Trust. The trust did something truly transformative: Through shared equity, it gave low-income people access to homeownership that was never possible before. Because the land trust remains affordable in perpetuity, the homes are still affordable today and will remain so long into the future.

From her role at CEDO, Brenda went on to play a pivotal role in the Champlain Housing Trust's growth and success. She served as the first board president and, in 1991, became the executive director. Nearly 30 years later, the Champlain Housing Trust is the world's largest community land trust, with 2,600 affordable homes, including 566 designated for shared equity ownership; more than 6,000 members; and nearly $300 million in assets. The Champlain Housing Trust has not only benefited Burlington area residents and Vermonters. Brenda has used her talent and dedication to assist countless communities around the country interested in starting their own programs, making the work of the trust a national and international model, now established in it at least 23 States and 8 countries. Additionally, as an active member of the Neighborworks Alliance of Vermont, Brenda partnered with other housing organizations to assist Vermonters all across our State.

I am extremely pleased to see community land trusts serving people worldwide, and remain incredibly proud that the model was spearheaded in my hometown of Burlington, VT. While much work remains to achieve our shared goal of making affordable housing a human right, I am enormously grateful to Brenda for her career-long dedication to achieving this vision. With Brenda's retirement at the end of this year, we will lose an exceptional leader in the housing community, but I am confident that her contributions will not be forgotten. The Champlain Housing Trust and its portfolio represent an impressive legacy, but perhaps even more impressive is the enduring positive impact her work has had on the countless lives changed thanks to affordable housing. Because of Brenda, older Vermonters on fixed incomes are able to stay in their homes; New Americans and refugees can provide stability for their families as they adapted to a new culture and community; single parents can rely on a safe, consistent home in which to raise their children; and young homeowners can break the cycle of poverty by purchasing an asset that will grow in value over time. Quite simply, Vermont and Vermonters are better off today because of Brenda.

Becoming executive director of the Trust the same year I arrived in Washington, it is no exaggeration to say Brenda lent her expertise to me generously throughout my time in Congress. There was never an instance when my staff and I could not rely on Brenda to provide expert insights on the housing challenges we still face, and to put a human face on what can seem like abstract and intractable problems. She also brought great energy and innovation to this work, and her bold thinking—one of the qualities that made her indispensable in my municipal administration—will also be sorely missed. I count Brenda among my closest allies in affordable housing, and I have greatly appreciated working alongside her for nearly four decades. She has been a tremendous colleague and friend. I wish her all the best in her well-deserved retirement.●

## MESSAGES FROM THE HOUSE

At 12:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 134. An act to amend title 18, United States Code, with regard to stalking.

S. 578. An act to amend title II of the Social Security Act to eliminate the five-month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 1014. An act to establish the Route 66 Centennial Commission, and for other purposes.

S. 2258. An act to provide anti-retaliation protections for antitrust whistleblowers.

S. 2904. An act to direct the Director of the National Science Foundation to support research on the outputs that may be generated by generative adversarial networks, otherwise known as deepfakes, and other comparable techniques that may be developed in the future, and for other purposes.

S. 3703. An act to amend the Elder Abuse Prevention and Prosecution Act to improve the prevention of elder abuse and exploitation of individuals with Alzheimer's disease and related dementias.

S. 4902. An act to designate the United States courthouse located at 351 South West Temple in Salt Lake City, Utah, as the ''Orrin G. Hatch United States Courthouse''.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 631. An act for the relief of Arpita Kurdekar, Girish Kurdekar, and Vandana Kurdekar.

H.R. 683. An act to impose requirements on the payment of compensation to professional persons employed in voluntary cases commenced under title III of the Puerto Rico Oversight Management and Economic Stability Act (commonly known as ''PROMESA'').

H.R. 1375. An act to amend title XVIII of the Social Security Act to provide for transparency of Medicare secondary payer reporting information, and for other purposes.

H.R. 2477. An act to amend title XVIII of the Social Security Act to establish a system to notify individuals approaching Medicare eligibility, to simplify and modernize the eligibility enrollment process, and for other purposes.

H.R. 4225. An act for the relief of Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, Karla Maria Barrera De Bueso, and Ana Lucia Bueso Barrera.

H.R. 7146. An act for the relief of Victoria Galindo Lopez.

H.R. 7572. An act for the relief of Median El-Moustrah.

H.R. 8161. An act to authorize implementation grants to community-based nonprofits to operate one-stop reentry centers.

H.R. 8235. An act to provide for the modernization of electronic case management systems, and for other purposes.

H.R. 8354. An act to establish the Servicemembers and Veterans Initiative within the Civil Rights Division of the Department of Justice, and for other purposes.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1811. An act to make technical corrections to the America's Water Infrastructure Act of 2018, and for other purposes.

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At 4:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 8900. An act making further continuing appropriations for fiscal year 2021, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 631. An act for the relief of Arpita Kurdekar, Girish Kurdekar, and Vandana Kurdekar; to the Committee on the Judiciary.

H.R. 683. An act to impose requirements on the payment of compensation to professional persons employed in voluntary cases commenced under title III of the Puerto Rico Oversight Management and Economic Stability Act (commonly known as ''PROMESA'' ); to the Committee on Energy and Natural Resources.

H.R. 1375. An act to amend title XVIII of the Social Security Act to provide for transparency of Medicare secondary payer reporting information, and for other purposes; to the Committee on Finance.

H.R. 2477. An act to amend title XVIII of the Social Security Act to establish a system to notify individuals approaching Medicare eligibility, to simplify and modernize the eligibility enrollment process, and for other purposes; to the Committee on Finance.

H.R. 4225. An act for the relief of Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, Karla Maria Barrera De Bueso, and Ana Lucia Bueso Barrera; to the Committee on the Judiciary.

H.R. 7146. An act for the relief of Victoria Galindo Lopez; to the Committee on the Judiciary.

H.R. 7572. An act for the relief of Median El-Moustrah; to the Committee on the Judiciary.

H.R. 8161. An act to authorize implementation grants to community-based nonprofits to operate one-stop reentry centers; to the Committee on the Judiciary.

H.R. 8235. An act to provide for the modernization of electronic case management systems, and for other purposes; to the Committee on the Judiciary.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6069. A communication from the Deputy Director of Legislative Affairs, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Position Limits for Derivatives'' (RIN3038–AD99) received in the Office of the President of the Senate on December 2, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6070. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Swap Clearing Requirement Exemptions'' (RIN3038–AE33) received in the Office of the President of the Senate on December 2, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6071. A communication from the Federal Register Liaison Officer, Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Assessing Contractor Implementation of Cybersecurity Requirements'' (RIN0750–AJ81) received in the Office of the President of the Senate on December 1, 2020; to the Committee on Armed Services.

EC–6072. 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 ''Guidance Under Section 529A: Qualified ABLE Programs'' ((RIN1545–BP10) (TD 9923)) received in the Office of the President of the Senate on December 2, 2020; to the Committee on Finance.

EC–6073. 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 ''Transparency in Coverage'' ((RIN1545–BP32) (TD 9916)) received in the Office of the President of the Senate on December 2, 2020; to the Committee on Health, Education, Labor, and Pensions.

EC–6074. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department's Semiannual Report of the Inspector General for the period from April 1, 2020 through September 30, 2020; to the Committee on Homeland Security and Governmental Affairs.

EC–6075. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on Council Resolution 23–350, ''Sense of the Council Opposing Implementation of Public Charge Rule Resolution of 2020''; to the Committee on Homeland Security and Governmental Affairs.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–263. A concurrent resolution adopted by the Legislature of the State of Louisiana urging the United States Congress and the Louisiana congressional delegation to take such actions as are necessary to fully fund the Livestock Indemnity Program in response to the negative impact created by losses to the Louisiana livestock industry as a result of Hurricane Laura and Hurricane Delta; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 24

Whereas, Hurricane Laura made landfall along the coast of Louisiana on August 27, 2020, as a category four storm, becoming the strongest storm in Louisiana history and causing an estimated ten billion dollars in damage from the southwestern to the northern part of the state; and

Whereas, Hurricane Laura created an estimated one billion six hundred million dollar loss to the Louisiana agriculture industry, including a loss of one million eight hundred thousand dollars to the livestock sector alone; and

Whereas, an estimated one hundred one thousand poultry, one hundred thirty cattle, and a dozen horses died as a direct result of the storm and the extreme health and insect conditions that followed; and

Whereas, Louisiana was hit directly by Hurricane Delta on October 9, 2020, causing more catastrophic damage to many of the same areas of the state as Hurricane Laura; and

Whereas, Hurricane Delta likely created numerous additional losses to the Louisiana agriculture industry, including livestock, the extent of which will only be known after surveys and research of the industry can be conducted; and

Whereas, the 2014 Farm Bill authorized the Livestock Indemnity Program, within the United States Department of Agriculture, to provide benefits to eligible livestock owners or contract growers for livestock deaths in excess of normal mortality caused by eligible loss conditions, including adverse weather, disease, and attacks; and

Whereas, the United States Congress neglected to fund the Livestock Indemnity Program properly, creating a situation where Louisiana livestock producers are unable to utilize the program at a time when it is needed most to offset losses created by Hurricane Laura and Hurricane Delta. Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress and the Louisiana congressional delegation to take such actions as are necessary to fully fund the Livestock Indemnity Program in response to the negative impact created by losses to the Louisiana livestock industry as a result of Hurricane Laura and Hurricane Delta. Be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

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POM–264. A concurrent resolution adopted by the Legislature of the State of Louisiana urging the United States Congress to take such actions as are necessary to pass a stimulus plan that includes funds for unemployment, housing, local government, struggling businesses, education, and health care; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 30

Whereas, since surging around the globe into a worldwide pandemic earlier this year, the COVID–19 virus has taken an enormous economic and human toll across countries and continents, crippling heretofore healthy citizens and industries; and

Whereas, to help states with costs for COVID–19 mitigation and response measures, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act; and

Whereas, measures designed to protect the health and safety of Louisiana's populace from the COVID–19 virus have also had a negative impact on the economic fortunes of many of those same citizens through lost or reduced income from closures, capacity restrictions, and other public health measures; and

Whereas, the cost of this highly infectious pandemic to Louisiana businesses, citizens, and local and state government continues to rise; and

Whereas, the unprecedented number of unemployment insurance claims due to COVID–19 has drained the state's previously robust unemployment insurance trust fund; and

Whereas, local revenue collections have plummeted as economic activity has slowed, and as a result, local governments are struggling to provide crucial services; and

Whereas, already made vulnerable by lost jobs or decreased income from the COVID–19 pandemic, many Louisiana citizens face the prospect of housing insecurity as they struggle to provide a safe and secure place for themselves and their families to live while also maintaining basic services such as water, electricity, and food; and

Whereas, the federal government provided unemployment and housing assistance in its last COVID stimulus package, but there is a great need for further economic relief. Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to pass a stimulus plan that includes funds for unemployment, housing, local government, struggling businesses, education, and health care; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOEVEN, from the Committee on Indian Affairs, without amendment:

S. 2891. A bill to require the Secretary of the Interior to establish Tribal Wildlife Corridors, and for other purposes (Rept. No. 116–305).

S. 4556. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Indian Health Service, to acquire private land to facilitate access to the Desert Sage Youth Wellness Center in Hemet, California, and for other purposes (Rept. No. 116–306).

By Mr. HOEVEN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 790. A bill to clarify certain provisions of Public Law 103–116, the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, and for other purposes (Rept. No. 116–307).

S. 2165. A bill to enhance protections of Native American tangible cultural heritage, and for other purposes (Rept. No. 116–308).

S. 3044. A bill to amend the American's Water Infrastructure Act of 2018 to expand the Indian reservation drinking water program, and for other purposes (Rept. No. 116–309).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAWLEY:

S. 4983. A bill to amend chapter 77 of title 18, United States Code, to combat human trafficking and to strengthen civil remedies for survivors; to the Committee on the Judiciary.

By Ms. WARREN (for herself, Mr. BOOKER, Mr. MARKEY, Mr. VAN HOLLEN, Mr. SANDERS, Mr. BLUMENTHAL, Mr. DURBIN, Mr. MERKLEY, Ms. BALDWIN, Ms. KLOBUCHAR, Ms. HIRONO, Mr. WYDEN, Mr. CASEY, Ms. CORTEZ MASTO, and Ms. ROSEN):

S. 4984. A bill to report data on COVID–19 immigration detention facilities and local correctional facilities that contract with U.S. Immigration and Customs Enforcement, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BRAUN (for himself, Mr. COONS, Mr. YOUNG, and Mr. KING):

S. 4985. A bill to establish forestry policies that facilitate reforestation, conservation, international cooperation, and other ecologically sound management practices that reduce atmospheric carbon, to support United States efforts in partnership with the One Trillion Trees Initiative, to encourage the sustainable management, restoration, and conservation of global forests, grasslands, wetlands, and coastal habitats, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. HIRONO:

S. 4986. A bill to prevent an unintended drop in Social Security benefits due to COVID–19 and the application of the National Average Wage Index, and improve Social Security and Supplemental Security Income benefits on an emergency basis; to the Committee on Finance.

By Mr. CASEY:

S. 4987. A bill to provide grants to enable nonprofit disability organizations to develop training programs that support safe interactions between law enforcement officers and individuals with disabilities and older individuals; to the Committee on the Judiciary.

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

S. 4988. A bill to provide for the modernization of electronic case management systems, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Mrs. GILLIBRAND, Ms. DUCKWORTH, Mr. MERKLEY, Ms. HIRONO, Mr. BROWN, Mr. BLUMENTHAL, and Ms. BALDWIN):

S. 4989. A bill to facilitate nationwide accessibility and coordination of 211 services for information and referral for mental health emergencies, homelessness needs, other human services needs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASSIDY:

S. 4990. A bill to require the Office for Civil Rights of the Department of Health and Human Services to conduct a study and issue a report on the de-identification of data pursuant to privacy regulations; to the Committee on Health, Education, Labor, and Pensions.

By Ms. WARREN (for herself, Mr. DURBIN, and Mr. WHITEHOUSE):

S. 4991. A bill to amend title 11, United States Code, to add a bankruptcy chapter relating to the debt of individuals, and for other purposes; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. LEAHY):

S. 4992. A bill to protect journalists and other members of the press from gross violations of internationally recognized human rights, and for other purposes; to the Committee on Foreign Relations.

By Mr. BOOKER:

S. 4993. A bill to amend the Public Health Service Act to promote healthy eating and physical activity among children; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HASSAN (for herself, Mr. HAWLEY, and Mr. TILLIS):

S. 4994. A bill to provide civil relief for victims of the disclosure of certain intimate images, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Ms. HASSAN, Ms. ERNST, and Ms. BALDWIN):

S. 4995. A bill to amend the Commodity Exchange Act to modify the Commodity Futures Trading Commission Customer Protection Fund, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself, Mr. COONS, Mr. RUBIO, Mr. CARDIN, Mrs. BLACKBURN, and Mr. CARPER):

S. 4996. A bill to ensure funding of the United States trustees, extend temporary bankruptcy judgeships, and for other purposes; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 798. A resolution calling on the Government of Ethiopia and the Tigray People's Liberation Front to cease all hostilities, protect the human rights of all Ethiopians, and pursue a peaceful resolution of the conflict in the Tigray region of Ethiopia; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 633

At the request of Mr. MORAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 633, a bill to award a Congressional Gold Medal to the members of the Women's Army Corps who were assigned to the 6888th Central Postal Directory Battalion, known as the ''Six Triple Eight''.

S. 1902

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

S. 3353

At the request of Mr. CASSIDY, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 3353, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients, and for other purposes.

S. 3722

At the request of Mr. CRUZ, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 3722, a bill to authorize funding for a bilateral cooperative program with Israel for the development of health technologies with a focus on combating COVID–19.

S. 4012

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

4012, a bill to establish a $120,000,000,000 Restaurant Revitalization Fund to provide structured relief to food service or drinking establishments through December 31, 2020, and for other purposes.

S. 4110

At the request of Mr. RUBIO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 4110, a bill to designate residents of the Hong Kong Special Administrative Region as Priority 2 refugees of special humanitarian concern, and for other purposes.

S. 4326

At the request of Mr. ENZI, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from Nevada (Ms. ROSEN) were added as cosponsors of S. 4326, a bill to require the Secretary of the Treasury to honor the 100th anniversary of completion of coinage of the ''Morgan Dollar'' and the 100th anniversary of commencement of coinage of the ''Peace Dollar'', and for other purposes.

S. 4349

At the request of Mr. KAINE, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 4349, a bill to address behavioral health and well-being among health care professionals.

S. 4494

At the request of Ms. HASSAN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 4494, a bill to amend title VI of the Social Security Act to extend the period with respect to which amounts under the Coronavirus Relief Fund may be expended.

S. 4497

At the request of Mr. TOOMEY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 4497, a bill to temporarily suspend duties on imports of articles needed to combat the COVID–19 pandemic.

S. 4888

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 4888, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from transmitting certain information to the Department of Justice for use by the national instant criminal background check system.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Ms. HIRONO:

S. 4986. A bill to prevent an unintended drop in Social Security benefits due to COVID–19 and the application of the National Average Wage Index, and improve Social Security and Supplemental Security Income benefits on an emergency basis; to the Committee on Finance.

Ms. HIRONO. Mr. President, during the last year Americans everywhere have experienced the health, social, and economic impacts of COVID–19.

Millions of workers and families have experienced unemployment or underemployment, and millions more have struggled to cover rent, utilities, groceries, and other everyday living expenses.

People in Hawaii have fully experienced these challenges. We went from having one of the lowest to one of the highest unemployment rates in the United States. At the height of the pandemic in May, Hawaii's unemployment rate reached 23.5 percent—an unprecedented number for our state.

Family-owned businesses have closed, in many cases permanently, putting pressure on those families, their employees, and the communities they serve. Larger and medium-sized businesses have also closed, meaning furloughs, fewer hours, and reduced wages for their employees.

Because of this, many families have had to make difficult decisions regarding their household finances.

Some families have had to use whatever limited resources they have saved over the years, including retirement savings, to keep their heads above water. Others have had to find different ways to make ends meet and pay their bills—despite fewer hours and reduced wages.

Simply put, the economic downturn has been widespread, deeply-felt, and shared. 2020 has been a difficult year, and businesses, workers, and families will continue to feel its effects for many years to come.

Congress needs to continue its work to provide relief for workers and families, so today I am introducing the Social Security COVID Correction and Equity Act.

Specifically, this bill would provide temporary emergency relief for individuals who rely on Social Security, including retirees, disabled workers, dependent children and grandchildren, and others.

Separately, the bill would also make a technical correction (or ''fix'') to the Social Security ''notch'' to make sure individuals who turn 60 this year (those in the ''1960 cohort'') are not unnecessarily penalized for the recent economic downturn.

Social Security benefits are calculated based on an individual's lifetime earnings, but are indexed to account for wage increases over time. As a result, lower wages this year will mean permanently lower benefits for certain beneficiaries unless Congress acts. This bill addresses how wages are indexed to calculate earnings when determining benefits.

By some estimates, the downturn could reduce benefits by around $960 per year for the average worker.

Preventing these reductions is a bipartisan issue, and I hope we can work together to address the issue for the millions of individuals who would be affected nationwide—including the 17,800 seniors in Hawaii who turn 60 this year.

While most of these individuals will not receive their benefits for another two years, future retirees and other beneficiaries are concerned about the issue now, and we have an opportunity to provide them with some certainty during these difficult times.

Workers and families are hurting now, and we need to do what we can to prevent them from being harmed in the future too.

I encourage my colleagues to support this important bill.

I yield the floor.

By Mr. GRAHAM (for himself, Mr. COONS, Mr. RUBIO, Mr. CARDIN, Mrs. BLACKBURN, and Mr. CARPER):

S. 4996. A bill to ensure funding of the United States trustees, extend temporary bankruptcy judgeships, and for other purposes; considered and passed.

S. 4996

*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 ''Bankruptcy Administration Improvement Act of 2020''.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) Because of the importance of the goal that the bankruptcy system is self-funded, at no cost to the taxpayer, Congress has closely monitored the funding needs of the bankruptcy system, including by requiring periodic reporting by the Attorney General regarding the United States Trustee System Fund.

(2) Congress has amended the various bankruptcy fees as necessary to ensure that the bankruptcy system remains self-supporting, while also fairly allocating the costs of the system among those who use the system.

(3) Because the bankruptcy system is interconnected, the result has been a system of fees, including filing fees, quarterly fees in chapter 11 cases, and other fees, that together fund the courts, judges, United States trustees, and chapter 7 case trustees necessary for the bankruptcy system to function.

(4) This Act and the amendments made by this Act—

(A) ensure adequate funding of the United States trustees, supports the preservation of existing bankruptcy judgeships that are urgently needed to handle existing and anticipated increases in business and consumer caseloads, and provides long-overdue additional compensation for chapter 7 case trustees whose caseloads include chapter 11 reorganization cases that were converted to chapter 7 liquidation cases; and

(B) confirm the longstanding intention of Congress that quarterly fee requirements remain consistent across all Federal judicial districts.

(b) PURPOSE.—The purpose of this Act and the amendments made by this Act is to further the long-standing goal of Congress of ensuring that the bankruptcy system is self-funded, at no cost to the taxpayer.

**SEC. 3. UNITED STATES TRUSTEE SYSTEM FUND; BANKRUPTCY FEES.**

(a) DEPOSITS OF CERTAIN FEES FOR FISCAL YEARS 2021 THROUGH 2026.—Notwithstanding section 589a(b) of title 28, United States Code, for each of fiscal years 2021 through 2026—

(1) the fees collected under section 1930(a)(6) of such title, less the amount specified in subparagraph (2), shall be deposited as specified in subsection (b); and

(2) $5,400,000 of the fees collected under section 1930(a)(6) of such title shall be deposited in the general fund of the Treasury.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a of title 28, United States Code, is amended by adding at the end the following:

''(f)(1) During each of fiscal years 2021 through 2026 and notwithstanding subsections (b) and (c), the fees collected under section 1930(a)(6), less the amount specified in paragraph (2), shall be deposited as follows, in the following order:

''(A) First, the amounts specified in the Department of Justice appropriations for that fiscal year, shall be deposited as discretionary offsetting collections to the ''United States Trustee System Fund'', pursuant to subsection (a), to remain available until expended.

''(B) Second, the amounts determined annually by the Director of the Administrative Office of the United States Courts that are necessary to reimburse the judiciary for the costs of administering payments under section 330(e) of title 11, shall be deposited as mandatory offsetting collections to the 'United States Trustee System Fund', and transferred and deposited into the special fund established under section 1931(a), and notwithstanding subsection (a), shall be available for expenditure without further appropriation.

''(C) Third, the amounts determined annually by the Director of the Administrative Office of the United States Courts that are necessary to pay trustee compensation authorized by section 330(e)(2) of title 11, shall be deposited as mandatory offsetting collections to the 'United States Trustee System Fund', and transferred and deposited into the Chapter 7 Trustee Fund established under section 330(e) of title 11 for payment to trustees serving in cases under chapter 7 of title 11 (in addition to the amounts paid under section 330(b) of title 11), in accordance with that section, and notwithstanding subsection (a), shall be available for expenditure without further appropriation.

''(D) Fourth, any remaining amounts shall be deposited as discretionary offsetting collections to the 'United States Trustee System Fund', to remain available until expended.

''(2) Notwithstanding subsection (b), for each of fiscal years 2021 through 2026, $5,400,000 of the fees collected under section 1930(a)(6) shall be deposited in the general fund of the Treasury.''.

(c) COMPENSATION OF OFFICERS.—Section 330 of title 11, United States Code, is amended by adding at the end the following:

''(e)(1) There is established a fund in the Treasury of the United States, to be known as the 'Chapter 7 Trustee Fund', which shall be administered by the Director of the Administrative Office of the United States Courts.

''(2) Deposits into the Chapter 7 Trustee Fund under section 589a(f)(1)(C) of title 28 shall be available until expended for the purposes described in paragraph (3).

''(3) For fiscal years 2021 through 2026, the Chapter 7 Trustee Fund shall be available to pay the trustee serving in a case that is filed under chapter 7 or a case that is converted to a chapter 7 case in the most recent fiscal year (referred to in this subsection as a 'chapter 7 case') the amount described in paragraph (4) for the chapter 7 case in which the trustee has rendered services in that fiscal year.

''(4) The amount described in this paragraph shall be the lesser of—

''(A) $60; or

''(B) a pro rata share, for each chapter 7 case, of the fees collected under section 1930(a)(6) of title 28 and deposited to the United States Trustee System Fund under section 589a(f)(1) of title 28, less the amounts specified in section 589a(f)(1)(A) and (B) of title 28.

''(5) The payment received by a trustee under paragraph (3) shall be paid in addition to the amount paid under subsection (b).

''(6) Not later than September 30, 2021, the Director of the Administrative Office of the United States Courts shall promulgate regulations for the administration of this subsection.''.

(d) BANKRUPTCY FEES.—Section 1930(a) of title 28, United States Code, is amended—

(1) by striking paragraph (6)(B) and inserting the following:

''(B)(i) During the 5-year period beginning on January 1, 2021, in addition to the filing fee paid to the clerk, a quarterly fee shall be paid to the United States trustee, for deposit in the Treasury, in each open and reopened case under chapter 11 of title 11, other than under subchapter V, for each quarter (including any fraction thereof) until the case is closed, converted, or dismissed, whichever occurs first.

''(ii) The fee shall be the greater of—

''(I) 0.4 percent of disbursements or $250 for each quarter in which disbursements total less than $1,000,000; and

''(II) 0.8 percent of disbursements but not more than $250,000 for each quarter in which disbursements total at least $1,000,000.

''(iii) The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.''; and

(2) in paragraph (7), in the first sentence, by striking ''may'' and inserting ''shall''.

(e) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) EXCEPTIONS.—

(A) COMPENSATION OF OFFICERS.—The amendments made by subsection (c) shall apply to any case filed on or after the date of enactment of this Act—

(i) under chapter 7 of title 11, United States Code; or

(ii)(I) under chapter 11, 12, or 13 of that title; and

(II) converted to a chapter 7 case under that title.

(B) BANKRUPTCY FEES.—The amendments made by subsection (d) shall apply to—

(i) any case pending under chapter 11 of title 11, United States Code, on or after the date of enactment of this Act; and

(ii) quarterly fees payable under section 1930(a)(6) of title 28, United States Code, as amended by subsection (d), for disbursements made in any calendar quarter that begins on or after the date of enactment of this Act.

**SEC. 4. EXTENSION OF TEMPORARY OFFICE OF BANKRUPTCY JUDGES IN CERTAIN JUDICIAL DISTRICTS.**

(a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 2017.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 1003(a) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) for the district of Delaware and the eastern district of Michigan are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.

(2) VACANCIES.—

(A) DISTRICT OF DELAWARE.—The 1st and 2d vacancies in the office of a bankruptcy judge for the district of Delaware—

(i) occurring 5 years or more after the date established by section 1003(b)(1) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) EASTERN DISTRICT OF MICHIGAN.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Michigan—

(i) occurring 5 years or more after the date established by section 1003(b)(3) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1003 of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 2005 AND EXTENDED BY THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012 AND THE BANKRUPTCY JUDGESHIP ACT OF 2017.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized for the following districts by section 1223(b) of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), extended by section 2(a) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note), and further extended by section 1002(a) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:

(A) The district of Delaware.

(B) The southern district of Florida.

(C) The district of Maryland.

(D) The eastern district of Michigan.

(E) The district of Nevada.

(F) The eastern district of North Carolina.

(G) The district of Puerto Rico.

(H) The eastern district of Virginia.

(2) VACANCIES.—

(A) SINGLE VACANCIES.—Except as provided in subparagraphs (B), (C), (D), (E), and (F), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1)—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) DISTRICT OF DELAWARE.—The 3d, 4th, 5th, and 6th vacancies in the office of a bankruptcy judge for the district of Delaware—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(C) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of a bankruptcy judge for the southern district of Florida—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(D) DISTRICT OF MARYLAND.—The 1st vacancy in the office of a bankruptcy judge for the district of Maryland—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(E) EASTERN DISTRICT OF MICHIGAN.—The 2d vacancy in the office of a bankruptcy judge for the eastern district of Michigan—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(F) DISTRICT OF PUERTO RICO.—The 1st vacancy in the office of a bankruptcy judge for the district of Puerto Rico—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1223 of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note), and section 1002 of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(c) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 2005 AND EXTENDED BY THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized for the following districts by section 1223(b) of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note) and extended by section 2(a) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:

(A) The southern district of Georgia.

(B) The district of Maryland.

(C) The district of New Jersey.

(D) The northern district of New York.

(E) The district of South Carolina.

(2) VACANCIES.—

(A) SINGLE VACANCIES.—Except as provided in subparagraph (B), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1)—

(i) occurring 5 years or more after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) DISTRICT OF MARYLAND.—The 2d and 3d vacancies in the office of a bankruptcy judge for the district of Maryland—

(i) occurring 5 years or more after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1223 of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note) and section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(d) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 1992 AND EXTENDED BY THE BANKRUPTCY JUDGESHIP ACT OF 2005, THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012, AND THE BANKRUPTCY JUDGESHIP ACT OF 2017.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), extended by section 1223(c) of Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), extended by section 2(b) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note), and further extended by section 1002(b) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) for the district of Delaware and the district of Puerto Rico are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.

(2) VACANCIES.—

(A) DISTRICT OF DELAWARE.—The 7th vacancy in the office of a bankruptcy judge for the district of Delaware—

(i) occurring 5 years or more after the date established by section 1002(b)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) DISTRICT OF PUERTO RICO.—The 2d vacancy in the office of a bankruptcy judge for the district of Puerto Rico—

(i) occurring 5 years or more after the date established by section 1002(b)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), section 1223 of Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note), and section 1002 of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(e) TEMPORARY OFFICE OF BANKRUPTCY JUDGE AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 1992 AND EXTENDED BY THE BANKRUPTCY JUDGESHIP ACT OF 2005 AND THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012.—

(1) EXTENSIONS.—The temporary office of bankruptcy judge authorized by section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), extended by section 1223(c) of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), and further extended by section 2(b) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) for the eastern district of Tennessee is extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the district occurs.

(2) VACANCY.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Tennessee—

(A) occurring 5 years or more after the date of the enactment of this Act, and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), section 1223 of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), and section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judge referred to in paragraph (1).

(f) TEMPORARY OFFICE OF BANKRUPTCY JUDGE AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 1992 AND EXTENDED BY THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012.—

(1) EXTENSIONS.—The temporary office of bankruptcy judge authorized by section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and extended by section 2(c) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) for the middle district of North Carolina is extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the district occurs.

(2) VACANCY.—The 1st vacancy in the office of a bankruptcy judge for the middle district of North Carolina—

(A) occurring 5 years or more after the date of the enactment of this Act, and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judge referred to in paragraph (1).

**SEC. 5. REGULATIONS.**

Section 375(h) of title 28, United States Code, is amended by striking ''may'' and inserting ''shall''.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 798—CALLING ON THE GOVERNMENT OF ETHIOPIA AND THE TIGRAY PEOPLE'S LIBERATION FRONT TO CEASE ALL HOSTILITIES, PROTECT THE HUMAN RIGHTS OF ALL ETHIOPIANS, AND PURSUE A PEACEFUL RESOLUTION OF THE CONFLICT IN THE TIGRAY REGION OF ETHIOPIA

Mr. RISCH (for himself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 798

Whereas the United States and the Federal Democratic Republic of Ethiopia share a strong relationship built over a century of diplomatic relations;

Whereas Ethiopia is the second most populous country in Africa and plays a key role in advancing security and stability across sub-Saharan Africa, including as a top contributor of uniformed personnel to United Nations peacekeeping missions;

Whereas Ethiopia has been beset in recent years by multiple human rights and humanitarian challenges, including targeted ethnic violence, natural disasters, and political unrest, leading to the internal displacement of more than 1,800,000 Ethiopians in 2020 alone;

Whereas tensions between Prime Minister Abiy Ahmed's Prosperity Party and the Tigray People's Liberation Front, which was part of the ruling coalition in Ethiopia until late 2019, escalated when the Tigray People's Liberation Front held elections in the region of Tigray on September 9, 2020, despite the decision by the Federal Government of Ethiopia to postpone general elections due to the COVID–19 pandemic;

Whereas the Tigray People's Liberation Front rejected the postponement of elections and considered the extension of the term of the Federal Government to be unconstitutional, and the Federal Government subsequently deemed the Tigray elections illegitimate;

Whereas, in the early hours of November 4, 2020, the Tigray People's Liberation Front carried out an attack on the Northern Command of the Ethiopian National Defense Forces;

Whereas Prime Minister Abiy then ordered a military offensive and 6-month state of emergency in the Tigray region, which has evolved into an armed conflict in the region and surrounding areas between the Ethiopian National Defense Forces and the Tigray People's Liberation Front, with reports of thousands of deaths;

Whereas the Tigray People's Liberation Front claims it acted in self-defense and has accused the Ethiopian National Defense Forces of striking some civilian targets;

Whereas the Tigray People's Liberation Front admits to having fired missiles at 2 airports and having launched rockets across the border into Eritrea in what they say was retaliation for air strikes in the Tigray region;

Whereas Amnesty International confirmed that, on November 9, 2020, ''likely hundreds'' of ethnic Amhara people were stabbed or hacked to death in the town of Mai-Kadra in the Tigray region, and some witnesses attributed the killings to retreating Tigray People's Liberation Front forces;

Whereas the Ethiopian Human Rights Commission has expressed concern over the arrests of journalists in connection to the conflict in the Tigray region and called on the Government of Ethiopia to respect due process rights;

Whereas the closures of roads and airports servicing the Tigray region have contributed to shortages of fuel and other necessary goods and impeded the delivery of humanitarian assistance to more than 2,000,000 people already in need of aid, including approximately 100,000 Eritrean refugees and hundreds of United States citizens living in the region;

Whereas the Government of Ethiopia has shut down electricity, banking, internet, and telephone services in the Tigray region, creating additional challenges for the delivery of humanitarian services and the protection of civilians;

Whereas the conflict has already forced approximately 50,000 Ethiopians to flee to Sudan, and aid agencies warn that more than 200,000 refugees could enter Sudan, Djibouti, and Eritrea in the next 6 months;

Whereas the United Nations High Commissioner for Human Rights warned that ''there is a risk this situation will spiral totally out of control, leading to heavy casualties and destruction, as well as mass displacement within Ethiopia itself and across borders'';

Whereas, according to international human rights organizations, Tigrayans have been suspended from their jobs and prevented from leaving the country, and there are reports of surveillance and mass arrests of citizens of Ethiopia based on their ethnicity;

Whereas the United Nations Special Adviser on the Responsibility to Protect and the Acting Special Adviser on the Prevention of Genocide have expressed deep concern over ''reports of incidents of ethnically and religiously motivated hate speech, incitement to violence and serious human rights violations including arbitrary arrests, killings, displacement of populations and destruction of property in various parts of the country,'' stressing that the ethnically motivated attacks and reported ethnic profiling of citizens constitute ''a dangerous trajectory'' that heightens the risk of atrocity crimes;

Whereas the conflict in the Tigray region occurs within the context of democratic transition in Ethiopia, an uptick in targeted ethnic violence in Ethiopia, ongoing talks, mediated by the African Union, between Ethiopia, Egypt, and Sudan over the filling and use of the Grand Ethiopian Renaissance Dam, Ethiopia's rapprochement with Eritrea, and the fragile democratic transition and peace process in Sudan;

Whereas the conflict in the Tigray region jeopardizes the security and stability not only of Ethiopia, but of the broader East Africa region, particularly as Ethiopia withdraws its troops from Somalia to support domestic needs, including the operation in the Tigray region;

Whereas African Union Chairman Cyril Ramaphosa, President of South Africa, has appointed Joaquim Chissano, former President of Mozambique, Ellen Johnson-Sirleaf, former President of Liberia, and Kgalema Motlanthe, former President of South Africa, as envoys to mediate a resolution to the conflict in the Tigray region, but the Government of Ethiopia has dismissed calls for mediation as of December 2020;

Whereas, on November 28, 2020, the Government of Ethiopia claimed victory in the conflict after a series of artillery strikes on Mekelle, the capital city of the Tigray region, with Prime Minister Abiy announcing that his forces had ''completed and ceased'' military operations and would shift focus to rebuilding the region and providing humanitarian assistance while Federal police attempt to apprehend leaders of the Tigray People's Liberation Front;

Whereas, although Prime Minister Abiy stated that no civilians were harmed by the operation in Mekelle, the communications blackout in the Tigray region impedes verification of that claim and the International Committee of the Red Cross reported on November 29, 2020, that 80 percent of patients at Ayder Referral Hospital in Mekelle were suffering trauma injuries;

Whereas, on November 29, 2020, Debretsion Gebremichael, leader of the Tigray People's Liberation Front, disputed Prime Minister Abiy's claims of victory and told reporters that Tigray People's Liberation Front forces were withdrawing from Mekelle but would continue fighting the Federal Government; and

Whereas United Nations High Commissioner for Refugees Filippo Grandi noted that although the Government of Ethiopia announced the completion of military operations in the Tigray region, it ''does not mean the conflict is finished'': Now, therefore, be it

*Resolved,* That the Senate—

(1) strongly disapproves of the escalation of political tensions between the Government of Ethiopia and the Tigray People's Liberation Front into armed conflict and condemns in the strongest terms any and all violence against civilians, such as the reported mass killings in Mai-Kadra, Ethiopia;

(2) appreciates the readiness of Sudan and Djibouti to welcome refugees fleeing the conflict in the Tigray region of Ethiopia and supports the de-escalation efforts led by the African Union;

(3) calls on the Government of Ethiopia to immediately and fully restore electricity, banking, telephone, and internet service in the Tigray region;

(4) urges all parties to the conflict to—

(A) cease all violence and refrain from actions that could spread or escalate the conflict, including attacks on international or civilian targets;

(B) engage in good faith in regional and international mediation efforts to end the conflict and commit to a credible, inclusive dialogue towards a sustainable resolution of political grievances;

(C) comply with international humanitarian law, guarantee unfettered humanitarian access to areas affected by the conflict, and take all possible steps to protect the safety of civilians, including refugees, displaced persons, and humanitarian aid workers;

(D) respect and promote the rights of all people in Ethiopia to free expression, political participation, and due process without discrimination based on ethnicity or religion; and

(E) allow for, and cooperate with, independent and transparent investigations of any alleged human rights abuses committed in the course of the conflict and hold perpetrators to account; and

(5) urges the Secretary of State, the Secretary of the Treasury, and the Administrator of the United States Agency for International Development, in coordination with the heads of other relevant Federal departments and agencies, to—

(A) engage at the highest levels with leaders of the Government of Ethiopia and the Tigray People's Liberation Front to encourage dialogue to address the root causes of the conflict, achieve sustainable peace, and mitigate the humanitarian crisis;

(B) end the pause of all non-life-sustaining assistance to Ethiopia and support programming to meet immediate humanitarian needs, including of refugees and internally displaced persons, advance nonviolent conflict resolution and reconciliation, and aid democratic transition in Ethiopia;

(C) consider imposing targeted sanctions on any political or military officials found responsible for violations of human rights carried out in the course of the conflict;

(D) take all possible diplomatic steps to prevent further mass atrocities in Ethiopia; and

(E) maintain close coordination with international allies and multilateral organizations regarding efforts to address the conflict in Ethiopia and bring attention to the conflict in international fora, including the United Nations Security Council.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2695. Mr. THUNE (for Mr. SCOTT of South Carolina (for himself and Mr. MURPHY)) proposed an amendment to the bill S. 3451, to improve the health and safety of Americans living with food allergies and related disorders, including potentially life-threatening anaphylaxis, food protein-induced enterocolitis syndrome, and eosinophilic gastrointestinal diseases, and for other purposes.

SA 2696. Mr. INHOFE (for Mr. MORAN (for himself and Mr. TESTER)) proposed an amendment to the bill H.R. 7105, to provide

flexibility for the Secretary of Veterans Affairs in caring for homeless veterans during a covered public health emergency, to direct the Secretary of Veterans Affairs to carry out a retraining assistance program for unemployed veterans, and for other purposes.

SA 2697. Mr. INHOFE (for Mr. PETERS) proposed an amendment to the bill S. 3418, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow the Administrator of the Federal Emergency Management Agency to provide capitalization grants to States to establish revolving funds to provide hazard mitigation assistance to reduce risks from disasters and natural hazards, and other related environmental harm.

## TEXT OF AMENDMENTS

**SA 2695.** Mr. THUNE (for Mr. SCOTT of South Carolina (for himself and Mr. MURPHY)) proposed an amendment to the bill S. 3451, to improve the health and safety of Americans living with food allergies and related disorders, including potentially life-threatening anaphylaxis, food protein-induced enterocolitis syndrome, and eosinophilic gastrointestinal diseases, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

**SEC. 2. DETERMINATION OF BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

## TITLE I—EDUCATION

### Subtitle A—Education Generally

**SEC. 1001. IMPROVEMENTS TO EDITH NOURSE ROGERS STEM SCHOLARSHIP PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) CLARIFICATION AND EXPANSION OF ELIGIBILITY.—Subsection (b)(4) of section 3320 of title 38, United States Code, is amended—

(1) in subparagraph (A)(i)—

(A) in the matter preceding subclause (I), by inserting '', or a dual degree program that includes such an undergraduate college degree,'' after ''undergraduate college degree'';

(B) by striking subclause (IX); and

(C) by redesignating subclauses (X) and (XI) as subclauses (IX) and (X), respectively;

(2) in subparagraph (B)—

(A) by inserting ''covered clinical training program for health care professionals or a'' before ''program of education''; and

(B) by striking the period at the end and inserting ''; or''; and

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

''(C) is an individual who has earned a graduate degree in a field referred to in subparagraph (A)(i) and is enrolled in a covered clinical training program for health care professionals.''.

(b) PRIORITY.—Subsection (c) of such section is amended to read as follows:

''(c) PRIORITY.—(1) If the Secretary determines that there are insufficient funds available in a fiscal year to provide additional benefits under this section to all eligible individuals, the Secretary may give priority to the following eligible individuals:

''(A) Individuals who require the most credit hours described in subsection (b)(4).

''(B) Individuals who are entitled to educational assistance under this chapter by reason of paragraph (1), (2), (8), or (9) of section 3311(b) of this title.

''(2) The Secretary shall give priority to individuals under paragraph (1) in the following order:

''(A) Individuals who are enrolled in a program of education leading to an undergraduate degree in a field referred to in subsection (b)(4)(A)(i).

''(B) Individuals who are enrolled in a program of education leading to a teaching certificate.

''(C) Individuals who are enrolled in a dual-degree program leading to both an undergraduate and graduate degree in a field referred to in subsection (b)(4)(A)(i).

''(D) Individuals who have earned an undergraduate degree and are enrolled in a covered clinical training program for health care professionals.

''(E) Individuals who have earned a graduate degree and are enrolled in a covered clinical training program for health care professionals.''.

(c) AMOUNTS NOT SUBJECT TO CERTAIN LIMITATION.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(4) Notwithstanding any other provision of this chapter or chapter 36 of this title, any additional benefits under this section may not be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of allowance or assistance.''.

(d) COVERED CLINICAL TRAINING PROGRAM DEFINED.—Such section is further amended by adding at the end the following new subsection:

''(h) COVERED CLINICAL TRAINING PROGRAM DEFINED.—In this section, the term 'covered clinical training program' means any clinical training required by a health care professional to be licensed to practice in a State or locality.''.

**SEC. 1002. EXPANSION OF ELIGIBILITY FOR FRY SCHOLARSHIP TO CHILDREN AND SPOUSES OF CERTAIN DECEASED MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Subsection (b) of section 3311 of title 38, United States Code, as amended by section 105 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48), is further amended—

(1) by redesignating paragraph (9) as paragraph (11); and

(2) by inserting after paragraph (8) the following new paragraphs (9) and (10):

''(9) An individual who is the child or spouse of a person who, on or after September 11, 2001, dies in line of duty while serving on duty other than active duty as a member of the Armed Forces.

''(10) An individual who is the child or spouse of a member of the Selected Reserve who dies on or after September 11, 2001, while a member of the Selected Reserve from a service-connected disability.''.

(b) CONFORMING AMENDMENTS.—Title 38, United States Code, is amended as follows:

(1) In section 3311(f), by striking ''paragraph (8)'' each place it appears and inserting ''paragraphs (8), (9), and (10)''.

(2) In section 3313(c)(1), by striking ''(8), or (9)'' and inserting ''(8), (9), (10), or (11)''.

(3) In section 3317(a), in the second sentence, by striking ''paragraphs (1), (2), (8), and (9)'' and inserting ''paragraphs (1), (2), (8), (9), (10), and (11)''.

(4) In section 3320, as amended by section 1001 of this title, in subsection (c)(1)(B), by striking ''(8), or (9)'' and inserting ''(8), (9), (10), or (11)''.

(5) In section 3322—

(A) in subsection (e), by striking both ''sections 3311(b)(8) and 3319'' and inserting ''section 3319 and paragraph (8), (9), or (10) of section 3311 of this title'';

(B) in subsection (f), by striking ''section 3311(b)(8)'' and inserting ''paragraph (8), (9), or (10) of section 3311 of this title''; and

(C) in subsection (h)(2), by striking ''either section 3311(b)(8) or chapter 35'' and inserting ''either chapter 35 or paragraph (8), (9), or (10) of section 3311''.

(c) APPLICABILITY DATE.—The amendments made by this section shall take effect immediately after the amendments made by section 105 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48) take effect and shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after August 1, 2021.

**SEC. 1003. PERIOD FOR ELECTION TO RECEIVE BENEFITS UNDER ALL-VOLUNTEER EDUCATIONAL ASSISTANCE PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Section 3011 of title 38, United States Code, is amended—

(1) in subsection (c)(1), by striking ''Any such election shall be made at the time the individual initially enters on active duty as a member of the Armed Forces'' and inserting ''Any such election shall be made during the 90-day period beginning on the day that is 180 days after the date on which the individual initially enters initial training''; and

(2) in subsection (b)(1), by striking ''that such individual is entitled to such pay'' and inserting ''that begin after the date that is 270 days after the date on which the individual initially enters initial training''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is two years after the date of the enactment of this Act.

**SEC. 1004. PHASE OUT OF ALL-VOLUNTEER EDUCATIONAL ASSISTANCE PROGRAM.**

Subsection (a)(1)(A) of section 3011 of title 38, United States Code, is amended by striking ''after June 30, 1985'' and inserting ''during the period beginning July 1, 1985, and ending September 30, 2030''.

**SEC. 1005. REQUIREMENTS FOR IN-STATE TUITION.**

(a) IN GENERAL.—Section 3679(c) of title 38, United States Code, is amended—

(1) in paragraph (2)(A), by striking ''less than three years before the date of enrollment in the course concerned''; and

(2) in paragraph (4)—

(A) by striking ''It shall'' and inserting ''(A) It shall''; and

(B) by adding at the end the following new subparagraph:

''(B) To the extent feasible, the Secretary shall make publicly available on the internet website of the Department a database explaining any requirements described in subparagraph (A) that are established by a public institution of higher learning for an individual to be charged tuition and fees at a rate that is equal to or less than the rate the institution charges for tuition and fees for residents of the State in which the institution is located. The Secretary shall disapprove a course of education provided by such an institution that does not provide the Secretary—

''(i) an initial explanation of such requirements; and

''(ii) not later than 90 days after the date on which any such requirements change, the updated requirements.''.

(b) APPLICATION.—The amendments made by this section shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after August 1, 2021.

**SEC. 1006. EXPANSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE OUTREACH SERVICES PROVIDED THROUGH CONGRESSIONAL OFFICES.**

(a) IN GENERAL.—Section 3485(a)(4) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(K) The following activities carried out at the offices of Members of Congress for such Members:

''(i) The distribution of information to members of the Armed Forces, veterans, and their dependents about the benefits and services under laws administered by the Secretary and other appropriate governmental and nongovernmental programs.

''(ii) The preparation and processing of papers and other documents, including documents to assist in the preparation and presentation of claims for benefits under laws administered by the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2021.

**SEC. 1007. RESTORATION OF ENTITLEMENT TO REHABILITATION PROGRAMS FOR VETERANS AFFECTED BY SCHOOL CLOSURE OR DISAPPROVAL.**

(a) ENTITLEMENT.—Section 3699 of title 38, United States Code, is amended by striking ''chapter 30,'' each time it appears and inserting ''chapter 30, 31,''.

(b) PAYMENT OF SUBSISTENCE ALLOWANCES.—Section 3680(a)(2)(B) of title 38, United States Code, is amended—

(1) by inserting ''or a subsistence allowance described in section 3108'' before '', during''; and

(2) by inserting ''or allowance'' after ''such a stipend''.

(c) CONFORMING AMENDMENT.—Section 7 of the Student Veteran Coronavirus Response Act of 2020 (134 Stat. 634; Public Law 116–140) is hereby repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of section 109 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 131 Stat. 978).

**SEC. 1008. TECHNICAL CORRECTION TO CLARIFY ELIGIBILITY FOR PARTICIPATION IN YELLOW RIBBON PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.**

Section 3317(a) of title 38, United States Code, is amended—

(1) by striking ''the full cost of established charges (as specified in section 3313)'' and inserting ''the full cost of tuition and fees for a program of education''; and

(2) by striking ''those established charges'' and inserting ''such tuition and fees''.

**SEC. 1009. CLARIFICATION OF EDUCATIONAL ASSISTANCE FOR INDIVIDUALS WHO PURSUE AN APPROVED PROGRAM OF EDUCATION LEADING TO A DEGREE WHILE ON ACTIVE DUTY.**

(a) IN GENERAL.—Section 3313(e) of title 38, United States Code, is amended—

(1) in the heading, by inserting ''FOR A PERIOD OF MORE THAN 30 DAYS'' after ''ACTIVE DUTY'';

(2) in paragraph (1), by inserting ''for a period of more than 30 days'' after ''active duty''; and

(3) in paragraph (2), in the matter preceding subparagraph (A), by inserting ''for a period of more than 30 days'' after ''active duty''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on August 1, 2022.

**SEC. 1010. VERIFICATION OF ENROLLMENT FOR PURPOSES OF RECEIPT OF POST-9/11 EDUCATIONAL ASSISTANCE BENEFITS.**

(a) IN GENERAL.—Section 3313 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(l) VERIFICATION OF ENROLLMENT.—(1) The Secretary shall require—

''(A) each educational institution to submit to the Secretary verification of each individual who is enrolled in a course or program of education at the educational institution and is receiving educational assistance under this chapter—

''(i) not later than such time as the Secretary determines reasonable after the date on which the individual is enrolled; and

''(ii) not later than such time as the Secretary determines reasonable after the last date on which a student is able to withdraw from the course or program of education without penalty; and

''(B) each individual who is enrolled in a course or program of education and is receiving educational assistance under this chapter to submit to the Secretary verification of such enrollment for each month during which the individual is so enrolled and receiving such educational assistance.

''(2) Verification under this subsection shall be in an electronic form prescribed by the Secretary.

''(3) If an individual fails to submit the verification required under paragraph (1)(B) for two consecutive months, the Secretary may not make a monthly stipend payment to the individual under this section until the individual submits such verification.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2021.

**SEC. 1011. CLARIFICATION REGARDING THE DEPENDENTS TO WHOM ENTITLEMENT TO EDUCATIONAL ASSISTANCE MAY BE TRANSFERRED UNDER THE POST 9/11 EDUCATIONAL ASSISTANCE PROGRAM.**

(a) IN GENERAL.—Section 3319(c) of title 38, United States Code, is amended to read as follows:

''(c) ELIGIBLE DEPENDENTS.—

''(1) TRANSFER.—An individual approved to transfer an entitlement to educational assistance under this section may transfer the individual's entitlement to an eligible dependent or a combination of eligible dependents.

''(2) DEFINITION OF ELIGIBLE DEPENDENT.—For purposes of this subsection, the term 'eligible dependent' has the meaning given the term 'dependent' under subparagraphs (A), (I), and (D) of section 1072(2) of title 10.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to educational assistance payable under chapter 33 of title 38, United States Code, before, on, or after the date that is 90 days after the date of the enactment of this Act.

**SEC. 1012. EXPANSION OF REASONS FOR WHICH A COURSE OF EDUCATION MAY BE DISAPPROVED.**

(a) IN GENERAL.—Section 3672(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A)(i), by inserting or ''or (D)'' after ''subparagraph (C)''; and

(2) by adding at the end the following new subparagraph:

''(D) A program that is described in subparagraph (A)(i) of this paragraph and offered by an educational institution that is at risk of losing accreditation shall not be deemed to be approved for purposes of this chapter. For purposes of this subparagraph, an educational institution is at risk of losing accreditation if that educational institution has received from the relevant accrediting agency or association a notice described in section 3673(e)(2)(D) of this title.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on August 1, 2021.

**SEC. 1013. OVERSIGHT OF EDUCATIONAL INSTITUTIONS WITH APPROVED PROGRAMS: RISK-BASED SURVEYS.**

(a) RISK-BASED SURVEYS.—

(1) IN GENERAL.—Subchapter I of chapter 36, United States Code, is amended by inserting after section 3673 the following new section:

**''§ 3673A. Risk-based surveys**

''(a) DEVELOPMENT REQUIRED.—The Secretary, in partnership with State approving agencies, shall develop a searchable risk-based survey for oversight of educational institutions with courses and programs of education approved under this chapter.

''(b) SCOPE.—(1) The scope of the risk-based survey developed under subsection (a) shall be determined by the Secretary, in partnership with the State approving agency.

''(2) At a minimum the scope determined under paragraph (1) shall include the following:

''(A) Rapid increase in veteran enrollment.

''(B) Rapid increase in tuition and fees.

''(C) Complaints tracked and published with the mechanism required by section 3698(b)(2) from students pursuing programs of education with educational assistance furnished under laws administered by the Secretary, based on severity or volume of the complaints.

''(D) Compliance with section 3680A(d)(1) of this title.

''(E) Veteran completion rates.

''(F) Indicators of financial stability.

''(G) Review of the advertising and recruiting practices of the educational institution, including those by third-party contractors of the educational institution.

''(H) Matters for which the Federal Government or a State Government brings an action in a court of competent jurisdiction against an educational institution, including matters in cases in which the Federal Government or the State comes to a settled agreement on such matters outside of the court.

''(c) DATABASE.—The Secretary, in partnership with the State approving agencies under this chapter, shall establish a database or use an existing system, as the Secretary considers appropriate, to serve as a central repository for information required for or collected during site visits for the risk-based survey developed under subsection (a), so as to improve future oversight of educational institutions with programs of education approved under this chapter.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3673 the following new item:

''3673A. Risk-based surveys.''.

(b) USE OF STATE APPROVING AGENCIES FOR OVERSIGHT ACTIVITIES.—

(1) IN GENERAL.—Section 3673(d) of title 38, United States Code, is amended—

(A) by striking ''may'' and inserting ''shall''; and

(B) by striking ''compliance and risk-based surveys'' and inserting ''a risk-based survey developed under section 3673A of this title''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2022.

**SEC. 1014. OVERSIGHT OF EDUCATIONAL INSTITUTIONS SUBJECT TO GOVERNMENT ACTION FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Section 3673 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(e) NOTICE OF GOVERNMENT ACTION.—(1)(A) If the Secretary receives notice described in paragraph (2), or otherwise becomes aware of an action or event described in paragraph (3), with respect to an educational institution, the Secretary shall transmit such notice or provide notice of such action or event to the State approving agency for the State where the educational institution is located by not later than 30 days after the date on which the Secretary receives such notice or becomes aware of such action or event.

''(B) If a State approving agency receives notice as described in paragraph (2), or otherwise becomes aware of an action or event described in paragraph (3), with respect to an educational institution, other than from the Secretary pursuant to subparagraph (A) of this paragraph, the State approving agency shall immediately notify the Secretary.

''(C) Not later than 60 days after the date on which a State approving agency receives notice under subparagraph (A), receives notice as described in subparagraph (B), or becomes aware as described in such subparagraph, as the case may be, regarding an educational institution, such State approving agency shall—

''(i) complete a risk-based survey of such educational institution; and

''(ii) provide the Secretary with—

''(I) a complete report on the findings of the State approving agency with respect to the risk-based survey completed under clause (i) and any actions taken as a result of such findings; and

''(II) any supporting documentation and pertinent records.

''(2) Notice described in this paragraph is any of the following:

''(A) Notice from the Secretary of Education of an event under paragraph (3)(A).

''(B) Notice of an event under paragraph (3)(B).

''(C) Notice from a State of an action taken by that State under paragraph (3)(C).

''(D) Notice provided by an accrediting agency or association of an action described in paragraph (3)(D) taken by that agency or association.

''(E) Notice that the Secretary of Education has placed the educational institution on provisional certification status.

''(3) An action or event under this paragraph is any of the following:

''(A) The receipt by an educational institution of payments under the heightened cash monitoring level 2 payment method pursuant to section 487(c)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1094).

''(B) Punitive action taken by the Attorney General, the Federal Trade Commission, or any other Federal department or agency for misconduct or misleading marketing practices that would violate the standards defined by the Secretary of Veterans Affairs.

''(C) Punitive action taken by a State against an educational institution.

''(D) The loss, or risk of loss, by an educational institution of an accreditation from an accrediting agency or association, including notice of probation, suspension, an order to show cause relating to the educational institution's academic policies and practices or to its financial stability, or revocation of accreditation.

''(E) The placement of an educational institution on provisional certification status by the Secretary of Education.

''(4) If a State approving agency disapproves or suspends an educational institution, the State approving agency shall provide notice of such disapproval or suspension to the Secretary and to all other State approving agencies.

''(5) This subsection shall be carried out using amounts made available pursuant to section 3674(a)(4) of this title as long as such amounts remain available.

''(6) For each notice transmitted or provided to a State approving agency under paragraph (1) with respect to an educational institution, the Secretary shall ensure the careful review of—

''(A) to the extent possible, the action that gave rise to such notice; and

''(B) any other action against the educational institution by any Federal or State government entity or by the educational institution's accreditor.

''(7) In this subsection, the term 'risk-based survey' means the risk-based survey developed under section 3673A of this title.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2021.

**SEC. 1015. ADDITIONAL REQUIREMENT FOR APPROVAL OF EDUCATIONAL INSTITUTIONS FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Section 3675 of title 38, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

''(4) The educational institution is approved and participates in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or the Secretary has waived the requirement under this paragraph with respect to an educational institution and submits to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives notice of such waiver.''.

(2) by adding at the end the following new subsection:

''(d)(1) The Secretary shall submit to Congress an annual report on any waivers issued pursuant to subsection (b)(4) or section 3672(b)(2)(A)(i) of this title.

''(2) Each report submitted under paragraph (1) shall include, for the year covered by the report, the following:

''(A) The name of each educational institution for which a waiver was issued.

''(B) The justification for each such waiver.

''(C) The total number of waivers issued.''.

(b) REQUIREMENT FOR APPROVAL OF STANDARD COLLEGE DEGREE PROGRAMS.—Clause (i) of section 3672(b)(2)(A) of such title is amended to read as follows:

''(i) Except as provided in subparagraph (C) or (D), an accredited standard college degree program offered at a public or not-for-profit proprietary educational institution that—

''(I) is accredited by an agency or association recognized for that purpose by the Secretary of Education; and

''(II) is approved and participates in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), unless the Secretary has waived the requirement to participate in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on August 1, 2021.

**SEC. 1016. CLARIFICATION OF ACCREDITATION FOR LAW SCHOOLS FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Paragraphs (14)(B) and (15)(B) of section 3676(c) of title 38, United States Code, are each amended—

(1) by striking ''an accrediting agency'' both places it appears and inserting ''a specialized accrediting agency for programs of legal education''; and

(2) by inserting before the period the following: '', from which recipients of law degrees from such accredited programs are eligible to sit for a bar examination in any State''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on August 1, 2021.

**SEC. 1017. CLARIFICATION OF GROUNDS FOR DISAPPROVAL OF A COURSE FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Section 3679 of title 38, United States Code, is amended—

(1) by inserting ''(including failure to comply with a risk-based survey under this chapter or secure an affirmation of approval by the appropriate State approving agency following the survey)'' after ''requirements of this chapter''; and

(2) by adding at the end the following new subsection:

''(f) In this section, the term 'risk-based survey' means a risk-based survey developed under section 3673A(a) of this title.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2021.

**SEC. 1018. REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS PARTICIPATING IN THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Section 3679 of title 38, United States Code, as amended by section 1017 of this title, is further amended by adding at the end the following new subsection:

''(f)(1) Except as provided by paragraph (5), a State approving agency, or the Secretary when acting in the role of the State approving agency, shall take an action described in paragraph (4)(A) if the State approving agency or the Secretary, when acting in the role of the State approving agency, determines that an educational institution does not perform any of the following:

''(A) Prior to the enrollment of a covered individual in a course of education at the educational institution, provide the individual with a form that contains information personalized to the individual that describes—

''(i) the estimated total cost of the course, including tuition, fees, books, supplies, and any other additional costs;

''(ii) an estimate of the cost for living expenses for students enrolled in the course;

''(iii) the amount of the costs under clauses (i) and (ii) that are covered by the educational assistance provided to the individual under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10, as the case may be;

''(iv) the type and amount of Federal financial aid not administered by the Secretary and financial aid offered by the institution that the individual may qualify to receive;

''(v) an estimate of the amount of student loan debt the individual would have upon graduation;

''(vi) information regarding graduation rates;

''(vii) job-placement rates for graduates of the course, if available;

''(viii) information regarding the acceptance by the institution of transfer of credits, including military credits;

''(ix) any conditions or additional requirements, including training, experience, or examinations, required to obtain the license, certification, or approval for which the course of education is designed to provide preparation; and

''(x) other information to facilitate comparison by the individual of aid packages offered by different educational institutions.

''(B) Not later than 15 days after the date on which the institution (or the governing body of the institution) determines tuition rates and fees for an academic year that is different than the amount being charged by the institution, provide a covered individual enrolled in a course of education at the educational institution with the form under subparagraph (A) that contains updated information.

''(C) Maintain policies to—

''(i) inform each covered individual enrolled in a course of education at the educational institution of the availability of Federal financial aid not administered by the Secretary and financial aid offered by the institution; and

''(ii) alert such individual of the potential eligibility of the individual for such financial aid before packaging or arranging student loans or alternative financing programs for the individual.

''(D) Maintain policies to—

''(i) prohibit the automatic renewal of a covered individual in courses and programs of education; and

''(ii) ensure that each covered individual approves of the enrollment of the individual in a course.

''(E) Provide to a covered individual enrolled in a course of education at the educational institution with information regarding the requirements to graduate from such course, including information regarding when required classes will be offered and a timeline to graduate.

''(F) With respect to an accredited educational institution, obtain the approval of the accrediting agency for each new course or program of the institution before enrolling covered individuals in such courses or programs if the accrediting agency determines that such approval is appropriate under the substantive change requirements of the accrediting agency regarding the quality, objectives, scope, or control of the institution.

''(G) Maintain a policy that—

''(i) ensures that members of the Armed Forces, including the reserve components and the National Guard, who enroll in a course of education at the educational institution may be readmitted at such institution if such members are temporarily unavailable or have to suspend such enrollment by reason of serving in the Armed Forces; and

''(ii) otherwise accommodates such members during short absences by reason of such service.

''(H) Designate an employee of the educational institution to serve as a point of contact for covered individuals and the family of such individuals needing assistance with respect to academic counseling, financial counseling, disability counseling, and other information regarding completing a course of education at such institution, including by referring such individuals and family to the appropriate persons for such counseling and information.

''(2) Except as provided by paragraph (5), a State approving agency, or the Secretary when acting in the role of the State approving agency, shall take an action described in paragraph (4)(A) if the State approving agency, the Secretary, or any Federal agency, determines that an educational institution does any of the following:

''(A) Carries out deceptive or persistent recruiting techniques, including on military installations, that may include—

''(i) misrepresentation (as defined in section 3696(e)(2)(B) of this title) or payment of incentive compensation;

''(ii) during any 1-month period making three or more unsolicited contacts to a covered individual, including contacts by phone, email, or in-person; or

''(iii) engaging in same-day recruitment and registration.

''(B) Pays inducements, including any gratuity, favor, discount, entertainment, hospitality, loan, transportation, lodging, meals, or other item having a monetary value of more than a de minimis amount, to any individual or entity, or its agents including third party lead generators or marketing firms other than salaries paid to employees or fees paid to contractors in conformity with all applicable laws for the purpose of securing enrollments of covered individuals or obtaining access to educational assistance under this title, with the exception of scholarships, grants, and tuition reductions provided by the educational institution.

''(3) A State approving agency, or the Secretary when acting in the role of the State approving agency, shall take an action described in paragraph (4)(A) if the State approving agency or the Secretary, when acting in the role of the State approving agency, determines that an educational institution is the subject of a negative action made by the accrediting agency that accredits the institution, including any of the following:

''(A) Accreditor sanctions.

''(B) Accreditation probation.

''(C) The loss of accreditation or candidacy for accreditation.

''(4)(A) An action described in this subparagraph is any of the following:

''(i) Submitting to the Secretary a recommendation that the Secretary publish a warning on the internet website of the Department described in section 3698(c)(2) of this title, or such other similar internet website of the Department, that describes how an educational institution is failing to meet a requirement under paragraph (1), (2), or (3).

''(ii) Disapproving a course for purposes of this chapter.

''(B)(i) The Secretary shall establish guidelines to ensure that the actions described in subparagraph (A) are applied in a proportional and uniform manner by State approving agencies, or the Secretary when acting in the role of the State approving agency.

''(ii) Each State approving agency and the Secretary, when acting in the role of the State approving agency, shall adhere to the guidelines established under clause (i).

''(C) The State approving agency, in consultation with the Secretary, or the Secretary when acting in the role of the State approving agency, may limit an action described in subparagraph (A)(ii) to individuals not enrolled at the educational institution before the period described in such subparagraph.

''(5)(A) The Secretary may waive the requirements of paragraph (1) or waive the requirements of paragraph (2) with respect to an educational institution for a 1-academic-year period beginning in August of the year in which the waiver is made. A single educational institution may not receive waivers under this paragraph for more than 2 consecutive academic years.

''(B) To be considered for a waiver under this paragraph, an educational institution shall submit to the Secretary an application prior to the first day of the academic year for which the waiver is sought.

''(6) Not later than October 1 of each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the following reports:

''(A) A report, which shall be made publicly available, that includes the following:

''(i) A summary of each action described in paragraph (4)(A) made during the year covered by the report, including—

''(I) the name of the educational institution;

''(II) the type of action taken;

''(III) the rationale for the action, including how the educational institution was not in compliance with this subsection;

''(IV) the length of time that the educational institution was not in such compliance; and

''(V) whether the educational institution was also not in compliance with this subsection during any of the 2 years prior to the year covered by the report.

''(ii) A summary and justifications for the waivers made under paragraph (5) during the year covered by the report, including the total number of waivers each educational institution has received.

''(B) A report containing the recommendations of the Secretary with respect to any legislative actions the Secretary determines appropriate to ensure that this subsection is carried out in a manner that is consistent with the requirements that educational institutions must meet for purposes of other departments or agencies of the Federal Government.

''(7) In this subsection, the term 'covered individual' means an individual who is pursuing a course of education at an educational institution under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10.''.

(b) APPLICATION DATE.—The amendment made by this section shall take effect on June 15, 2021, and shall apply to an educational institution beginning on August 1, 2021, except that an educational institution may submit an application for a waiver under subsection (f)(5) of section 3679 of title 38, United States Code, as added by subsection (a), beginning on June 15, 2021.

**SEC. 1019. OVERPAYMENTS TO ELIGIBLE PERSONS OR VETERANS.**

(a) IN GENERAL.—Subsection (b) of section 3685 of title 38, United States Code, is amended to read as follows:

''(b) Any overpayment to a veteran or eligible person with respect to pursuit by the veteran or eligible person of a program of education at an educational institution shall constitute a liability of the educational institution to the United States if—

''(1) the Secretary finds that the overpayment has been made as the result of—

''(A) the willful or negligent failure of an educational institution to report, as required under this chapter or chapter 34 or 35 of this title, to the Department of Veterans Affairs excessive absences from a course, or discontinuance or interruption of a course by the veteran or eligible person; or

''(B) the willful or negligent false certification by an educational institution; or

''(2) the benefit payment sent to an educational institution on behalf of an eligible veteran or person is made pursuant to—

''(A) section 3313(h) of this title;

''(B) section 3317 of this title; or

''(C) section 3680(d) of this title; or

''(D) section 3320(d) of this title.''.

(b) CLARIFYING AMENDMENT.—Subsection (a) of such section is further amended by inserting ''relating to educational assistance under a law administered by the Secretary'' after ''made to a veteran or eligible person''.

**SEC. 1020. IMPROVEMENTS TO LIMITATION ON CERTAIN ADVERTISING, SALES, AND ENROLLMENT PRACTICES.**

(a) PROHIBITION ON SUBSTANTIAL MISREPRESENTATION.—

(1) IN GENERAL.—Section 3696 of title 38, United States Code, is amended to read as follows:

**''§ 3696. Prohibition on certain advertising, sales, and enrollment practices**

''(a) PROHIBITION ON ENGAGING IN SUBSTANTIAL MISREPRESENTATION.—An educational institution with a course or program of education approved under this chapter, and an entity that owns such an educational institution, shall not engage in substantial misrepresentation described in subsection (b).

''(b) SUBSTANTIAL MISREPRESENTATION DESCRIBED.—(1) Substantial misrepresentation described in this paragraph is substantial misrepresentation by an educational institution, a representative of the institution, or any person with whom the institution has an agreement to provide educational programs, marketing, advertising, recruiting or admissions services, concerning any of the following:

''(A) The nature of the educational program of the institution, including misrepresentation regarding—

''(i) the particular type, specific source, or nature and extent, of the accreditation of the institution or a course of education at the institution;

''(ii) whether a student may transfer course credits to another institution;

''(iii) conditions under which the institution will accept transfer credits earned at another institution;

''(iv) whether successful completion of a course of instruction qualifies a student—

''(I) for acceptance to a labor union or similar organization; or

''(II) to receive, to apply to take, or to take an examination required to receive a local, State, or Federal license, or a nongovernmental certification required as a precondition for employment, or to perform certain functions in the States in which the educational program is offered, or to meet additional conditions that the institution knows or reasonably should know are generally needed to secure employment in a recognized occupation for which the program is represented to prepare students;

''(v) the requirements for successfully completing the course of study or program and the circumstances that would constitute grounds for terminating the student's enrollment;

''(vi) whether the courses of education at the institution are recommended or have been the subject of unsolicited testimonials or endorsements by—

''(I) vocational counselors, high schools, colleges, educational organizations, employment agencies, members of a particular industry, students, former students, or others; or

''(II) officials of a local or State government or the Federal Government;

''(vii) the size, location, facilities, or equipment of the institution;

''(viii) the availability, frequency, and appropriateness of the courses of education and programs to the employment objectives that the institution states the courses and programs are designed to meet;

''(ix) the nature, age, and availability of the training devices or equipment of the institution and the appropriateness to the employment objectives that the institution states the courses and programs are designed to meet;

''(x) the number, availability, and qualifications, including the training and experience, of the faculty and other personnel of the institution;

''(xi) the availability of part-time employment or other forms of financial assistance;

''(xii) the nature and availability of any tutorial or specialized instruction, guidance and counseling, or other supplementary assistance the institution will provide students before, during, or after the completion of a course of education;

''(xiii) the nature or extent of any prerequisites established for enrollment in any course of education;

''(xiv) the subject matter, content of the course of education, or any other fact related to the degree, diploma, certificate of completion, or any similar document that the student is to be, or is, awarded upon completion of the course of education; and

''(xv) whether the degree that the institution will confer upon completion of the course of education has been authorized by the appropriate State educational agency, including with respect to cases where the institution fails to disclose facts regarding the lack of such authorization in any advertising or promotional materials that reference such degree.

''(B) The financial charges of the institution, including misrepresentation regarding—

''(i) offers of scholarships to pay all or part of a course charge;

''(ii) whether a particular charge is the customary charge at the institution for a course;

''(iii) the cost of the program and the refund policy of the institution if the student does not complete the program;

''(iv) the availability or nature of any financial assistance offered to students, including a student's responsibility to repay any loans, regardless of whether the student is successful in completing the program and obtaining employment; and

''(v) the student's right to reject any particular type of financial aid or other assistance, or whether the student must apply for a particular type of financial aid, such as financing offered by the institution.

''(C) The employability of the graduates of the institution, including misrepresentation regarding—

''(i) the relationship of the institution with any organization, employment agency, or other agency providing authorized training leading directly to employment;

''(ii) the plans of the institution to maintain a placement service for graduates or otherwise assist graduates to obtain employment;

''(iii) the knowledge of the institution about the current or likely future conditions, compensation, or employment opportunities in the industry or occupation for which the students are being prepared;

''(iv) job market statistics maintained by the Federal Government in relation to the potential placement of the graduates of the institution; and

''(v) other requirements that are generally needed to be employed in the fields for which the training is provided, such as requirements related to commercial driving licenses or permits to carry firearms, and failing to disclose factors that would prevent an applicant from qualifying for such requirements, such as prior criminal records or preexisting medical conditions.

''(2) In this subsection:

''(A) The term 'misleading statement' includes any communication, action, omission, or intimation made in writing, visually, orally, or through other means, that has the likelihood or tendency to mislead the intended recipient of the communication under the circumstances in which the communication is made. Such term includes the use of student endorsements or testimonials for an educational institution that a student gives to the institution either under duress or because the institution required the student to make such an endorsement or testimonial to participate in a program of education.

''(B) The term 'misrepresentation' means any false, erroneous, or misleading statement, action, omission, or intimation made directly or indirectly to a student, a prospective student, the public, an accrediting agency, a State agency, or to the Secretary by an eligible institution, one of its representatives, or any person with whom the institution has an agreement to provide educational programs, marketing, advertising, recruiting or admissions services.

''(C) The term 'substantial misrepresentation' means misrepresentation in which the person to whom it was made could reasonably be expected to rely, or has reasonably relied, to that person's detriment.

''(c) LIMITATION ON CERTAIN COMMISSIONS, BONUSES, AND OTHER INCENTIVE PAYMENTS.—An educational institution with a course or program of education approved under this chapter, and an entity that owns such an educational institution, shall not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance.

''(d) REQUIREMENT TO MAINTAIN RECORDS.—(1) To ensure compliance with this section, any educational institution offering courses approved for the enrollment of eligible persons or veterans shall maintain a complete record of all advertising, sales, or enrollment materials (and copies thereof) utilized by or on behalf of the institution during the preceding two-year period. Such record shall be available for inspection by the State approving agency or the Secretary.

''(2) Such materials shall include but are not limited to any direct mail pieces, brochures, printed literature used by sales persons, films, video tapes, and audio tapes disseminated through broadcast media, material disseminated through print, digital, or electronic media, tear sheets, leaflets, handbills, fliers, and any sales or recruitment manuals used to instruct sales personnel, agents, or representatives of such institution.

''(e) AGREEMENT WITH FEDERAL TRADE COMMISSION.—(1) The Secretary shall, pursuant to section 3694 of this title, enter into an agreement with the Federal Trade Commission to utilize, where appropriate, its services and facilities, consistent with its available resources, in carrying out investigations and making the Under Secretary of Benefit's preliminary findings under subsection (g)(1).

''(2) Such agreement shall provide that cases arising under subsection (a) of this section or any similar matters with respect to any of the requirements of this chapter or chapters 34 and 35 of this title may be referred to the Federal Trade Commission which in its discretion will conduct an investigation and make preliminary findings.

''(3) The findings and results of any investigation under paragraph (2) shall be referred to the Under Secretary for Benefits, who shall take appropriate action under subsection (g) in such cases not later than 60 days after the date of such referral.

''(f) FINAL JUDGMENTS FROM OTHER FEDERAL AGENCIES.—Whenever the Secretary becomes aware of a final judgment by a Federal agency against an educational institution or owner of an educational institution pertaining to substantial misrepresentation described in subsection (b) or of other credible evidence relating to a violation of subsection (a), the Secretary, in partnership with the applicable State approving agency, shall—

''(1) within 30 days, alert the educational institution or owner that it is at risk of losing approval under this chapter of its courses or programs of education;

''(2) provide the educational institution or owner 60 days to provide any information it wishes to the Secretary;

''(3) require the educational institution or owner to submit to the Secretary a report prepared by an approved third-party auditor of the advertising and enrollment practices of the educational institution or owner; and

''(4) refer the matter to the Under Secretary of Benefits, who may thereafter make a preliminary finding under subsection (g).

''(g) PRELIMINARY FINDINGS, FINAL DETERMINATIONS, AND PROCESSES.—(1) The Under Secretary for Benefits shall make preliminary findings and final determinations on violations of subsections (a), (c), and (d).

''(2)(A) The Under Secretary shall establish a process for making preliminary findings and final determinations under paragraph (1).

''(B) The process established under subparagraph (A) shall—

''(i) clearly define what triggers an oversight visit by the Under Secretary for purposes of enforcing subsections (a), (c), and (d);

''(ii) set forth factors an educational institution, or the owner of the educational institution, must meet in order to retain approval status under this section, including with respect to the factors set forth under subsection (h)(2);

''(iii) include a process for the provision of notice to an educational institution, or the owner of the educational institution, that the Under Secretary has made a preliminary finding under paragraph (1) that the education institution or owner has violated subsection (a), (c), or (d), which the Under Secretary shall provide to the educational institution or owner within such period after making the preliminary finding as the Under Secretary shall establish for purposes of this clause, except that, in every case, such period shall end before the date on which the Under Secretary makes a final determination under such paragraph; and

''(iv) include—

''(I) a process for receipt of findings from a third-party pertinent to this section; and

''(II) a process for an educational institution or an owner to provide such information as the educational institution or owner determines appropriate to the Secretary, including information about corrective actions the educational institution or owner may have taken in response to preliminary findings under paragraph (1).

''(C) The process established under subparagraph (A) shall not prohibit a State approving agency from—

''(i) independently investigating a potential violation of subsection (a), (c), or (d); or

''(ii) taking action if the State approving agency finds a violation of subsection (a), (c), or (d).

''(3) Upon a preliminary finding under this subsection of a violation of subsection (a), (c), or (d) by an educational institution, or the owner of an educational institution, the Under Secretary shall require the educational institution or owner to submit to the Under Secretary a report prepared by an approved third-party auditor of the advertising and enrollment practices of the educational institution or owner.

''(4)(A) Before making a final determination under this subsection regarding a violation of subsection (a), (c), or (d) by an educational institution or owner of an educational institution, the Under Secretary shall—

''(i) review the practices of the educational institution or owner that pertain to activities and practices covered by subsections (a), (c), and (d);

''(ii) consider the results of a risk-based survey conducted by a State approving agency, if available; and

''(iii) review—

''(I) the findings and information received pursuant to the processes established under paragraph (2)(B)(iii);

''(II) in a case in which a report was submitted under subsection (f)(3), such report;

''(III) the report submitted under paragraph (3)(B) of this subsection;

''(IV) any findings and results submitted under subsection (e)(3);

''(V) the marketing and outreach material of the educational institution and the contractors of the educational institution.

''(B) The Under Secretary may not make a final determination under this subsection solely based on preliminary findings.

''(5) The Under Secretary may not delegate authority to make a final determination under this subsection, including to any employee of the Department or to the Federal Trade Commission.

''(h) ENFORCEMENT.—(1)(A) Upon a final determination by the Under Secretary for Benefits under subsection (g) that an educational institution or the owner of an educational institution violated subsection (a), (c), or (d), the Under Secretary shall, but subject to subparagraphs (B), (C), and (D) of this paragraph, take one of the following actions independent of any actions taken under section 3690 of this title:

''(i) Publish a caution flag on the GI Bill Comparison Tool, or successor tool, about that educational institution and alert its currently enrolled eligible veterans and eligible persons.

''(ii) Suspend the approval of the courses and programs of education offered by the educational institution by disapproving new enrollments of eligible veterans and eligible persons in each course or program of education offered by that educational institution.

''(iii) Revoke the approval of the courses and programs of education offered by the educational institution by disapproving all enrollments of eligible veterans and eligible persons in each course or program of education offered by that educational institution.

''(B) In deciding upon a course of action under subparagraph (A), for the first violation of this section, the Secretary shall consider the factors set forth in paragraph (2).

''(C) Subject to subsection (i), any repeat violation and final finding within five years of the first violation of this section shall result in—

''(i) a suspension of approval of new enrollments as described in subparagraph (A)(ii) of this paragraph until reinstatement under subsection (j); or

''(ii) a revocation of approval under this chapter as described in subparagraph (A)(iii) of this paragraph until reinstatement under subsection (j).

''(D) Subject to subsection (i), any third violation within three years of the second violation of this section shall result in revocation of approval under this chapter as described in subparagraph (A)(iii) of this paragraph until reinstatement under subsection (j).

''(E) Any action taken under subparagraph (A) of this paragraph regarding a violation of subsection (a), (c), or (d) by an educational institution or the owner of an educational institution shall be taken on or before the date that is 180 days after the date on which the Under Secretary provided notice to the educational institution or owner regarding the violation in accordance with the process established under subsection (g)(2)(B)(iii).

''(2) The factors set forth in this paragraph are the following:

''(A) That the Secretary's action brings sufficient deterrence for future fraud against students and the programs of education carried out under this title. Fraud against veterans must be met with a repercussion strong enough to send a deterrent message to this and other educational institutions and owners.

''(B) That the educational institution has secured an approved third-party auditor to verify the educational institution's, or owner's, advertising and enrollment practices for at least three years going forward.

''(C) That the educational institution or owner has repudiated the deceptive practices and has communicated to all employees that deceptive practices will not be tolerated, and has instituted strong governance procedures to prevent recurrence.

''(D) That the educational institution has taken steps to remove any pressure on its enrollment recruiters, including by removing enrollment quotas and incentives for enrollment.

''(E) That the State approving agency or the Secretary acting in the role of the State approving agency, has completed a risk-based survey and determined the educational institution is worthy of serving eligible veterans and eligible persons.

''(3) Enforcement action under this section shall not preclude enforcement action under section 3690 of this title.

''(4) No action may be carried out under this subsection with respect to a final determination by the Under Secretary under subsection (g) while such final determination is pending review under subsection (i).

''(i) APPEALS.—(1) The Secretary shall establish a process by which an educational institution or the owner of an educational institution that is the subject of more than

one final determination by the Under Secretary under subsection (g)(1) that the educational institution or owner violated subsection (a), may request a review of the most recent final determination.

''(2)(A) The Secretary shall—

''(i) review each final determination for which a review is requested under paragraph (1); and

''(ii) pursuant to such review, issue a final decision sustaining, modifying, or overturning the final determination.

''(B) The Secretary may not delegate any decision under subparagraph (A).

''(C)(i) Review under subparagraph (A)(i) of this paragraph shall be the exclusive avenue for review of a final determination under subsection (g)(1).

''(ii) A decision issued pursuant to a review under subparagraph (A)(i) may not be appealed to the Secretary for review under section 7104(a) of this title.

''(3)(A) Not later than 30 days after the date on which the Secretary issues a final decision under paragraph (2)(A)(ii), the Secretary shall submit to Congress a report on such final decision.

''(B) A report submitted under subparagraph (A) shall include the following:

''(i) An outline of the decisionmaking process of the Secretary that led to the final decision described in subparagraph (A).

''(ii) Any relevant material used to make the final decision under paragraph (2)(A)(ii), including risk-based surveys and documentation from the educational institution or the owners of the educational institution.

''(iii) Materials that were submitted to the Secretary after the date of the final determination under subsection (g) that was the subject of the final decision under paragraph (2)(A)(ii) of this subsection and before the date on which the Secretary issued such final decision.

''(j) REINSTATEMENT OF APPROVAL.—(1) If an educational institution or the owner of an educational institution has had the approval of the courses or programs of education of the educational institution suspended as described in clause (ii) of subsection (h)(1)(A) or revoked as described in clause (iii) of such subsection for a violation of subsection (a), (c), or (d) pursuant to subparagraph (C) or (D) of subsection (h)(1), the educational institution or owner may submit to the applicable State approving agency or the Secretary when acting as a State approving agency an application for reinstatement of approval under this subsection.

''(2) Approval under this chapter may not be reinstated under this subsection until—

''(A) the educational institution or owner submits to the applicable State approving agency or the Secretary when acting as a State approving agency an application for reinstatement of approval under paragraph (1);

''(B) the date that is 540 days after the date of the most recent suspension or revocation described in paragraph (1) of the educational institution or owner;

''(C) the educational institution submits a report by an approved third-party auditor on the advertising and enrollment practices of the educational institution, including those of its third-party contractors;

''(D) procedures are in place to prevent any future violation of subsection (a), (c), or (d);

''(E) that the educational institution has met all factors set forth in subsection (h)(2); and

''(F) the Secretary agrees to such reinstatement.

''(k) RULE OF CONSTRUCTION REGARDING STATE APPROVING AGENCIES AND RISK-BASED SURVEYS.—Nothing in this section shall be construed to prohibit a State approving agency from conducting any risk-based survey the State approving agency considers appropriate at any educational institution that it considers appropriate for oversight purposes.

''(l) DEFINITIONS.—In this section:

''(1) The term 'approved third-party auditor' means an independent third-party auditor that is approved by the Secretary for purposes of third-party audits under this section.

''(2) The term 'risk-based survey' means the risk-based survey developed under section 3673A of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3696 and inserting the following new item:

''3696. Prohibition on certain advertising, sales, and enrollment practices.''.

(b) REQUIREMENTS FOR NONACCREDITED COURSES.—Paragraph (10) of section 3676(c) of such title is amended to read as follows:

''(10) The institution, and any entity that owns the institution, does not engage in substantial misrepresentation described in section 3696(e) of this title. The institution shall not be deemed to have met this requirement until the State approving agency—

''(A) has ascertained that no Federal department or agency has taken a punitive action, not including a settlement agreement, against the school for misleading or deceptive practices;

''(B) has, if such an order has been issued, given due weight to that fact; and

''(C) has reviewed the complete record of advertising, sales, or enrollment materials (and copies thereof) used by or on behalf of the institution during the preceding 12-month period.''.

(c) APPLICATION DATE.—The amendments made by this section shall take effect on August 1, 2021.

**SEC. 1021. CHARGE TO ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR INDIVIDUALS WHO DO NOT TRANSFER CREDITS FROM CERTAIN CLOSED OR DISAPPROVED PROGRAMS OF EDUCATION.**

(a) IN GENERAL.—Subsection (c) of section 3699 of title 38, United States Code, is amended to read as follows:

''(c) PERIOD NOT CHARGED.—(1) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the aggregate of—

''(A) the portion of the period of enrollment in the course from which the individual did not receive credit or with respect to which the individual lost training time, as determined under subsection (b)(2); and

''(B) the period by which a monthly stipend is extended under section 3680(a)(2)(B) of this title.

''(2)(A) An individual described in subparagraph (B) who transfers fewer than 12 credits from a program of education that is closed or disapproved as described in subsection (b)(1) shall be deemed to be an individual who did not receive such credits, as described in subsection (b)(2), except that the period for which such individual's entitlement is not charged shall be the entire period of the individual's enrollment in the program of education. In carrying out this subparagraph, the Secretary, in consultation with the Secretary of Education, shall establish procedures to determine whether the individual transferred credits to a comparable course or program of education.

''(B) An individual described in this subparagraph is an individual who is enrolled in a course or program of education closed or discontinued as described in subsection (b)(1) during the period beginning on the date that is 120 days before the date of such closure or discontinuance and ending on the date of such closure or discontinuance, as the case may be.

''(C) This paragraph shall apply with respect to a course or program of education closed or discontinued before September 30, 2023.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2021.

**SEC. 1022. DEPARTMENT OF VETERANS AFFAIRS TREATMENT OF FOR-PROFIT EDUCATIONAL INSTITUTIONS CONVERTED TO NONPROFIT EDUCATIONAL INSTITUTIONS.**

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

**''§ 3699B. Treatment of certain for-profit educational institutions**

''(a) IN GENERAL.—In the case of any for-profit educational institution that is converted to a nonprofit educational institution, the State approving agency or the Secretary when acting as a State approving agency shall conduct annual risk-based surveys of the institution during the three-year period beginning on the date on which the educational institution is so converted.

''(b) RISK-BASED SURVEY DEFINED.—In this section, the term 'risk-based survey' means the risk-based survey developed under section 3673A of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3699A the following new item:

''3699B. Treatment of certain for-profit educational institutions.''.

(c) APPLICABILITY.—Section 3699B of title 38, United States Code, as added by subsection (a), shall apply with respect to the conversion of a for-profit educational institution to a nonprofit educational institution that occurs on or after the date of the enactment of this Act.

**SEC. 1023. AUTHORITY OF STATE APPROVING AGENCIES TO CONDUCT OUTREACH ACTIVITIES.**

Section 3673 of title 38, United States Code, as amended by section 1014 of this title, is further amended by adding at the end the following new subsection:

''(f) OUTREACH ACTIVITIES.—(1) A State approving agency may conduct outreach activities if—

''(A) the State approving agency has properly conducted its enforcement and approval of courses and programs of education under this chapter; and

''(B) funds are still available to do so.

''(2) For purposes of paragraph (1)(A), a State approving agency shall be considered to have properly conducted its enforcement and approval of courses and programs of education under this chapter if the State approving agency has—

''(A) met fulfilled its requirements pursuant to the applicable cooperative agreements between the State approving agency and the Department relating to the oversight and approval of courses and programs of education under this chapter; and

''(B) completed a risk-based survey of any course or program of education determined to be of questionable quality or at risk by any Federal or State agency or any accrediting agency.

''(3) Outreach activities conducted under paragraph (1) shall be carried out using amounts derived from amounts not specifically appropriated to carry out this subsection.''.

**SEC. 1024. LIMITATION ON COLOCATION AND ADMINISTRATION OF STATE APPROVING AGENCIES.**

(a) IN GENERAL.—Section 3671 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(c) A State department or agency may not be recognized as a State approving agency designated under this section if such State department or agency is administered at or colocated with a university or university system whose courses or programs of education would be subject to approval under this chapter by the State approving agency in that State.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

**SEC. 1025. ELIMINATION OF PERIOD OF ELIGIBILITY FOR TRAINING AND REHABILITATION FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES.**

(a) IN GENERAL.—Section 3103 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''or (e)'' and inserting ''(e), or (g)''; and

(2) by adding at the end the following new subsection:

''(g) Subsection (a) shall not apply to a veteran who was discharged or released from active military, naval, or air service on or after January 1, 2013.''.

(b) CONFORMING AMENDMENT.—Section 6(c) of the Student Veteran Coronavirus Response Act of 2020 (134 Stat. 633; Public Law 116–140) is amended by striking paragraph (1).

**Subtitle B—Pandemic Assistance**

**SEC. 1101. DEFINITIONS.**

In this subtitle:

(1) COVERED PROGRAM OF EDUCATION.—The term ''covered program of education'' means a program of education (as defined in section 3002 of title 38, United States Code) approved by a State approving agency, or the Secretary of Veterans Affairs when acting in the role of a State approving agency.

(2) COVID–19 EMERGENCY.—The term ''COVID–19 emergency'' means the public health emergency declared pursuant to section 319 of the Public Health Service Act on January 31, 2020, entitled ''Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus''.

(3) EDUCATIONAL INSTITUTION.—The term ''educational institution'' has the meaning given that term in section 3452(c) of title 38, United States Code, and includes an institution of higher learning (as defined in such section).

(4) STATE APPROVING AGENCY.—The term ''State approving agency'' has the meaning given that term in section 3671 of title 38, United States Code.

(5) TRAINING ESTABLISHMENT.—The term ''training establishment'' has the meaning given that term in section 3452(e) of title 38, United States Code.

(6) TRAINING.—The term ''training'' includes on-job training and apprenticeship programs and vocational rehabilitation programs.

**SEC. 1102. CONTINUATION OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BENEFITS DURING COVID–19 EMERGENCY.**

(a) AUTHORITY.—If the Secretary of Veterans Affairs determines under subsection (c) that an individual is negatively affected by the COVID–19 emergency, the Secretary may provide educational assistance to that individual under the laws administered by the Secretary as if such negative effects did not occur. The authority under this section is in addition to the authority provided under section 1 of Public Law 116–128 (38 U.S.C. 3001 note prec.), but in no case may the Secretary provide more than a total of four weeks of additional educational assistance by reason of section 4 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140; 38 U.S.C. 3680 note) and this section.

(b) HOUSING AND ALLOWANCES.—In providing educational assistance to an individual pursuant to subsection (a), the Secretary may—

(1) continue to pay a monthly housing stipend under chapter 33 of title 38, United States Code, during a month the individual would have been enrolled in a program of education or training but for the COVID–19 emergency at the same rate such stipend would have been payable if the individual had not been negatively affected by the COVID–19 emergency, except that the total number of weeks for which stipends may continue to be so payable may not exceed four weeks; and

(2) continue to pay payments or subsistence allowances under chapters 30, 31, 32, 33, and 35 of such title and chapter 1606 of title 10, United States Code, during a month for a period of time that the individual would have been enrolled in a program of education or training but for the COVID–19 emergency, except that the total number of weeks for which payments or allowances may continue to be so payable may not exceed four weeks.

(c) DETERMINATION OF NEGATIVE EFFECTS.—The Secretary shall determine that an individual was negatively affected by the COVID–19 emergency if—

(1) the individual is enrolled in a covered program of education of an educational institution or enrolled in training at a training establishment and is pursuing such program or training using educational assistance under the laws administered by the Secretary;

(2) the educational institution or training establishment certifies to the Secretary that such program or training is truncated, delayed, relocated, canceled, partially canceled, converted from being on-site to being offered by distance learning, or otherwise modified or made unavailable by reason of the COVID–19 emergency; and

(3) the Secretary determines that the modification to such program or training specified under paragraph (2) would reduce the amount of educational assistance (including with respect to monthly housing stipends, payments, or subsistence allowances) that would be payable to the individual but for the COVID–19 emergency.

(d) EFFECT ON ENTITLEMENT PERIOD.—If the Secretary determines that an individual who received assistance under this section did not make progress toward the completion of the program of education in which the individual is enrolled during the period for which the individual received such assistance, any assistance provided pursuant to this section shall not be counted for purposes of determining the total amount of an individual's entitlement to educational assistance, housing stipends, or payments or subsistence allowances under chapters 30, 31, 32, and 35 of such title and chapter 1606 of title 10, United States Code.

(e) APPLICABILITY PERIOD.—This section shall apply during the period beginning on March 1, 2020, and ending on December 21, 2021.

**SEC. 1103. EFFECTS OF CLOSURE OF EDUCATIONAL INSTITUTION AND MODIFICATION OF COURSES BY REASON OF COVID-19 EMERGENCY.**

(a) CLOSURE OR DISAPPROVAL.—Any payment of educational assistance described in subsection (b) shall not—

(1) be charged against any entitlement to educational assistance of the individual concerned; or

(2) be counted against the aggregate period for which section 3695 of title 38, United States Code, limits the receipt of educational assistance by such individual.

(b) EDUCATIONAL ASSISTANCE DESCRIBED.—Subject to subsection (d), the payment of educational assistance described in this subsection is the payment of such assistance to an individual for pursuit of a course or program of education at an educational institution under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 of title 10, United States Code, if the Secretary determines that the individual—

(1) was unable to complete such course or program as a result of—

(A) the closure of the educational institution, or the full or partial cancellation of a course or program of education, by reason of the COVID-19 emergency; or

(B) the disapproval of the course or a course that is a necessary part of that program under chapter 36 of title 38, United States Code, because the course was modified by reason of such emergency; and

(2) did not receive credit or lost training time, toward completion of the program of education being so pursued.

(c) HOUSING ASSISTANCE.—In this section, educational assistance includes, as applicable—

(1) monthly housing stipends payable under chapter 33 of title 38, United States Code, for any month the individual would have been enrolled in a course or program of education; and

(2) payments or subsistence allowances under chapters 30, 31, 32, and 35 of such title and chapter 1606 of title 10, United States Code, during a month the individual would have been enrolled in a course or program of education.

(d) PERIOD NOT CHARGED.—The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of title 38, United States Code, shall not exceed the aggregate of—

(1) the portion of the period of enrollment in the course from which the individual did not receive credit or with respect to which the individual lost training time, as determined under subsection (b)(2); and

(2) the period by which a monthly stipend is extended under section 3680(a)(2)(B) of title 38, United States Code.

(e) CONTINUING PURSUIT OF DISAPPROVED COURSES.—

(1) IN GENERAL.—The Secretary may treat a course of education that is disapproved under chapter 36 of title 38, United States Code, as being approved under such chapter with respect to an individual described in paragraph (2) if the Secretary determines, on a programmatic basis, that—

(A) such disapproval is the result of an action described in subsection (b)(1)(B); and

(B) continuing pursuing such course is in the best interest of the individual.

(2) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is an individual who is pursuing a course of education at an educational institution under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 of title 10, United States Code, as of the date on which the course is disapproved as described in subsection (b)(1)(B).

(f) STATUS AS FULL-TIME STUDENT FOR PURPOSES OF HOUSING STIPEND CALCULATION.—In the case of an individual who, as of the first day of the COVID-19 emergency was enrolled on a full-time basis in a program of education and was receiving educational assistance under chapter 33 of title 38, United States Code, or subsistence allowance under chapter 31 of such title, and for whom the Secretary makes a determination under subsection (b), the individual shall be treated as

an individual enrolled in a program of education on a full-time basis for the purpose of calculating monthly housing stipends payable under chapter 33 of title 38, United States Code, or subsistence allowance payable under chapter 31 of such title, for any month the individual is enrolled in the program of education on a part-time basis to complete any course of education that was partially or fully canceled by reason of the COVID-19 emergency.

(g) NOTICE OF CLOSURES.—Not later than 5 business days after the date on which the Secretary receives notice that an educational institution will close or is closed by reason of the COVID-19 emergency, the Secretary shall provide to each individual who is enrolled in a course or program of education at such educational institution using entitlement to educational assistance under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 of title 10, United States Code, notice of—

(1) such closure and the date of such closure; and

(2) the effect of such closure on the individual's entitlement to educational assistance pursuant to this section.

(h) APPLICABILITY.—This section shall apply with respect to the closure of an educational institution, or the cancellation or modification of a course or program of education, that occurs during the period beginning on March 1, 2020, and ending on December 21, 2021.

**SEC. 1104. PAYMENT OF EDUCATIONAL ASSISTANCE IN CASES OF WITHDRAWAL.**

(a) IN GENERAL.—In the case of any individual who withdraws from a program of education or training, other than a program by correspondence, in an educational institution under chapter 31, 34, or 35 of title 38, United States Code, for a covered reason during the period beginning on March 1, 2020, and ending on December 21, 2021, the Secretary of Veterans Affairs shall find mitigating circumstances for purposes of section 3680(a)(1)(C)(ii) of title 38, United States Code.

(b) COVERED REASON.—In this section, the term ''covered reason'' means any reason related to the COVID-19 emergency, including—

(1) illness, quarantine, or social distancing requirements;

(2) issues associated with COVID-19 testing accessibility;

(3) access or availability of childcare;

(4) providing care for a family member or cohabitants;

(5) change of location or residence due to COVID-19 or associated school closures;

(6) employment changes or financial hardship; and

(7) issues associated with changes in format or medium of instruction.

**SEC. 1105. MODIFICATION OF TIME LIMITATIONS ON USE OF ENTITLEMENT.**

(a) MONTGOMERY GI BILL.—The subsection (i) temporarily added to section 3031 of title 38, United States Code, by subsection (a) of section 6 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is amended—

(1) in paragraph (1), by striking ''the period the individual is so prevented from pursuing such program'' and inserting ''the period beginning on March 1, 2020, and ending on December 21, 2021''; and

(2) in paragraph (2), by striking ''the first day after the individual is able to resume pursuit of a program of education with educational assistance under this chapter'' and inserting ''December 22, 2021''.

(b) VOCATIONAL REHABILITATION AND TRAINING.—The subsection (g) temporarily added to section 3103 of title 38, United States Code, by subsection (c) of such section 6 is amended—

(1) in paragraph (1), by striking ''the period the individual is so prevented from participating such program'' and inserting ''the period beginning on March 1, 2020, and ending on December 21, 2021''; and

(2) in paragraph (2), by striking ''the first day after the individual is able to resume participation in such program'' and inserting ''December 22, 2021''.

**SEC. 1106. APPRENTICESHIP OR ON-JOB TRAINING REQUIREMENTS.**

(a) IN GENERAL.—During the period described in subsection (b), subsection (e) of section 3687 of title 38, United States Code, shall be applied by substituting the following for paragraph (2):

''(2)(A) Subject to subparagraphs (B) and (C), for any month in which an individual fails to complete 120 hours of training, the entitlement otherwise chargeable under paragraph (1) shall be reduced in the same proportion as the monthly training assistance allowance payable is reduced under subsection (b)(3).

''(B) In the case of an individual who is unemployed during any month, the 120-hour requirement under subparagraph (A) for that month shall be reduced proportionately to reflect the individual's period of unemployment, except that the amount of monthly training assistance otherwise payable to the individual under subsection (b)(3) shall not be reduced.

''(C) Any period during which an individual is unemployed shall not—

''(i) be charged against any entitlement to educational assistance of the individual; or

''(ii) be counted against the aggregate period for which section 3695 of this title limits the receipt of educational assistance by such individual.

''(D) Any amount by which the entitlement of an individual is reduced under subparagraph (A) shall not—

''(i) be charged against any entitlement to educational assistance of the individual; or

''(ii) be counted against the aggregate period for which section 3695 of this title limits the receipt of educational assistance by such individual.

''(E) In the case of an individual who fails to complete 120 hours of training during a month, but who completed more than 120 hours of training during the preceding month, the individual may apply the number of hours in excess of 120 that the individual completed for that month to the month for which the individual failed to complete 120 hours. If the addition of such excess hours results in a total of 120 hours or more, the individual shall be treated as an individual who has completed 120 hours of training for that month. Any excess hours applied to a different month under this subparagraph may only be applied to one such month.

''(F) This paragraph applies to amounts described in section 3313(g)(3)(B)(iv) and section 3032(c)(2) of this title and section 16131(d)(2) of title 10.

''(G) In this paragraph:

''(i) The term 'unemployed' includes being furloughed or being scheduled to work zero hours.

''(ii) The term 'fails to complete 120 hours of training' means, with respect to an individual, that during any month, the individual completes at least one hour, but fewer than 120 hours, of training, including in a case in which the individual is unemployed for part of, but not the whole, month.''.

(b) APPLICABILITY PERIOD.—The period described in this section is the period beginning on March 1, 2020, and ending on December 21, 2021.

**SEC. 1107. INCLUSION OF TRAINING ESTABLISHMENTS IN CERTAIN PROVISIONS RELATED TO COVID-19 EMERGENCY.**

(a) CONTINUATION OF BENEFITS.—Section 1 of Public Law 116–128 is amended—

(1) in subsection (a), by inserting ''or a training establishment'' after ''an educational institution''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(4) TRAINING ESTABLISHMENT.—The term 'training establishment' has the meaning given such term in section 3452(e) of title 38, United States Code.''.

(b) PAYMENT OF ALLOWANCES.—Section 4(a)(1) of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140; 38 U.S.C. 3680 note) is amended by inserting ''or a training establishment'' after ''educational institution''.

(c) PROHIBITION OF CHARGE TO ENTITLEMENT.—The subparagraph (C) temporarily added to section 3699(b)(1) of title 38, United States Code, by section 5 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140; 38 U.S.C. 3699 note) is amended by inserting ''or training establishment'' after ''educational institution''.

(d) EXTENSION OF TIME LIMITATIONS.—

(1) MGIB.—The subsection (i) temporarily added to section 3031 of title 38, United States Code, by subsection (a) of section 6 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140), as amended by section 1105 of this title, is further amended by inserting ''or training establishment'' after ''educational institution''.

(2) TRANSFER PERIOD.—The subparagraph (C) temporarily added to section 3319(h)(5) of such title by section 6 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is amended by inserting ''or training establishment'' after ''educational institution''.

**SEC. 1108. TREATMENT OF PAYMENT OF ALLOWANCES UNDER STUDENT VETERAN CORONAVIRUS RESPONSE ACT.**

Section 4 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is amended—

(1) in subsection (b)—

(A) by striking ''may not exceed four weeks.'' and inserting ''may not exceed the shorter of the following:''; and

(B) by adding at the end the following new paragraphs:

''(1) The period of time that the eligible veteran or eligible person would have been enrolled in a program of education or training but for the emergency situation.

''(2) Four weeks.''; and

(2) by adding at the end the following new subsection:

''(e) ENTITLEMENT NOT CHARGED.—Any payment of allowances under this section shall not—

''(1) be charged against any entitlement to educational assistance of the eligible veteran or eligible person concerned; or

''(2) be counted against the aggregate period for which section 3695 of this title 38, United States Code, limits the receipt of educational assistance by such eligible veteran or eligible person.''.

## TITLE II—BENEFITS

### Subtitle A—Benefits Generally

**SEC. 2001. REVISION OF DEFINITION OF VIETNAM ERA FOR PURPOSES OF THE LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.**

Section 101(29)(A) of title 38, United States Code, is amended by striking ''February 28, 1961'' and inserting ''November 1, 1955''.

**SEC. 2002. MATTERS RELATING TO DEPARTMENT OF VETERANS AFFAIRS MEDICAL DISABILITY EXAMINATIONS.**

(a) TEMPORARY CLARIFICATION OF LICENSURE REQUIREMENTS FOR CONTRACTOR MEDICAL PROFESSIONALS TO PERFORM MEDICAL

DISABILITY EXAMINATIONS FOR THE DEPARTMENT OF VETERANS AFFAIRS UNDER PILOT PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DISABILITY EXAMINATIONS.—

(1) IN GENERAL.—Subsection (c) of section 504 of the Veterans' Benefits Improvements Act of 1996 (Public Law 104–275; 38 U.S.C. 5101 note) is amended to read as follows:

''(c) LICENSURE OF CONTRACT HEALTH CARE PROFESSIONALS.—

''(1) IN GENERAL.—Notwithstanding any law regarding the licensure of health care professionals, a health care professional described in paragraph (2) may conduct an examination pursuant to a contract entered into under subsection (a) at any location in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States, so long as the examination is within the scope of the authorized duties under such contract.

''(2) HEALTH CARE PROFESSIONAL DESCRIBED.—A health care professional described in this paragraph is a physician, physician assistant, nurse practitioner, audiologist, or psychologist, who—

''(A) has a current unrestricted license to practice the health care profession of the physician, physician assistant, nurse practitioner, audiologist, or psychologist, as the case may be;

''(B) is not barred from practicing such health care profession in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States; and

''(C) is performing authorized duties for the Department of Veterans Affairs pursuant to a contract entered into under subsection (a).''.

(2) PURPOSE.—The purpose of the amendment made by paragraph (1) is to expand the license portability for physicians assistants, nurse practitioners, audiologists, and psychologists to supplement the capacity of employees of the Department to provide medical examinations described in subsection (b).

(3) RULE OF CONSTRUCTION.—The amendment made by paragraph (1) shall not be construed to affect the license portability for physicians in effect under section 504(c) of such Act as in effect on the day before the date of the enactment of this Act.

(4) SUNSET.—On the date that is three years after the date of the enactment of this Act, subsection (c) of such section shall read as it read on the day before the date of the enactment of this Act.

(b) TEMPORARY HALT ON ELIMINATION OF MEDICAL EXAMINER POSITIONS IN DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall temporarily suspend the efforts of the Secretary in effect on the day before the date of the enactment of this Act to eliminate medical examiner positions in the Department of Veterans Affairs until the number of individuals awaiting a medical examination with respect to medical disability of the individuals for benefits under laws administered by the Secretary that are carried out through the Under Secretary for Benefits is equal to or less than the number of such individuals who were awaiting such a medical examination with respect to such purposes on March 1, 2020.

(c) REPORT ON PROVISION OF MEDICAL EXAMINATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the provision of medical examinations described in subsection (b) by the Department.

(2) CONTENTS.—The report submitted under paragraph (1) shall cover the following:

(A) How the Secretary will increase the capacity, efficiency, and timeliness of physician assistants, nurse practitioners, audiologists, and psychologists of the Veterans Health Administration with respect to completing medical examinations described in subsection (b).

(B) The total number of full-time equivalent employees among all physician assistants, nurse practitioners, audiologists, and psychologists needed for the increases described in subparagraph (A).

(C) An assessment regarding the importance of retaining a critical knowledge base within the Department for performing medical examinations for veterans filing claims for compensation under chapters 11 and 13 of title 38, United States Code, including with respect to military sexual trauma, post-traumatic stress disorder, traumatic brain injury, and toxic exposure.

(3) COLLABORATION.—The Secretary shall collaborate with the veterans community and stakeholders in the preparation of the report required by paragraph (1).

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(d) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW.—

(1) REVIEW REQUIRED.—Not later than 360 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a review of the implementation of the pilot program authorized under subsection (a) of section 504 of the Veterans' Benefits Improvements Act of 1996 (Public Law 104–275; 38 U.S.C. 5101 note).

(2) ELEMENTS.—The review conducted under paragraph (1) shall include the following:

(A) An assessment of the use of subsection (c) of section 504 of such Act, as amended by subsection (a)(1) of this section.

(B) Efforts to retain and recruit medical examiners as employees of the Department.

(C) Use of telehealth for medical examinations described in subsection (b) that are administered by the Department.

(e) BRIEFING ON RECOMMENDATIONS OF COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall provide to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a briefing on how the Secretary will implement the recommendations of the Comptroller General of the United States regarding—

(1) the monitoring of the training of providers of examinations pursuant to contracts under section 504 of the Veterans' Benefits Improvements Act of 1996 (Public Law 104–275; 38 U.S.C. 5101 note); and

(2) ensuring such providers receive such training.

(f) HOLDING UNDERPERFORMING CONTRACT MEDICAL EXAMINERS ACCOUNTABLE.—The Secretary shall take such actions as may be necessary to hold accountable the providers of medical examinations pursuant to contracts under section 504 of the Veterans' Benefits Improvements Act of 1996 (Public Law 104–275; 38 U.S.C. 5101 note) who are underperforming in the meeting of the needs of veterans through the performance of medical examinations pursuant to such contracts.

**SEC. 2003. MEDAL OF HONOR SPECIAL PENSION FOR SURVIVING SPOUSES.**

(a) CODIFICATION OF CURRENT RATE OF SPECIAL PENSION.—Subsection (a) of section 1562 of title 38, United States Code, is amended by striking ''$1,000'' and inserting ''$1,388.68''.

(b) SPECIAL PENSION FOR SURVIVING SPOUSES.—

(1) SURVIVING SPOUSE BENEFIT.—Such subsection is further amended—

(A) by inserting ''(1)'' after ''(a)''; and

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

''(2)(A) Except as provided in subparagraphs (B) and (C), the Secretary shall pay special pension under this section to the surviving spouse of a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll and a copy of whose certificate has been delivered to the Secretary under section 1134a(d) of title 10.

''(B) No special pension shall be paid to a surviving spouse of a person under this section unless such surviving spouse was married to such person—

''(i) for one year or more prior to the veteran's death; or

''(ii) for any period of time if a child was born of the marriage, or was born to them before the marriage.

''(C) No special pension shall be paid to a surviving spouse of a person under this section if such surviving spouse is receiving benefits under section 1311 or 1318 of this title.''.

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Such section is amended—

(i) in subsection (d), by inserting ''or married to more than one person who has been awarded a medal of honor,'' after ''honor,''; and

(ii) in subsection (f)(1), by striking ''this section'' and inserting ''paragraph (1) of subsection (a), or under paragraph (2) of such subsection in the case of a posthumous entry on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll,''.

(B) SPECIAL PROVISIONS RELATING TO MARRIAGES.—Section 103(d)(5) of such title is amended by adding at the end the following new subparagraph:

''(E) Section 1562(a)(2), relating to Medal of Honor special pension.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to payment of pension under section 1562 of title 38, United States Code, for months beginning after the date of the enactment of this Act.

**SEC. 2004. MODERNIZATION OF SERVICE-DISABLED VETERANS INSURANCE.**

(a) ESTABLISHMENT OF MODERNIZED PROGRAM.—

(1) IN GENERAL.—Chapter 19 of title 38, United States Code, is amended by inserting after section 1922A the following new section:

**''§ 1922B. Service-disabled veterans insurance**

''(a) INSURANCE.—(1) Beginning January 1, 2023, the Secretary shall carry out a service-disabled veterans insurance program under which a veteran is granted insurance by the United States against the death of such individual occurring while such insurance is in force.

''(2) The Secretary may only issue whole-life policies under the insurance program under paragraph (1).

''(3) The Secretary may not grant insurance to a veteran under paragraph (1) unless—

''(A) the veteran submits the application for such insurance before the veteran attains 81 years of age; or

''(B) with respect to a veteran who has attained 81 years of age—

''(i) the veteran filed a claim for compensation under chapter 11 of this title before attaining such age;

''(ii) based on such claim, and after the veteran attained such age, the Secretary

first determines that the veteran has a service-connected disability; and

''(iii) the veteran submits the application for such insurance during the two-year period following the date of such determination.

''(4)(A) A veteran enrolled in the insurance program under paragraph (1) may elect to be insured in any of the following amounts:

''(i) $10,000.

''(ii) $20,000.

''(iii) $30,000.

''(iv) $40,000.

''(v) In accordance with subparagraph (B), a maximum amount greater than $40,000.

''(B) The Secretary may establish a maximum amount to be insured under paragraph (1) that is greater than $40,000 if the Secretary—

''(i) determines that such maximum amount and the premiums for such amount—

''(I) are administratively and actuarially sound for the insurance program under paragraph (1); and

''(II) will not result in such program operating at a loss; and

''(ii) publishes in the Federal Register, and submits to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives, such maximum amount and determination.

''(5)(A)(i) Insurance granted under this section shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to a revolving fund in the Treasury of the United States.

''(ii) Any payments on such insurance shall be made directly from such fund.

''(B)(i) The Secretary of the Treasury may invest in and sell and retire special interest-bearing obligations of the United States for the account of the revolving fund under subparagraph (A).

''(ii) Such obligations issued for that purpose shall—

''(I) have maturities fixed with due regard for the needs of the fund; and

''(II) bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of one per centum, the rate of interest of such obligation shall be the multiple of one-eighth of one per centum nearest such market yield.

''(6)(A) Administrative support financed by the appropriations for 'General Operating Expenses, Department of Veterans Affairs' and 'Information Technology Systems, Department of Veterans Affairs' for the insurance program under paragraph (1) shall be paid from premiums credited to the fund under paragraph (5).

''(B) Such payment for administrative support shall be reimbursed for that fiscal year from funds that are available on such insurance after claims have been paid.

''(b) ELIGIBILITY.—A veteran is eligible to enroll in the insurance program under subsection (a)(1) if the veteran has a service-connected disability, without regard to—

''(1) whether such disability is compensable under chapter 11 of this title; or

''(2) whether the veteran meets standards of good health required for other life insurance policies.

''(c) ENROLLMENT AND WAITING PERIOD.—(1) An eligible veteran may enroll in the insurance program under subsection (a)(1) at any time.

''(2) The life insurance policy of a veteran who enrolls in the insurance program under subsection (a)(1) does not go into force unless—

''(A) a period of two years elapses following the date of such enrollment; and

''(B) the veteran pays the premiums required during such two-year period.

''(3)(A) If a veteran dies during the two-year period described in paragraph (2), the Secretary shall pay to the beneficiary of the veteran the amount of premiums paid by the veteran under this section, plus interest.

''(B) The Secretary—

''(i) for the initial year of the insurance program under subsection (a)(1)—

''(I) shall set such interest at a rate of one percent; and

''(II) may adjust such rate during such year based on program experience, except that the interest rate may not be less than zero percent;

''(ii) for the second and each subsequent year of the program, shall calculate such interest at an annual rate equal to the rate of return on the revolving fund under subsection (a)(5) for the calendar year preceding the year of the veteran's death, except that the interest rate may not be less than zero percent; and

''(iii) on an annual basis, shall publish on the internet website of the Department the average interest rate calculated under clause (ii) for the preceding calendar year.

''(d) PREMIUMS.—(1) The Secretary shall establish a schedule of basic premium rates by age per $10,000 of insurance under subsection (a)(1) consistent with basic premium rates generally charged for guaranteed acceptance life insurance policies by private life insurance companies.

''(2) The Secretary may adjust such schedule after the first policy year in a manner consistent with the general practice of guaranteed acceptance life insurance policies issued by private life insurance companies.

''(3) Section 1912 of this title shall not apply to life insurance policies under subsection (a)(1), and the Secretary may not otherwise waive premiums for such insurance policies.

''(e) BENEFICIARIES.—(1) A veteran who enrolls in the insurance program under subsection (a)(1) may designate a beneficiary of the life insurance policy.

''(2) If a veteran enrolled in the insurance program under subsection (a)(1) does not designate a beneficiary under paragraph (1) before the veteran dies, or if a designated beneficiary predeceases the veteran, the Secretary shall determine the beneficiary in the following order:

''(A) The surviving spouse of the veteran.

''(B) The children of the veteran and descendants of deceased children by representation.

''(C) The parents of the veteran or the survivors of the parents.

''(D) The duly appointed executor or administrator of the estate of the veteran.

''(E) Other next of kin of the veteran entitled under the laws of domicile of the veteran at the time of the death of the veteran.

''(f) CLAIMS.—(1) If the deceased veteran designated a beneficiary under subsection (e)(1)—

''(A) the designated beneficiary is the only person who may file a claim for payment under subsection (g) during the one-year period beginning on the date of the death of the veteran; and

''(B) if the designated beneficiary does not file a claim for the payment during the period described in paragraph (1), or if payment to the designated beneficiary within that period is prohibited by Federal statute or regulation, a beneficiary described in subsection (e)(2) may file a claim for such payment during the one-year period following the period described in subparagraph (A) as if the designated beneficiary had predeceased the veteran.

''(2) If the deceased veteran did not designate a beneficiary under subsection (e)(1), or if the designated beneficiary predeceased the veteran, a beneficiary described in subsection (e)(2) may file a claim for payment under subsection (g) during the two-year period beginning on the date of the death of the veteran.

''(3) If, on the date that is two years after the date of the death of the veteran, no claim for payment has been filed by any beneficiary pursuant to paragraph (1) or (2), and the Secretary has not received notice that any such claim will be so filed during the subsequent one-year period, the Secretary may make the payment to a claimant whom the Secretary determines to be equitably entitled to such payment.

''(g) PAYMENTS.—(1) In a case described in subsection (f)—

''(A) in paragraph (1)(A), the Secretary shall pay the designated beneficiary not later than 90 days after the designated beneficiary files a complete and valid claim for payment;

''(B) in paragraph (1)(B) or (2), the Secretary shall make any payment not later than one year after the end of the period described in the applicable such paragraph, if the Secretary receives a complete and valid claim for payment in accordance with the applicable such paragraph; or

''(C) in paragraph (3), the Secretary shall make any payment not later than one year after the end of the period described in such paragraph, if the Secretary receives a complete and valid claim for payment.

''(2) In a case where the Secretary has not made an insurance payment under this section during the applicable period specified in paragraph (1) by reason of a beneficiary not yet having filed a claim, or the Secretary not yet making a determination under subsection (f)(3), the Secretary may make the payment after such applicable period.

''(3) Notwithstanding section 1917 of this title, the Secretary shall make an insurance payment under this section in a lump sum.

''(4) The Secretary may not make an insurance payment under this section if such payment will escheat to a State.

''(5) Any payment under this subsection shall be a bar to recovery by any other person.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1922A the following new item:

''1922B. Service-disabled veterans insurance.''.

(b) SUNSET OF PREVIOUS PROGRAM AND TRANSITION.—

(1) S–DVI.—Section 1922 of such title is amended by adding at the end the following new subsection:

''(d)(1) The Secretary may not accept any application by a veteran to be insured under this section after December 31, 2022.

''(2)(A) During the period beginning January 1, 2023, and ending December 31, 2025, a veteran who is insured under this section may elect to instead be insured under section 1922B of this title based on the age of the veteran at the time of such election.

''(B)(i) A veteran who elects under subparagraph (A) to be insured under section 1922B of this title shall be subject to the two-year waiting period specified in subsection (c) of such section.

''(ii) If the veteran dies during such period, the Secretary shall pay the beneficiary under this section, and, if applicable, under section 1922A, plus the amount of premiums

paid by the veteran under such section 1922B, plus interest.

''(3) Except as provided by paragraph (2)(B), a veteran may not be insured under this section and section 1922B simultaneously.''.

(2) SUPPLEMENTAL S–DVI.—Section 1922A(b) of such title is amended by adding after the period at the end the following: ''The Secretary may not accept any such application after December 31, 2022. Except as provided by section 1922(d)(2)(B), a veteran may not have supplemental insurance under this section and be insured under section 1922B simultaneously.''.

(c) CONFORMING AMENDMENTS.—Chapter 19 of such title is amended—

(1) in the section heading of section 1922, by striking ''**Service**'' and inserting ''**Legacy service**'';

(2) in the section heading of section 1922A, by striking ''**Supplemental**'' and inserting ''**Legacy supplemental**''; and

(3) in the table of sections at the beginning of such chapter by striking the items relating to sections 1922 and 1922A and inserting the following new items:

''1922. Legacy service disabled veterans' insurance.

''1922A. Legacy supplemental service disabled veterans' insurance for totally disabled veterans.''.

**SEC. 2005. DENIAL OF CLAIMS FOR TRAUMATIC INJURY PROTECTION UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.**

Section 1980A of title 38, United States Code, is amended by adding at the end the following new subsection:

''(l)(1) If a claim for benefits under this section is denied, the Secretary concerned shall provide to the member at the same time as the member is informed of such denial a description of the following:

''(A) Each reason for that denial, including a description of all the information upon which the denial is based and a description of the applicable laws, regulations, or policies, with appropriate citations, and an explanation of how such laws, regulations, or policies affected the denial.

''(B) Each finding that is favorable to the member.

''(2) Any finding favorable to the member as described in paragraph (1)(B) shall be binding on all subsequent reviews or appeals of the denial of the claim, unless clear and convincing evidence is shown to the contrary to rebut such favorable finding.''.

**SEC. 2006. PUBLICATION AND ACCEPTANCE OF DISABILITY BENEFIT QUESTIONNAIRE FORMS OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Section 5101 of title 38, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d)(1) The Secretary shall publish in a central location on the internet website of the Department—

''(A) the disability benefit questionnaire forms of the Department for the submittal of evidence from non-Department medical providers regarding a disability of a claimant, including any form or process that replaces any such disability benefit questionnaire form; and

''(B) details about the process used by the Department for submittal of evidence described in subparagraph (A).

''(2) Subject to section 6103 of this title, if the Secretary updates a form described in paragraph (1)(A), the Secretary shall—

''(A) accept the previous version of the form filed by a claimant if—

''(i) the claimant provided to the non-Department medical provider the previous version of the form before the date on which the updated version of the form was made available; and

''(ii) the claimant files the previous version of the form during the one-year period following the date the form was completed by the non-Department medical provider;

''(B) request from the claimant (or from a non-Department medical provider if the claimant has authorized the provider to share health information with the Secretary) any other information that the updated version of the form requires; and

''(C) apply the laws and regulations required to adjudicate the claim as if the claimant filed the updated version of the form.

''(3) The Secretary may waive any interagency approval process required to approve a modification to a disability benefit questionnaire form if such requirement only applies by reason of the forms being made public.''.

(b) REPORTS BY INSPECTOR GENERAL OF THE DEPARTMENT OF VETERANS AFFAIRS.—Not less frequently than once each year through 2023, the Inspector General of the Department of Veterans Affairs shall submit to Congress a report on the findings of the Inspector General with respect to the use of the forms published under section 5101(d)(1) of such title, as added by subsection (a).

(c) INITIAL FORM.—The Secretary of Veterans Affairs shall begin carrying out section 5101(d)(1) of such title, as added by subsection (a), by publishing, as described in such section, the form described in such section that was in effect on January 1, 2020.

(d) ALTERNATE PROCESS.—

(1) ASSESSMENT AND REPORT.—

(A) IN GENERAL.—Subject to paragraph (2), not later than 180 days after the date of the enactment of this act, the Secretary shall—

(i) assess the feasibility and advisability of replacing disability benefit questionnaire forms that are used by non-Department medical providers to submit to the Secretary evidence regarding a disability of a claimant for benefits under laws administered by the Secretary, with another consistent process that considers evidence equally, whether provided by a Department or a non-Department medical provider; and

(ii) submit to Congress—

(I) a report on the findings of the Secretary with respect to the assessment conducted under clause (i); and

(II) if the report submitted under subclause (I) of this clause includes a finding that replacing the disability benefit questionnaire forms described in clause (i) as described in such clause is feasible and advisable, a plan to replace such forms as described in such clause.

(B) COLLABORATION REQUIRED.—If, in carrying out the assessment required by clause (i) of subparagraph (A), the Secretary determines that replacing the disability benefit questionnaire forms described in such clause as described in such clause is feasible and advisable, the Secretary shall collaborate with, partner with, and consider the advice of veterans service organizations, and such other stakeholders as the Secretary considers appropriate, on the replacement forms and process for submitting such forms.

(2) REQUIREMENTS.—The Secretary may only determine under paragraph (1)(A) that replacing the forms described in such paragraph is feasible and advisable if the Secretary certifies that—

(A) it is in the best interest of veterans to do so;

(B) the replacement process would include all the medical information needed to adjudicate a claim for benefits under laws administered by the Secretary; and

(C) the new process will ensure that all medical information provided will be considered equally, whether it is provided by a Department medical provider or a non-Department medical provider.

(3) IMPLEMENTATION.—

(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary determines under paragraph (1)(A) that replacing the forms as described in such paragraph is feasible and advisable, the Secretary shall, not later than two years after the date on which the Secretary submits the report under paragraph (1)(B)(i)—

(i) replace the forms as described in paragraph (1)(A);

(ii) publish such replacement pursuant to subparagraph (A) of section 5101(d)(1), as added by subsection (a)(2); and

(iii) update the details under subparagraph (B) of such section.

(B) REPORTS BY INSPECTOR GENERAL OF THE DEPARTMENT OF VETERANS AFFAIRS.—If the Secretary replaces the forms under subparagraph (A), the Inspector General of the Department of Veterans Affairs shall, not later than one year after the date that the Secretary replaces such forms and not less frequently than once each year thereafter until the date that is three years after the date on which the Secretary replaces such forms, submit to Congress a report on the process that replaced such forms that ascertains whether the process properly protects veterans.

(4) LIMITATION.—The Secretary may not discontinue the use of the disability benefit questionnaire forms described in paragraph (1)(A) until a replacement form or process is implemented.

(e) RULE OF CONSTRUCTION.—Nothing in this section or section 5101(d) of such title, as added by subsection (a), may be construed to require the Secretary to develop any new information technology system or otherwise require the Secretary to make any significant changes to the internet website of the Department.

**SEC. 2007. THRESHOLD FOR REPORTING DEBTS TO CONSUMER REPORTING AGENCIES.**

(a) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by adding after section 5319 the following new section:

**''§ 5320. Threshold for reporting debts to consumer reporting agencies**

''The Secretary shall prescribe regulations that establish the minimum amount of a claim or debt, arising from a benefit administered by the Under Secretary for Benefits or Under Secretary for Health, that the Secretary will report to a consumer reporting agency under section 3711 of title 31.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 5319 the following new item:

''5320.Threshold for reporting debts to consumer reporting agencies.''.

(c) DEADLINE.—The Secretary of Veterans Affairs shall prescribe regulations under section 5320 of such title, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

**SEC. 2008. REMOVAL OF DEPENDENTS FROM AWARD OF COMPENSATION OR PENSION.**

Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall ensure that—

(1) the recipient of an award of compensation or pension may remove any dependent from an award of compensation or pension to the individual using the eBenefits system of the Department of Veterans Affairs, or a successor system; and

(2) such removal takes effect not later than 60 days after the date on which the recipient elects such removal.

**SEC. 2009. ELIGIBILITY FOR DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES WHO REMARRY AFTER AGE 55.**

Section 103(d)(2)(B) of title 38, United States Code, is amended in the second sentence by inserting ''chapter 13 or'' after ''benefits under''.

**SEC. 2010. STUDY ON EXPOSURE BY MEMBERS OF THE ARMED FORCES TO TOXICANTS AT KARSHI-KHANABAD AIR BASE IN UZBEKISTAN.**

(a) AGREEMENT AND STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the Administrator of the Agency for Toxic Substances and Disease Registry for the Administrator to complete, not later than 10 years after the date of the enactment of this Act, a study to identify—

(1) incidents of cancer and other diseases or illnesses experienced by individuals who served in the active military, naval, or air service (as defined in section 101 of title 38, United States Code) in the covered location set forth under subsection (b) during the corresponding period set forth under such subsection; and

(2) a list of toxic substances, chemicals, ionizing radiation, and airborne hazards such individuals may have been exposed to during such service.

(b) COVERED LOCATION AND CORRESPONDING PERIOD.—The covered location and corresponding period set forth under this subsection are Karshi-Khanabad (K2) Air Base in Uzbekistan and the period beginning on October 1, 2001, and ending on September 30, 2005.

(c) ELEMENTS.—The study conducted under subsection (a) shall include the following:

(1) An assessment regarding the conditions of the covered location set forth under subsection (b), including an identification of toxic substances, chemicals, ionizing radiation, and airborne hazards contaminating such covered location during such corresponding period.

(2) An epidemiological study of the health consequences of the service described in subsection (a) to the individuals described in such subsection.

(d) SUPPORT FOR STUDY.—

(1) IN GENERAL.—The Secretary shall provide the Administrator with assistance in carrying out the study required by subsection (a), including by gathering such information as the Administrator may consider useful in carrying out the study.

(2) OBTAINING INFORMATION CONCERNING EXPOSURE.—Assistance under paragraph (1) provided by the Secretary of Veterans Affairs shall include compiling information on exposure described in subsection (a)(2) and the Secretary of Defense shall provide to the Secretary of Veterans Affairs such information concerning such exposure as the Secretary of Veterans Affairs considers appropriate for purposes of the study required by subsection (a), including environmental sampling data relative to any location covered by the study.

(e) BIENNIAL UPDATES.—No later than the date that is two years after the date of the enactment of this Act and not less frequently than once every two years thereafter until the date on which the study required by subsection (a) is completed, the Administrator shall submit to the appropriate committees of Congress updates on the status of the matters covered by such study, including any preliminary findings of the Administrator.

(f) FINAL REPORT.—Not later than 60 days after the date on which the study required by subsection (a) is completed, the Administrator shall submit to the appropriate committees of Congress a report on the findings of the Administrator with respect to such study.

(g) INCLUSION OF UZBEKISTAN IN CERTAIN REGISTRIES AND PROGRAMS.—Section 201(c)(2) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note) is amended, in the matter preceding subparagraph (A), by striking ''Afghanistan or Iraq'' and inserting ''Afghanistan, Iraq, or Uzbekistan''.

(h) DEPLETED URANIUM FOLLOW-UP PROGRAMS.—The Secretary of Veterans Affairs shall ensure that any individual who deployed as a member of the Armed Forces to the covered location set forth in subsection (b) during the corresponding period set forth in such subsection is covered by the Depleted Uranium Follow-up Programs of the Department of Veterans Affairs.

(i) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

**SEC. 2011. COMPTROLLER GENERAL BRIEFING AND REPORT ON REPEALING MANIFESTATION PERIOD FOR PRESUMPTIONS OF SERVICE CONNECTION FOR CERTAIN DISEASES ASSOCIATED WITH EXPOSURE TO CERTAIN HERBICIDE AGENTS.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall provide to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a briefing on preliminary observations of the Comptroller General, and not later than 240 days after the date of such briefing, provide such committees a briefing and submit to such committees a final report, on the efforts of the Secretary of Veterans Affairs to provide benefits, including compensation and health care, to veterans—

(1) who during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975; and

(2) in whom chloracne, porphyria cutanea tarda, or acute or subacute peripheral neuropathy have manifested.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of how the Secretary establishes a service connection for a diseases described in paragraph (2) of subsection (a) manifesting in veterans, including the number of veterans described in paragraph (1) of such subsection who have filed a claim for a benefit associated with a disease described in paragraph (2) of such subsection.

(2) A description of how claims adjudicators of the Department of Veterans Affairs determine service connection for a disease described in subparagraph (C) or (E) of section 1116(a)(2) of title 38, United States Code, when documentation proving the presence of the disease during the manifestation period set forth in such subparagraphs for the disease is not available.

(3) A description of the expected effect of repealing the manifestation period from such subparagraphs, including the expected effect on the number of claims for benefits the Department will receive, an estimate of the cost to the Department of such repeal, and a review of the scientific evidence regarding such repeal.

(4) A review of all claims submitted to the Secretary for compensation under chapter 11 of such title that are associated with a disease described in subsection (a)(2), including the type of proof presented to establish a service connection for the manifestation of the disease based on exposure to a herbicide agent.

(5) Recommendations on how the Department can better adjudicate claims for benefits, including compensation, submitted to the Department that are associated with a disease described in paragraph (2) of subsection (a) for veterans described in paragraph (1) of such subsection.

(6) An assessment of such other areas as the Comptroller General considers appropriate to study.

(c) ADMINISTRATIVE ACTION.—Not later than 120 days after the date on which the Comptroller General of the United States submits the report required under subsection (a), the Secretary shall commence carrying out the recommendations submitted under subsection (b)(5) to the degree that the Secretary is authorized to carry out the recommendations by a statute that was in effect on the day before the date of the enactment of this Act.

(d) HERBICIDE AGENT DEFINED.—In this section, the term ''herbicide agent'' has the meaning given such term in section 1116(a)(3) of title 38, United States Code.

**SEC. 2012. EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO USE INCOME INFORMATION FROM OTHER AGENCIES.**

Section 5317(g) of title 38, United States Code, is amended by striking ''September 30, 2027'' and inserting ''September 30, 2030''.

**SEC. 2013. EXTENSION ON CERTAIN LIMITS ON PAYMENTS OF PENSION.**

Section 5503(d)(7) of title 38, United States Code, is amended by striking ''September 30, 2028'' and inserting ''October 30, 2028''.

### Subtitle B—Housing

**SEC. 2101. ELIGIBILITY OF CERTAIN MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES FOR HOME LOANS FROM THE SECRETARY OF VETERANS AFFAIRS.**

(a) EXPANSION OF DEFINITION OF VETERAN FOR PURPOSES OF HOME LOANS.—Section 3701(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(7) The term 'veteran' also includes, for purposes of home loans, an individual who performed full-time National Guard duty (as that term is defined in section 101 of title 10) for a period—

''(A) of not less than 90 cumulative days; and

''(B) that includes 30 consecutive days.''.

(b) EXPANSION OF ELIGIBILITY.—Section 3702(a)(2) of such title is amended by adding at the end the following new subparagraph:

''(G) Each individual described in section 3701(b)(7) of this title.''.

(c) RETROACTIVE APPLICABILITY.—The amendments made by this section shall apply with respect to full-time National Guard duty (as defined in section 101 of title 10, United States Code) performed before, on, or after the date of the enactment of this Act.

**SEC. 2102. REDUCING LOAN FEES FOR CERTAIN VETERANS AFFECTED BY MAJOR DISASTERS.**

Section 3729(b)(4) of title 38, United States Code, is amended—

(1) by amending subparagraph (D) to read as follows:

''(D)(i) The term 'initial loan' means a loan to a veteran guaranteed under section 3710 or made under section 3711 of this title if the veteran has never obtained a loan guaranteed under section 3710 or made under section 3711 of this title.

''(ii) If a veteran has obtained a loan guaranteed under section 3710 or made under section 3711 of this title and the dwelling securing such loan was substantially damaged or destroyed by a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary shall treat as an initial loan, as defined in clause (i), the next loan the Secretary guarantees or makes to such veteran under section 3710 or 3711, respectively, if—

''(I) such loan is guaranteed or made before the date that is three years after the date on which the dwelling was substantially damaged or destroyed; and

''(II) such loan is only for repairs or construction of the dwelling, as determined by the Secretary.''; and

(2) in subparagraph (E), by striking ''if the veteran has previously obtained a loan guaranteed under section 3710 or made under section 3711 of this title'' and inserting ''that is not an initial loan''.

**SEC. 2103. EXTENSION OF CERTAIN HOUSING LOAN FEES.**

Section 3729(b)(2) of title 38, United States Code, is amended by striking ''October 1, 2029'' each place it appears and inserting ''October 1, 2030''.

**SEC. 2104. COLLECTION OF OVERPAYMENTS OF SPECIALLY ADAPTED HOUSING ASSISTANCE.**

Section 2102 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) Whenever the Secretary finds that an overpayment has been made to, or on behalf of, a person described in paragraph (2), the Secretary shall determine—

''(A) the amounts to recover, if any; and

''(B) who is liable to the United States for such overpayment.

''(2) A person described in this paragraph is any of the following:

''(A) An individual who applied for assistance—

''(i) under this chapter; or

''(ii) under chapter 31 of this title who is pursuing a rehabilitation program under such chapter in acquiring adaptations to a residence.

''(B) An owner or seller of real estate used, or intended to be used, in connection with assistance under this chapter.

''(C) A builder, contractor, supplier, tradesperson, corporation, trust, partnership, or other person, who provided services or goods relating to assistance under this chapter.

''(D) An attorney, escrow agent, or financial institution, that receives, or holds in escrow, funds relating to assistance under this chapter.

''(E) A surviving spouse, heir, assignee, or successor in interest of or to, any person described in this paragraph.

''(3)(A) Any overpayment referred to in this subsection may be recovered in the same manner as any other debt due the United States.

''(B) In recovering the overpayment, the Secretary may charge administrative costs, fees, and interest, as appropriate, in a manner similar to the authority under section 5315 of this title.

''(4)(A) The recovery of any overpayment referred to in this subsection may be waived by the Secretary.

''(B) Waiver of any such overpayment as to a person described in paragraph (2) shall in no way release any other person described in such paragraph from liability.

''(5) The Secretary shall waive recovery under this subsection of any overpayment to a person described in paragraph (2)(A), or a dependent or survivor of such person, that arises from administrative error described in paragraph (7)(A).

''(6) Nothing in this subsection shall be construed as precluding the imposition of any civil or criminal liability under this title or any other law.

''(7) The Secretary shall prescribe in regulations what constitutes an overpayment for the purposes of this subsection, which, at a minimum, shall include—

''(A) administrative error that results in an individual receiving assistance to which that individual is not entitled;

''(B) the failure of any person described in paragraph (2) to—

''(i) perform or allow to be performed any act relating to assistance under this chapter; or

''(ii) compensate any party performing services or supplying goods relating to assistance under this chapter; and

''(C) any disbursement of funds relating to assistance under this chapter, that, in the sole discretion of the Secretary, constitutes a misuse of such assistance.

''(8) Prior to collecting an overpayment under this subsection, the Secretary shall provide to the person whom the Secretary has determined liable for such overpayment—

''(A) notice of the finding by the Secretary of such overpayment;

''(B) a reasonable opportunity for such person to remedy the circumstances that effectuated the overpayment; and

''(C) a reasonable opportunity for such person to present evidence to the Secretary that an overpayment was not made.

''(9) For the purposes of section 511 of this title, a decision to collect an overpayment from a person other than a person described in paragraph (2)(A), or a dependent or survivor of such person, may not be treated as a decision that affects the provision of benefits.''.

**Subtitle C—Burial Matters**

**SEC. 2201. TRANSPORTATION OF DECEASED VETERANS TO VETERANS' CEMETERIES.**

(a) IN GENERAL.—Subsection (a) of section 2308 of title 38, United States Code, is amended by striking ''in a national cemetery'' and inserting ''in a national cemetery or a covered veterans' cemetery''.

(b) COVERED VETERANS' CEMETERY DEFINED.—Section 2308 of such title is amended by adding at the end the following new subsection:

''(c) COVERED VETERANS' CEMETERY DEFINED.—In this section, the term 'covered veterans' cemetery' means a veterans' cemetery—

''(1) in which a deceased veteran described in subsection (b) is eligible to be buried;

''(2) that—

''(A) is owned by a State; or

''(B) is on trust land owned by, or held in trust for, a tribal organization; and

''(3) for which the Secretary has made a grant under section 2408 of this title.''.

(c) CONFORMING AMENDMENT.—Section 2308 of such title is amended in the section heading by adding at the end the following: ''**or a covered veterans' cemetery**''.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 2308 and inserting the following new item:

''2308. Transportation of deceased veteran to a national cemetery or a covered veterans' cemetery.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is two years after the date of the enactment of this Act.

**SEC. 2202. INCREASE IN CERTAIN FUNERAL BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.**

(a) FUNERAL EXPENSES FOR NON-SERVICE-CONNECTED DISABILITIES.—Chapter 23 of title 38, United States Code, is amended as follows:

(1) By transferring subsection (b) of section 2302 to the end of section 2303 and redesignating such subsection as subsection (d).

(2) By striking section 2302.

(3) In section 2303—

(A) in the section heading, by striking ''**Death in Department facility**'' and inserting ''**Death from non-service-connected disability**''; and

(B) in subsection (a)—

(i) in paragraph (1), by striking ''a veteran dies in a facility described in paragraph (2)'' and inserting ''a veteran described in paragraph (2) dies'';

(ii) by striking paragraph (2) and inserting the following new paragraph (2):

''(2) A veteran described in this paragraph is a deceased veteran who is not covered by section 2307 of this title and who meets any of the following criteria:

''(A) The deceased veteran dies in—

''(i) a facility of the Department (as defined in section 1701(3) of this title) to which the deceased veteran was properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title; or

''(ii) an institution at which the deceased veteran was, at the time of death, receiving—

''(I) hospital care in accordance with sections 1703A, 8111, and 8153 of this title;

''(II) nursing home care under section 1720 of this title; or

''(III) nursing home care for which payments are made under section 1741 of this title.

''(B) At the time of death, the deceased veteran (including a person who died during a period deemed to be active military, naval, or air service under section 106(c) of this title) is in receipt of compensation under chapter 11 of this title (or but for the receipt of retirement pay would have been entitled to such compensation) or was in receipt of pension under chapter 15 of this title.

''(C) The Secretary determines—

''(i) the deceased veteran (including a person who died during a period deemed to be active military, naval, or air service under section 106(c) of this title) has no next of kin or other person claiming the body of the deceased veteran; and

''(ii) that there are not available sufficient resources to cover burial and funeral expenses.'';

(iii) in subsection (b)—

(I) in the matter preceding paragraph (1), by striking ''section 2302 of this title and''; and

(II) in paragraph (2), by striking ''under section 2302 of this title or''; and

(iv) in subsection (d), as added by paragraph (1) of this subsection, by striking ''Except as'' and inserting ''With respect to a deceased veteran described in subparagraph (B) or (C) of subsection (a)(2), except as''.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 38.—Such title is amended as follows:

(A) In section 2304, by striking ''Applications for payments under section 2302 of this title'' and inserting ''Applications for payments under section 2303 of this title regarding veterans described in subparagraph (B) or (C) of subsection (a)(2) of such section''.

(B) In section 2307, by striking ''sections 2302 and 2303(a)(1) and (b)(2) of this title'' and inserting ''subsections (a)(1) and (b)(2) of section 2303 of this title''.

(C) In section 2308—

(i) in subsection (a), by striking ''pursuant to section 2302 or 2307 of this title,'' and inserting ''pursuant to section 2303 of this title regarding veterans described in subparagraph (B) or (C) of subsection (a)(2) of such

section, or pursuant to section 2307 of this title,''; and

(ii) in subsection (b)(3)—

(I) by striking ''section 2302'' and inserting ''section 2303''; and

(II) by striking ''subsection (a)(2)(A)'' and inserting ''subsection (a)(2)(C)''.

(D) In section 113(c)(1), by striking ''2302,''.

(E) In section 5101(a)(1)(B)(i), by striking ''2302'' and inserting ''2303''.

(2) EMERGENCY MEDICAL CARE.—Section 11 of the Military Selective Service Act (50 U.S.C. 3810) is amended by striking ''section 2302(a) of title 38'' and inserting ''section 2303 of title 38, United States Code, regarding veterans described in subparagraph (B) or (C) of subsection (a)(2) of such section''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the items relating to sections 2302 and 2303 and inserting the following new item:

''2303. Death from non-service-connected disability; plot allowance.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to deaths that occur on or after the date that is two years after the date of the enactment of this Act.

**SEC. 2203. OUTER BURIAL RECEPTACLES FOR EACH NEW GRAVE IN CEMETERIES THAT ARE THE SUBJECTS OF CERTAIN GRANTS MADE BY THE SECRETARY OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Section 2306(e) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking ''shall'' and inserting ''may''; and

(ii) by inserting '', or in a cemetery that is the subject of a grant to a State or a tribal organization under section 2408 of this title,'' after ''National Cemetery Administration''; and

(B) in subparagraph (C), by striking ''shall'' and inserting ''may''; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

''(2)(A) The use of outer burial receptacles in a cemetery under the control of the National Cemetery Administration or in a cemetery that is the subject of a grant to a State or a tribal organization under section 2408 of this title shall be in accordance with regulations or procedures approved by the Secretary of Veterans Affairs.

''(B) The use of outer burial receptacles in Arlington National Cemetery shall be in accordance with regulations or procedures approved by the Secretary of the Army.

''(C) The use of outer burial receptacles in a national cemetery administered by the National Park Service shall be in accordance with regulations or procedures approved by the Secretary of the Interior.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is two years after the date of the enactment of this Act.

**SEC. 2204. PROVISION OF INSCRIPTIONS FOR SPOUSES AND CHILDREN ON CERTAIN HEADSTONES AND MARKERS FURNISHED BY THE SECRETARY OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

''(i)(1) In addition to any other authority under this section, in the case of an individual whose grave is not in a covered cemetery (as that term is defined in subsection (f)(2)) and for whom the Secretary has furnished a headstone or marker under subsection (a) or (d), the Secretary, if feasible and upon request, may replace the headstone or marker to add an inscription for the surviving spouse or eligible dependent child of such individual following the death of the surviving spouse or eligible dependent child.

''(2) If the spouse or eligible dependent child of an individual referred to in paragraph (1) predeceases the individual, the Secretary may, if feasible and upon request, include an inscription for the spouse or dependent child on the headstone or marker furnished for the individual under subsection (a) or (d).''.

(b) APPLICATION.—Subsection (i) of section 2306 of title 38, United States Code, as added by subsection (a), shall apply with respect to an individual who dies on or after October 1, 2019.

**SEC. 2205. AID TO COUNTIES FOR ESTABLISHMENT, EXPANSION, AND IMPROVEMENT OF VETERANS' CEMETERIES.**

(a) IN GENERAL.—Section 2408 of title 38, United States Code, is amended—

(1) by inserting ''or county'' after ''State'' each place it appears;

(2) in subsection (a)(1), in the matter preceding subparagraph (A), by striking ''subsection (b)'' and inserting ''subsections (b), (c), (d), and (g)'';

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

''(g)(1) The Secretary may make a grant to a county under this section only if—

''(A)(i) the State in which the county is located does not have a veterans' cemetery owned by the State;

''(ii) the State is not in receipt of a grant under this section for the construction of a new veterans' cemetery to be owned by the State;

''(iii) the State did not apply for a grant under this section during the previous year;

''(iv) no tribal organization from the State in which the county is located has a veterans' cemetery on trust land owned by, or held in trust for, the tribal organization;

''(v) no such tribal organization is in receipt of a grant under this section for the construction of a new veterans' cemetery to be located on such land; and

''(vi) no such tribal organization applied for a grant under this section during the previous year; and

''(B) the county demonstrates in the application under subsection (a)(2), to the satisfaction of the Secretary, that the county has the resources necessary to operate and maintain the veterans' cemetery owned by the county.

''(2)(A) If a county and the State in which the county is located both apply for a grant under this section for the same year, the Secretary shall give priority to the State.

''(B) If a county and a tribal organization from the State in which the county is located both apply for a grant under this section for the same year, the Secretary shall give priority to the tribal organization.

''(3) The Secretary shall prescribe regulations to carry out this subsection.''; and

(4) in subsection (f)—

(A) by redesignating paragraph (3) as subsection (h);

(B) by moving such subsection, as so redesignated, to the location after subsection (g), as added by paragraph (3);

(C) in subsection (h), as so redesignated and moved, by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(D) in the matter preceding paragraph (1), as so redesignated, by striking ''this subsection'' and inserting ''this section''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended by inserting ''**, counties, and tribal organizations**'' after ''**States**''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 24 of such title is amended by striking the item relating to section 2408 and inserting the following new item:

''2408. Aid to States, counties, and tribal organizations for establishment, expansion, and improvement of veterans' cemeteries.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take on effect on the date that is two years after the date of the enactment of this Act.

**SEC. 2206. INCREASE IN MAXIMUM AMOUNT OF GRANTS TO STATES, COUNTIES, AND TRIBAL ORGANIZATIONS FOR OPERATING AND MAINTAINING VETERANS' CEMETERIES.**

Section 2408(e)(2) of title 38, United States Code, is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

**SEC. 2207. PROVISION OF URNS AND COMMEMORATIVE PLAQUES FOR REMAINS OF CERTAIN VETERANS WHOSE CREMATED REMAINS ARE NOT INTERRED IN CERTAIN CEMETERIES.**

(a) IN GENERAL.—Section 2306 of title 38, United States Code, as amended by section 2204 of this title, is further amended—

(1) by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

''(h)(1) In lieu of furnishing a headstone or marker under this section for a deceased individual described in paragraph (3), the Secretary shall furnish, upon request and at the expense of the United States—

''(A) an urn made of any material to signify the individual's status as a veteran, in which the remains of such individual may be placed at private expense; or

''(B) a commemorative plaque signifying the individual's status as a veteran.

''(2) If the Secretary furnishes an urn or commemorative plaque for an individual under paragraph (1), the Secretary may not provide for such individual—

''(A) a headstone or marker under this section; or

''(B) any burial benefit under section 2402 of this title.

''(3) A deceased individual described in this paragraph is an individual—

''(A) who served in the Armed Forces on or after April 6, 1917;

''(B) who is eligible for a headstone or marker furnished under subsection (d) (or would be so eligible but for the date of the death of the individual); and

''(C) whose remains were cremated and not interred in a national cemetery, a State veterans' cemetery, a tribal cemetery, a county cemetery, or a private cemetery.

''(4)(A) Any urn or commemorative plaque furnished under this subsection shall be the personal property of the next of kin or such other individual as the Secretary considers appropriate.

''(B) The Federal Government shall not be liable for any damage to an urn or commemorative plaque furnished under this subsection that occurs after the date on which the urn or commemorative plaque is so furnished.

''(5) The Secretary shall prescribe regulations to carry out this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take on effect on the date that is two years after the date of the enactment of this Act.

**SEC. 2208. TRAINING OF STATE AND TRIBAL VETERANS' CEMETERY PERSONNEL BY NATIONAL CEMETERY ADMINISTRATION.**

(a) IN GENERAL.—Section 2408 of title 38, United States Code, as amended by sections 2205 and 2206 of this title, is further amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by striking ''and (ii) the cost'' and inserting ''(ii) the cost''; and

(ii) by inserting ''; and (iii) training costs described in subsection (c)(1)'' before the semicolon; and

(B) in subparagraph (B)—

(i) by striking ''and (ii) the cost'' and inserting ''(ii) the cost''; and

(ii) by inserting ''; and (iii) training costs described in subsection (c)(1)'' before the period;

(2) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

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

''(c)(1) A grant under this section for a purpose described in subparagraph (A) or (B) of subsection (a)(1) may be used, solely or in part, for training costs, including travel expenses and up to four weeks of lodging expenses, associated with attendance by employees of a veterans' cemetery owned by a State or on trust land owned by, or held in trust for, a tribal organization at training provided by the National Cemetery Administration.

''(2) Any employee described in paragraph (1) who participates in training described in such paragraph shall fulfill a service requirement as determined by the Secretary.

''(3) The Secretary may by regulation prescribe such additional terms and conditions for grants used for training costs under this subsection as the Secretary considers appropriate.''.

(b) REPORTS.—

(1) IN GENERAL.—Not later than each of two years and five years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on training provided by the National Cemetery Administration under subsection (c) of section 2408 of title 38, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The attrition rate with respect to individuals who participate in the training described in paragraph (1).

(B) A description of how State and tribal veterans' cemeteries that used grants awarded under section 2408 of title 38, United States Code, for training costs under subsection (c) of such section, as added by subsection (a), have improved as a result of the training, according to the administrators of such cemeteries.

(C) An identification of how many State and tribal veterans' cemeteries used the authority provided by subsection (c) of section 2408 of title 38, United States Code, as added by subsection (a), in order to train individuals.

(D) The amount obligated or expended as a result of the authority described in subparagraph (C).

## TITLE III—HEALTH CARE

### Subtitle A—Health Care Generally

**SEC. 3001. EXPANSION OF MODIFICATIONS TO VETERAN DIRECTED CARE PROGRAM.**

Section 20006 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended—

(1) by striking ''During a public health emergency'' each place it appears and inserting ''During the period specified in subsection (f)'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''during a public health emergency'' and inserting ''during the period specified in subsection (f)''; and

(B) in paragraph (1), by striking ''an area agency on aging'' and inserting ''a covered provider''; and

(3) by striking subsection (e) and inserting the following new subsections:

''(e) TRANSFER OF CERTAIN VETERANS TO THE PROGRAM.—During the period specified in subsection (f), the Secretary shall allow a veteran residing in an area covered by the Program to be transferred to the Program for the duration of such period if—

''(1) the veteran had been receiving extended care services paid for by the Department, such as adult day services or homemaker or home health aide services, immediately preceding such period; and

''(2) those services are no longer available due to a public health emergency.

''(f) PERIOD SPECIFIED.—The period specified in this subsection is the period beginning on the date on which a public health emergency was first declared and ending on the date that is 60 days after the date on which a public health emergency is no longer in effect.

''(g) COVERED PROVIDER DEFINED.—In this section, the term 'covered provider' means a provider participating in the Program, including—

''(1) an Aging and Disability Resource Center, an area agency on aging, or a State agency (as those terms are defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)); or

''(2) a center for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)).''.

**SEC. 3002. PROHIBITION ON COLLECTION OF A HEALTH CARE COPAYMENT BY THE SECRETARY OF VETERANS AFFAIRS FROM A VETERAN WHO IS A MEMBER OF AN INDIAN TRIBE.**

(a) IN GENERAL.—Section 1730A of title 38, United States Code, is amended—

(1) in the heading, by striking ''**catastrophically disabled**'' and inserting ''**certain**'';

(2) by inserting ''(a) PROHIBITION.—'' before ''Notwithstanding'';

(3) by striking ''a veteran who is catastrophically disabled, as defined by the Secretary,'' and inserting ''a covered veteran''; and

(4) by adding at the end the following new subsection:

''(b) COVERED VETERAN DEFINED.—In this section, the term 'covered veteran' means a veteran who—

''(1) is catastrophically disabled, as defined by the Secretary; or

''(2) is an Indian or urban Indian (as those terms are defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)).''.

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1730A and inserting the following:

''1730A. Prohibition on collection of copayments from certain veterans.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the day that is one year after the date of the enactment of this Act.

**SEC. 3003. OVERSIGHT FOR STATE HOMES REGARDING COVID–19 INFECTIONS, RESPONSE CAPACITY, AND STAFFING LEVELS.**

(a) REPORTING.—

(1) IN GENERAL.—During a covered public health emergency, each State home shall submit weekly to the Secretary of Veterans Affairs and the National Healthcare Safety Network of the Centers for Disease Control and Prevention, through an electronic medium and in a standardized format specified by the Secretary, a report on the emergency.

(2) ELEMENTS.—Each report required by paragraph (1) for a State home shall include the following:

(A) The number of suspected and confirmed COVID–19 infections among residents and staff, including residents previously treated for COVID–19, disaggregated by—

(i) veteran, spouse of a veteran, staff, and other;

(ii) race and ethnicity;

(iii) gender; and

(iv) age.

(B) The number of total deaths and COVID–19 deaths among residents and staff, disaggregated by—

(i) veteran, spouse of a veteran, staff, and other;

(ii) race and ethnicity;

(iii) gender; and

(iv) age.

(C) An assessment of the supply of personal protective equipment and hand hygiene supplies.

(D) An assessment of ventilator capacity and supplies.

(E) The number of resident beds and the occupancy rate, disaggregated by veteran, spouse of a veteran, and other.

(F) An assessment of the access of residents to testing for COVID–19.

(G) An assessment of staffing shortages, if any.

(H) Such other information as the Secretary may specify.

(b) PUBLICATION OF TOTAL INFECTIONS AND DEATHS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and not less frequently than weekly thereafter, the Secretary shall post on a publicly available website of the Department of Veterans Affairs—

(A) the total number of residents and staff of State homes who are infected with COVID–19; and

(B) the total number of such residents and staff who have died from COVID–19.

(2) INFORMATION ON RESIDENTS AND STAFF.—The Secretary shall disaggregate information on residents and staff published under paragraph (1) by veteran, staff, and other.

(c) DEFINITIONS.—In this section:

(1) COVERED PUBLIC HEALTH EMERGENCY.—The term ''covered public health emergency'' means an emergency with respect to COVID–19 declared by a Federal, State, or local authority.

(2) STATE HOME.—The term ''State home'' has the meaning given that term in section 101(19) of title 38, United States Code.

**SEC. 3004. GRANTS FOR STATE HOMES LOCATED ON TRIBAL LANDS.**

(a) STATE HOME DEFINED.—Section 101(19) of title 38, United States Code, is amended by inserting ''or Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304))'' after ''(other than a possession)''.

(b) PAYMENTS TO STATE HOMES.—Section 1741 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(g) In this subchapter, the term 'State' means each of the several States and each Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).''.

(c) STATE HOME CONSTRUCTION.—

(1) IN GENERAL.—Section 8131(2) of title 38, United States Code, is amended by inserting ''includes each Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) but'' before ''does not''.

(2) CONFORMING AMENDMENT.—Section 8132 of such title is amended by striking ''several''.

(d) ADDITIONAL LEGISLATIVE OR ADMINISTRATIVE ACTION.—

(1) CONSULTATION WITH INDIAN TRIBES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall consult with Indian tribes to determine if any legislative or administrative action is necessary to modify the State home program to function efficiently in support of State homes operated by Indian tribes pursuant to the amendments made by this section.

(2) REPORT TO CONGRESS.—Not later than 90 days after completing consultations under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report recommending legislative action that the Secretary considers appropriate to modify the State home program described in such paragraph in light of those consultations.

(3) MODIFICATIONS.—Not later than 180 days after completing consultations under paragraph (1), the Secretary shall make any modifications to regulations implementing the State home program, for which legislative action is not necessary, as the Secretary considers appropriate in light of those consultations.

(e) TECHNICAL SUPPORT AND ASSISTANCE.—The Secretary of Veterans Affairs shall provide technical support and assistance to Indian tribes in carrying out the State home program at State homes operated by Indian tribes pursuant to the amendments made by this section.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs and the Committee on Indian Affairs of the Senate; and

(B) the Committee on Veterans' Affairs and the Subcommittee for Indigenous Peoples of the United States of the Committee on Natural Resources of the House of Representatives.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) STATE HOME.—The term ''State home'' has the meaning given that term in section 101(19) of title 38, United States Code.

(4) STATE HOME PROGRAM.—The term ''State home program'' means the program of the Department of Veterans Affairs for which payments are made under subchapter V of chapter 17 of title 38, United States Code, and assistance is provided under subchapter III of chapter 81 of such title.

**SEC. 3005. CONTINUATION OF WOMEN'S HEALTH TRANSITION TRAINING PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) DURATION.—The Secretary of Veterans Affairs shall carry out the Women's Health Transition Training program of the Department of Veterans Affairs (in this section referred to as the ''Program'') until at least one year after the date of the enactment of this Act.

(b) REPORT.—Not later than one year and ten days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate congressional committees a report on the Program that includes the following:

(1) The number of women members of the Armed Forces, disaggregated by military department (with respect to the Department of the Navy, disaggregated by the Navy and Marine Corps), who participated in the Program.

(2) The number of courses held under the Program.

(3) The locations at which such courses were held, the number of seats available for such courses, and the number of participants at each such location.

(4) With respect to the number of members of the Armed Forces who participated in the Program as specified under paragraph (1)—

(A) the number who enrolled in the health care system of the Department of Veterans Affairs under section 1705(a) of title 38, United States Code; and

(B) the number who attended at least one health care appointment at a medical facility of the Department of Veterans Affairs.

(5) Data relating to—

(A) satisfaction with courses held under the Program;

(B) improved awareness of health care services administered by the Secretary of Veterans Affairs; and

(C) any other available statistics regarding the Program.

(6) A discussion of regulatory, legal, or resource barriers to—

(A) making the Program permanent to enable access to services provided under the Program by a greater number of women members of the Armed Forces at locations throughout the United States;

(B) offering the Program online for women members of the Armed Forces who are unable to attend courses held under the Program in person; and

(C) the feasability of automatically enrolling Program participants in the health care system of the Department of Veterans Affairs under section 1705(a) of title 38, United States Code.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

**SEC. 3006. AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO FURNISH MEDICALLY NECESSARY TRANSPORTATION FOR NEWBORN CHILDREN OF CERTAIN WOMEN VETERANS.**

(a) IN GENERAL.—Section 1786 of title 38, United States Code, as amended by section 9102 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, is further amended—

(1) in subsection (a)—

(A) in the matter before paragraph (1), by inserting ''and transportation necessary to receive such services'' after ''described in subsection (b)'';

(B) in paragraph (1), by striking ''or'';

(C) in paragraph (2), by striking the period at the end and inserting ''; or''; and

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

''(3) another location, including a health care facility, if the veteran delivers the child before arriving at a facility described in paragraph (1) or (2).'';

(2) in subsection (b), by inserting before the period at the end the following: '', including necessary health care services provided by a facility other than the facility where the newborn child was delivered (including a specialty pediatric hospital) that accepts transfer of the newborn child and responsibility for treatment of the newborn child''; and

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

''(d) TRANSPORTATION.—(1) Transportation furnished under subsection (a) to, from, or between care settings to meet the needs of a newborn child includes costs for either or both the newborn child and parents.

''(2) Transportation furnished under subsection (a) includes transportation by ambulance, including air ambulance, or other appropriate medically staffed modes of transportation—

''(A) to another health care facility (including a specialty pediatric hospital) that accepts transfer of the newborn child or otherwise provides post-delivery care services when the treating facility is not capable of furnishing the care or services required; or

''(B) to a health care facility in a medical emergency of such nature that a prudent layperson reasonably expects that delay in seeking immediate medical attention would be hazardous to life or health.

''(3) Amounts paid by the Department for transportation under this section shall be derived from the Medical Services appropriations account of the Department.

''(e) REIMBURSEMENT OR PAYMENT FOR HEALTH CARE SERVICES OR TRANSPORTATION.—(1) Pursuant to regulations the Secretary shall prescribe to establish rates of reimbursement and any limitations thereto under this section, the Secretary shall directly reimburse a covered entity for health care services or transportation services provided under this section, unless the cost of the services or transportation is covered by an established agreement or contract. If such an agreement or contract exists, its negotiated payment terms shall apply.

''(2)(A) Reimbursement or payment by the Secretary under this section on behalf of an individual to a covered entity shall, unless rejected and refunded by the covered entity within 30 days of receipt, extinguish any liability on the part of the individual for the health care services or transportation covered by such payment.

''(B) Neither the absence of a contract or agreement between the Secretary and a covered entity nor any provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate the requirements of subparagraph (A).

''(3) In this subsection, the term 'covered entity' means any individual, transportation carrier, organization, or other entity that furnished or paid for health care services or transportation under this section.''.

(b) TREATMENT OF CERTAIN EXPENSES ALREADY INCURRED.—

(1) IN GENERAL.—Pursuant to such regulations as the Secretary of Veterans Affairs shall prescribe, with respect to transportation furnished in order for a newborn child of a veteran to receive health care services under section 1786 of title 38, United States Code, during the period specified in paragraph (2), the Secretary may—

(A) waive a debt owed by the veteran to the Department of Veterans Affairs or reimburse expenses already paid by the veteran to the Department for such transportation;

(B) reimburse the veteran for expenses already paid by the veteran to a covered entity for such transportation; or

(C) reimburse a covered entity for the costs of such transportation.

(2) PERIOD SPECIFIED.—The period specified in this paragraph is the period beginning on May 5, 2010, and ending on the date of the enactment of this Act.

(3) COVERED ENTITY DEFINED.—In this subsection, the term ''covered entity'' has the meaning given that term in section 1786(e)(3) of title 38, United States Code, as added by subsection (a).

**SEC. 3007. WAIVER OF REQUIREMENTS OF DEPARTMENT OF VETERANS AFFAIRS FOR RECEIPT OF PER DIEM PAYMENTS FOR DOMICILIARY CARE AT STATE HOMES AND MODIFICATION OF ELIGIBILITY FOR SUCH PAYMENTS.**

(a) WAIVER OF REQUIREMENTS.—Notwithstanding section 1741 of title 38, United States Code (as amended by subsection (b)),

the Secretary of Veterans Affairs shall modify section 51.51(b) of title 38, Code of Federal Regulations (or successor regulations), to provide the Secretary the authority to waive the requirements under such section 51.51(b) for a veteran to be eligible for per diem payments for domiciliary care at a State home if—

(1) the veteran has met not fewer than four of the requirements set forth in such section; or

(2) such waiver would be in the best interest of the veteran.

(b) MODIFICATION OF ELIGIBILITY.—Section 1741(a)(1) of title 38, United States Code, is amended, in the flush text following subparagraph (B), by striking ''in a Department facility'' and inserting ''under the laws administered by the Secretary''.

(c) STATE HOME DEFINED.—In this section, the term ''State home'' has the meaning given that term in section 101(19) of title 38, United States Code.

**SEC. 3008. EXPANSION OF QUARTERLY UPDATE OF INFORMATION ON STAFFING AND VACANCIES AT FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE INFORMATION ON DURATION OF HIRING PROCESS.**

(a) QUARTERLY UPDATE.—Subsection (a)(1) of section 505 of the VA MISSION Act of 2018 (Public Law 115–182; 38 U.S.C. 301 note) is amended by adding at the end the following new subparagraph:

''(E) Beginning with any update under paragraph (3) on or after the date of the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, the following:

''(i) For employees appointed under paragraphs (1) and (3) of section 7401 of title 38, United States Code, the number of employees for which the duration of the process from validation of vacancy to receipt of official offer and notification of actual start date exceeds the metrics laid out in the Time to Hire Model of the Veterans Health Administration, or successor model.

''(ii) The percentage of employees who are described in clause (i) compared to all employees appointed under paragraphs (1) and (3) of section 7401 of such title during the same period.

''(iii) The average number of days potential hires or new hires appointed under paragraphs (1) and (3) of section 7401 of such title spent in each phase of the Time to Hire Model, or successor model.''.

(b) ANNUAL REPORT.—Subsection (b) of such section is amended, in the first sentence, by adding before the period at the end the following: ''and to improve the onboard timeline for facilities for which the duration of the onboarding process exceeds the metrics laid out in the Time to Hire Model of the Veterans Health Administration, or successor model''.

**SEC. 3009. REQUIREMENT FOR CERTAIN DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES TO HAVE PHYSICAL LOCATION FOR THE DISPOSAL OF CONTROLLED SUBSTANCES MEDICATIONS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that each covered Department medical facility has a physical location where patients may dispose of controlled substances medications.

(b) COVERED DEPARTMENT MEDICAL FACILITY.—In this section, the term ''covered Department medical facility'' means a medical facility of the Department of Veterans Affairs with an onsite pharmacy or a physical location dedicated for law enforcement purposes.

(c) EFFECTIVE DATE.—This section shall take effect on January 1, 2022.

**SEC. 3010. DEPARTMENT OF VETERANS AFFAIRS PILOT PROGRAM FOR CLINICAL OBSERVATION BY UNDERGRADUATE STUDENTS.**

(a) ESTABLISHMENT.—The Secretary of Veterans Affairs shall carry out a pilot program for a one-year period, beginning not later than August 15, 2021, to provide certain students described in subsection (d) a clinical observation experience at medical centers of the Department of Veterans Affairs.

(b) MEDICAL CENTER SELECTION.—The Secretary shall carry out the pilot program under this section at not fewer than five medical centers of the Department. In selecting such medical centers, the Secretary shall ensure regional diversity among such selected medical centers.

(c) CLINICAL OBSERVATION SESSIONS.—

(1) FREQUENCY AND DURATION.—In carrying out the pilot program, the Secretary shall—

(A) provide at least one and not more than three clinical observation sessions at each medical center selected during each calendar year;

(B) ensure that each clinical observation session—

(i) lasts between four and six months; and

(ii) to the extent practicable, begins and ends concurrently with one or more academic terms of an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); and

(C) ensure that the clinical observation sessions provided at a medical center have minimal overlap.

(2) SESSIONS.—The Secretary shall ensure that the pilot program consists of clinical observation sessions as follows:

(A) Each session shall allow for not fewer than five students nor greater than 15 students to participate in the session.

(B) Each session shall consist of not fewer than 20 observational hours nor greater than 40 observational hours.

(C) A majority of the observational hours shall be spent observing a health professional. The other observational hours shall be spent in a manner that ensures a robust, well rounded experience that exposes the students to a variety of aspects of medical care and health care administration.

(D) Each session shall provide a diverse clinical observation experience.

(d) STUDENTS.—

(1) SELECTION.—The Secretary shall select to participate in the pilot program under subsection (a) students who are—

(A) nationals of the United States;

(B) enrolled in an accredited program of study at an institution of higher education; and

(C) referred by their institution of higher education following an internal application process.

(2) PRIORITY.—In making such selection, the Secretary shall give priority to each of the following five categories of students:

(A) Students who, at the time of the completion of their secondary education, resided in a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)).

(B) First generation college students (as defined in section 402A(h)(3) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))).

(C) Students who have been referred by minority-serving institutions (as defined in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))).

(D) Veterans (as defined in section 101 of title 38, United States Code).

(E) Students who indicate an intention to specialize in a health professional occupation identified by the Inspector General of the Department under section 7412 of title 38, United States Code, as having a staffing shortage.

(3) ASSIGNMENT TO MEDICAL CENTERS.—The Secretary shall assign students selected under paragraph (1) to medical centers selected under subsection (b) without regard for whether such medical centers have staffing shortages in any health professional occupation pursuant to section 7412 of title 38, United States Code.

(e) OTHER MATTERS.—In carrying out the pilot program under this section, the Secretary shall—

(1) establish a formal status to facilitate the access to medical centers of the Department by student observers participating in the pilot program;

(2) establish standardized legal, privacy, and ethical requirements for the student observers, including with respect to—

(A) ensuring that no student observer provides any care to patients while participating as an observer; and

(B) ensuring the suitability of a student to participate in the pilot program to ensure that the student poses no risk to patients;

(3) develop and implement a partnership strategy with minority-serving institutions to encourage referrals;

(4) create standardized procedures for student observers;

(5) create an online information page about the pilot program on the internet website of the Department;

(6) publish on the online information page created under paragraph (5) the locations of such centers, and other information on the pilot program, not later than 180 days before the date on which applications are required to be submitted by potential student observers;

(7) identify medical centers and specific health professionals participating in the pilot program; and

(8) notify the Committees on Veterans' Affairs of the House of Representatives and the Senate of the medical centers selected under subsection (c) within 30 days of selection, to facilitate program awareness.

(f) REPORT.—Not later than 180 days after the completion of the pilot program under subsection (a), the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the results of the pilot program, including—

(1) the number and demographics of all applicants, those accepted to participate in the pilot program, and those who completed the pilot program; and

(2) if participating institutions of higher education choose to administer satisfaction surveys that assess the experience of those who completed the pilot program, the results of any such satisfaction surveys, provided at the discretion of the institution of higher education.

(g) SENSE OF CONGRESS REGARDING DEPARTMENT OF VETERANS AFFAIRS PILOT PROGRAM FOR CLINICAL OBSERVATION BY UNDERGRADUATE STUDENTS.—It is the sense of Congress that the pilot program described in subsection (a) should be designed to—

(1) increase the awareness, knowledge, and empathy of future health professionals toward the health conditions common to veterans;

(2) increase the diversity of the recruitment pool of future physicians of the Department; and

(3) expand clinical observation opportunities for all students by encouraging students of all backgrounds to consider a career in the health professions.

(h) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to be appropriated to carry out the requirements of this section. Such requirements shall be carried out using amounts otherwise authorized to be appropriated.

**Subtitle B—Scheduling and Consult Management**

**SEC. 3101. PROCESS AND REQUIREMENTS FOR SCHEDULING APPOINTMENTS FOR HEALTH CARE FROM DEPARTMENT OF VETERANS AFFAIRS AND NON-DEPARTMENT HEALTH CARE.**

(a) PROCESS AND REQUIREMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) establish a process and requirements for scheduling appointments for—

(i) health care from the Department of Veterans Affairs; and

(ii) health care furnished through the Veterans Community Care Program under section 1703 of title 38, United States Code, by a non-Department health care provider; and

(B) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a description of such process and requirements.

(2) ELEMENTS OF DESCRIPTION.—The description of the process and requirements for scheduling appointments for health care required to be submitted under paragraph (1)(B) shall include—

(A) information on how such process and requirements take into account the access standards established under section 1703B of title 38, United States Code; and

(B) the maximum number of days allowed to complete each step of such process.

(3) PERIODIC REVISION.—

(A) IN GENERAL.—The Secretary may revise the process and requirements required under paragraph (1) as the Secretary considers necessary.

(B) SUBMITTAL TO CONGRESS.—Not later than 30 days before revising the process and requirements under subparagraph (A), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a description of such revised process and requirements, including a description of any modifications to the certification and training under subsection (b).

(b) CERTIFICATION AND TRAINING ON PROCESS AND REQUIREMENTS.—

(1) CERTIFICATION.—Not later than one year after the date of the enactment of this Act, the Secretary shall require each individual involved in the scheduling of appointments for health care from the Department or health care described in subsection (a)(1)(A)(ii), including schedulers, clinical coordinators, and supervisors, to certify to the Secretary that the individual understands the process and requirements established under subsection (a), including the maximum number of days allowed to complete each step of such process.

(2) NEW EMPLOYEES.—The Secretary shall require each employee hired by the Department on or after the date of the enactment of this Act who is to be involved in the scheduling of appointments for health care from the Department or health care described in subsection (a)(1)(A)(ii)—

(A) to undergo training on the process and requirements established under subsection (a) as part of training for the position for which the employee has been hired; and

(B) to make the certification to the Secretary required under paragraph (1).

(c) METHOD TO MONITOR COMPLIANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish or maintain a method or tool—

(A) to enable monitoring of the compliance of the Department with the process and requirements established under subsection (a), including compliance with policies of the Department relating to the maximum number of days allowed to complete each step of such process; and

(B) to ensure that each medical facility of the Department complies with such process and requirements.

(2) USE THROUGHOUT DEPARTMENT.—

(A) IN GENERAL.—The Secretary shall require each medical facility of the Department to use the method or tool described in paragraph (1).

(B) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report indicating whether each medical facility of the Department is using the method or tool described in paragraph (1).

(d) COMPTROLLER GENERAL REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the compliance of the Secretary with the requirements of this section.

**SEC. 3102. AUDITS REGARDING SCHEDULING OF APPOINTMENTS AND MANAGEMENT OF CONSULTATIONS FOR HEALTH CARE FROM DEPARTMENT OF VETERANS AFFAIRS AND NON-DEPARTMENT HEALTH CARE.**

(a) IN GENERAL.—Not later than each of one year and two years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall provide for the conduct of a facility-level audit of the scheduling of appointments and the management of consultations for health care under the laws administered by the Secretary.

(b) APPLICATION.—

(1) FIRST AUDIT.—The first audit required under subsection (a) shall apply to each medical facility of the Department of Veterans Affairs.

(2) SECOND AUDIT.—The second audit required under subsection (a) shall apply to only those medical facilities of the Department that are in need of corrective action based on the first audit, as determined by the Secretary.

(c) ELEMENTS.—Each audit conducted under subsection (a) shall include the following:

(1) With respect to each medical center of the Department covered by the audit, an assessment of any scheduling or consultation management issues at that medical center, including the following:

(A) An assessment of noncompliance with policies of the Veterans Health Administration relating to scheduling appointments and managing consultations.

(B) An assessment of the extent to which appointments or consultations are not timely processed.

(C) A description of any backlogs in appointments or consultations that are awaiting action.

(D) An assessment of whether consultations are appropriately processed.

(E) Data with respect to consultations as follows:

(i) Consultations that were scheduled within the request window.

(ii) Duplicate consultation requests.

(iii) Consultations that were discontinued.

(iv) Delays in consultations.

(v) Consultations that were not properly closed or discontinued, including a description of remediation attempts.

(F) A review for accuracy with respect to consultation management as follows:

(i) A review of the accuracy of the type of service, either administrative or clinical, that is inputted in the electronic health record.

(ii) A review of the accuracy of the type of consultation setting, either impatient or outpatient, that is inputted in the electronic health record.

(iii) A review of the appropriateness of the level of urgency of the consultation that is inputted in the electronic health record.

(iv) A review of any delayed or unresolved consultations.

(2) An identification of such recommendations for corrective action as the Secretary considers necessary, including additional training, increased personnel, and other resources.

(3) A certification that the director of each medical center of the Department covered by the audit is in compliance with the process and requirements established under section 3101(a) and such other requirements relating to the scheduling of appointments and management of consultations as the Secretary considers appropriate.

(4) With respect to referrals for health care between health care providers or facilities of the Department, a measurement of, for each medical facility of the Department covered by the audit—

(A) the period of time between—

(i) the date that a clinician of the Department determines that a veteran requires care from another health care provider or facility and the date that the referral for care is sent to the other health care provider or facility;

(ii) the date that the referral for care is sent to the other health care provider or facility and the date that the other health care provider or facility accepts the referral;

(iii) the date that the other health care provider or facility accepts the referral and the date that the appointment with the other health care provider or at the other facility is made; and

(iv) the date that the appointment with the other health care provider or at the other facility is made and the date of the appointment with the other health care provider or at the other facility; and

(B) any other period of time that the Secretary determines necessary to measure.

(5) With respect to referrals for non-Department health care originating from medical facilities of the Department, a measurement of, for each such facility covered by the audit—

(A) the period of time between—

(i) the date that a clinician of the Department determines that a veteran requires care, or a veteran presents to the Department requesting care, and the date that the referral for care is sent to a non-Department health care provider;

(ii) the date that the referral for care is sent to a non-Department health care provider and the date that a non-Department health care provider accepts the referral;

(iii) the date that a non-Department health care provider accepts the referral and the date that the referral to a non-Department health care provider is completed;

(iv) the date that the referral to a non-Department health care provider is completed and the date that an appointment with a non-Department health care provider is made; and

(v) the date that an appointment with a non-Department health care provider is made and the date that an appointment with a non-Department health care provider occurs; and

(B) any other period of time that the Secretary determines necessary to measure.

(d) CONDUCT OF AUDIT BY THIRD PARTY.—Each audit conducted under subsection (a) with respect to a medical facility of the Department shall be conducted by an individual or entity that is not affiliated with the facility.

(e) TRANSMITTAL TO VHA.—Each audit conducted under subsection (a) shall be transmitted to the Under Secretary for Health of the Department so that the Under Secretary can—

(1) strengthen oversight of the scheduling of appointments and management of consultations throughout the Department;

(2) monitor national policy on such scheduling and management; and

(3) develop a remediation plan to address issues uncovered by those audits.

(f) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31 of each year in which an audit is conducted under subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the audit conducted during that year.

(2) ELEMENTS.—The Secretary shall include in each report required by paragraph (1)—

(A) the nationwide results of the audit conducted under subsection (a);

(B) the results of such audit with respect to each medical facility of the Department covered by such audit;

(C) an assessment of how the Department strengthened oversight of the scheduling of appointments and management of consultations at each such facility as a result of the audit;

(D) an assessment of how the audit informed the national policy of the Department with respect to the scheduling of appointments and management of consultations; and

(E) a description of any remediation plans to address issues raised by the audit that was completed.

**SEC. 3103. ADMINISTRATION OF NON-DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE.**

(a) CERTIFICATION OF PROPER ADMINISTRATION OF NON-DEPARTMENT CARE.—

(1) REVIEW.—

(A) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a review of the staffing, training, and other requirements necessary to administer section 1703 of title 38, United States Code.

(B) ELEMENTS.—The review conducted under subparagraph (A) shall include, with respect to each medical facility of the Department of Veterans Affairs—

(i) an assessment of the type of positions required to be staffed at the medical facility;

(ii) the number of such positions authorized;

(iii) the number of such positions funded;

(iv) the number of such positions filled; and

(v) the number of additional such positions required to be authorized.

(2) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives—

(A) the results of the review conducted under paragraph (1); and

(B) a certification that the Secretary has established all staffing, training, and other requirements required to be reviewed under such paragraph.

(b) SCHEDULING OF APPOINTMENTS.—

(1) MEASUREMENT OF TIMELINESS FOR EACH FACILITY.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall measure, with respect to referrals for non-Department health care originating from medical facilities of the Department, for each such facility—

(A) the period of time between—

(i) the date that a clinician of the Department determines that a veteran requires care, or a veteran presents to the Department requesting care, and the date that the referral for care is sent to a non-Department health care provider;

(ii) the date that the referral for care is sent to a non-Department health care provider and the date that a non-Department health care provider accepts the referral;

(iii) the date that a non-Department health care provider accepts the referral and the date that the referral to a non-Department health care provider is completed;

(iv) the date that the referral to a non-Department health care provider is completed and the date that an appointment with a non-Department health care provider is made; and

(v) the date that an appointment with a non-Department health care provider is made and the date that an appointment with a non-Department health care provider occurs; and

(B) any other period of time that the Secretary determines necessary to measure.

(2) SUBMISSIONS TO CONGRESS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the data measured under paragraph (1), disaggregated by medical facility.

(B) UPDATE.—Not less frequently than biweekly, the Secretary shall update the data submitted under subparagraph (A).

(c) COMPTROLLER GENERAL REPORT.—

(1) REVIEW.—Beginning not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall review compliance by the Secretary with the requirements of this section, including a review of the validity and reliability of data submitted by the Secretary under subsection (b)(2).

(2) REPORT.—Not later than three years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the results of the review conducted under paragraph (1).

**SEC. 3104. EXAMINATION OF HEALTH CARE CONSULTATION AND SCHEDULING POSITIONS OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) PROPER GRADING OF CONSULTATION AND SCHEDULING POSITIONS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall conduct an examination of health care positions of the Department of Veterans Affairs to determine whether health care positions involved in the consultation and scheduling processes are appropriately graded.

(2) CONSULTATION.—In conducting the examination under paragraph (1), the Secretary shall consult with health care staffing experts in the Federal Government and the private sector.

(3) SUBMITTAL TO CONGRESS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress the results of the examination conducted under paragraph (1).

(b) REVIEW OF ONBOARDING PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress—

(1) a review of the onboarding process of individuals in health care positions described in subsection (a), including how long it takes to hire those individuals; and

(2) a description of any changes that the Secretary has made or plans to make to improve that process.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

## TITLE IV—NAVY SEAL BILL MULDER

**SEC. 4001. SHORT TITLE.**

This title may be cited as the ''Navy SEAL Bill Mulder Act of 2020''.

### Subtitle A—Service-connection and COVID–19

**SEC. 4101. PRESUMPTIONS OF SERVICE-CONNECTION FOR MEMBERS OF ARMED FORCES WHO CONTRACT CORONAVIRUS DISEASE 2019 UNDER CERTAIN CIRCUMSTANCES.**

(a) IN GENERAL.—Subchapter VI of chapter 11 of title 38, United States Code, is amended by adding at the end the following new section:

**''§ 1164. Presumptions of service-connection for Coronavirus Disease 2019**

''(a) PRESUMPTIONS GENERALLY.—(1) For purposes of laws administered by the Secretary and subject to section 1113 of this title, if symptoms of Coronavirus Disease 2019 (in this section referred to as 'COVID–19') described in subsection (d) manifest within one of the manifestation periods described in paragraph (2) in an individual who served in a qualifying period of duty described in subsection (b)—

''(A) infection with severe acute respiratory syndrome coronavirus 2 (in this section referred to as 'SARS–CoV–2') shall be presumed to have occurred during the qualifying period of duty;

''(B) COVID–19 shall be presumed to have been incurred during the qualifying period of duty; and

''(C) if the individual becomes disabled or dies as a result of COVID–19, it shall be presumed that the individual became disabled or died during the qualifying period of duty for purposes of establishing that the individual served in the active military, naval, or air service.

''(2)(A) The manifestation periods described in this paragraph are the following:

''(i) During a qualifying period of duty described in subsection (b), if that period of duty was more than 48 continuous hours in duration.

''(ii) Within 14 days after the individual's completion of a qualifying period of duty described in subsection (b).

''(iii) An additional period prescribed under subparagraph (B).

''(B)(i) If the Secretary determines that a manifestation period of more than 14 days after completion of a qualifying period of service is appropriate for the presumptions under paragraph (1), the Secretary may prescribe that additional period by regulation.

''(ii) A determination under clause (i) shall be made in consultation with the Director of the Centers for Disease Control and Prevention.

''(b) QUALIFYING PERIOD OF DUTY DESCRIBED.—A qualifying period of duty described in this subsection is—

''(1) a period of active duty performed—

''(A) during the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

''(B) before the date that is three years after the date of the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020; or

''(2) training duty under title 10 or full-time National Guard duty (as defined in section 101 of title 10), performed under orders issued on or after March 13, 2020—

''(A) during the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

''(B) before the date that is three years after the date of the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020.

''(c) APPLICATION OF PRESUMPTIONS FOR TRAINING DUTY.—When, pursuant to subsection (a), COVID–19 is presumed to have been incurred during a qualifying period of duty described in subsection (b)(2)—

''(1) COVID–19 shall be deemed to have been incurred in the line of duty during a period of active military, naval, or air service; and

''(2) where entitlement to benefits under this title is predicated on the individual who was disabled or died being a veteran, benefits for disability or death resulting from COVID–19 as described in subsection (a) shall be paid or furnished as if the individual was a veteran, without regard to whether the period of duty would constitute active military, naval, or air service under section 101 of this title.

''(d) SYMPTOMS OF COVID–19.—For purposes of subsection (a), symptoms of COVID–19 are those symptoms that competent medical evidence demonstrates are experienced by an individual affected and directly related to COVID–19.

''(e) MEDICAL EXAMINATIONS AND OPINIONS.—If there is a question of whether the symptoms experienced by an individual described in paragraph (1) of subsection (a) during a manifestation period described in paragraph (2) of such subsection are attributable to COVID–19 resulting from infection with SARS–CoV–2 during the qualifying period of duty, in determining whether a medical examination or medical opinion is necessary to make a decision on the claim within the meaning of section 5103A(d) of this title, a qualifying period of duty described in subsection (b) of this section shall be treated as if it were active military, naval, or air service for purposes of section 5103A(d)(2)(B) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''1164. Presumptions of service-connection for Coronavirus Disease 2019.''.

**Subtitle B—Assistance for Homeless Veterans**

**SEC. 4201. FLEXIBILITY FOR THE SECRETARY OF VETERANS AFFAIRS IN CARING FOR HOMELESS VETERANS DURING A COVERED PUBLIC HEALTH EMERGENCY.**

(a) GENERAL SUPPORT.—

(1) USE OF FUNDS.—During a covered public health emergency, the Secretary of Veterans Affairs may use amounts appropriated or otherwise made available to the Department of Veterans Affairs to carry out sections 2011, 2012, 2031, and 2061 of title 38, United States Code, to provide to homeless veterans and veterans participating in the program carried out under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) (commonly referred to as ''HUD–VASH''), as the Secretary determines is needed, the following:

(A) Assistance required for safety and survival (such as food, shelter, clothing, blankets, and hygiene items).

(B) Transportation required to support stability and health (such as for appointments with service providers, conducting housing searches, and obtaining food and supplies).

(C) Communications equipment and services (such as tablets, smartphones, disposable phones, and related service plans) required to support stability and health (such as maintaining contact with service providers, prospective landlords, and family).

(D) Such other assistance as the Secretary determines is needed.

(2) HOMELESS VETERANS ON LAND OF THE DEPARTMENT.—

(A) COLLABORATION.—During a covered public health emergency, to the extent possible, the Secretary may collaborate with one or more organizations to manage use of land of the Department for homeless veterans for living and sleeping.

(B) ELEMENTS.—Collaboration under subparagraph (A) may include the provision by either the Secretary or the organization of food services and security for property, buildings, and other facilities owned or controlled by the Department.

(b) GRANT AND PER DIEM PROGRAM.—

(1) LIMITS ON RATES FOR PER DIEM PAYMENTS.—Section 20013(b) of the Coronavirus Aid, Relief, and Economic Security Act (38 U.S.C. 2011 note; Public Law 116–136) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) in the matter preceding subparagraph (A), as so redesignated, by inserting ''(1)'' before ''In the case''; and

(C) by adding at the end the following:

''(2) If the Secretary waives any limit on grant amounts or rates for per diem payments under paragraph (1), notwithstanding section 2012(a)(2)(B) of such title, the maximum rate for per diem payments described in paragraph (1)(B) shall be three times the rate authorized for State homes for domiciliary care under section 1741 of such title.''.

(2) MODIFICATION OF FUNDING LIMITS FOR GRANTS.—Subsection (c)(2) of section 2011 of title 38, United States Code, shall not apply to any grant awarded during a covered public health emergency under such section for a project described in subsection (b)(1) of such section.

(3) USE OF PER DIEM PAYMENTS.—During a covered public health emergency, a recipient of a grant or an eligible entity under the grant and per diem program of the Department (in this subsection referred to as the ''program'') may use per diem payments under sections 2012 and 2061 of title 38, United States Code, to provide assistance required for safety and survival (such as food, shelter, clothing, blankets, and hygiene items) for—

(A) homeless veterans; and

(B) formerly homeless veterans residing in a facility operated wholly or in part by such a recipient or eligible entity receiving per diem payments under section 2012 of such title.

(4) ADDITIONAL TRANSITIONAL HOUSING.—

(A) IN GENERAL.—During a covered public health emergency, under the program, the Secretary may provide amounts for additional transitional housing beds to facilitate access to housing and services provided to homeless veterans.

(B) NOTICE; COMPETITION; PERIOD OF PERFORMANCE.—The Secretary may provide amounts under subparagraph (A)—

(i) without notice or competition; and

(ii) for a period of performance determined by the Secretary.

(5) INSPECTIONS AND LIFE SAFETY CODE REQUIREMENTS.—

(A) IN GENERAL.—During a covered public health emergency, the Secretary may waive any requirement under subsection (b) or (c) of section 2012 of title 38, United States Code, in order to allow the recipient of a grant or an eligible entity under the program—

(i) to quickly identify temporary alternate sites of care for homeless veterans that are suitable for habitation;

(ii) to facilitate social distancing or isolation needs; or

(iii) to facilitate activation or continuation of a program for which a grant has been awarded.

(B) LIMITATION.—The Secretary may waive a requirement pursuant to the authority provided by subparagraph (A) with respect to a facility of a recipient of a grant or an eligible entity under the program only if the facility meets applicable local safety requirements, including fire safety requirements.

(6) DISPOSITION OF PROPERTY RELATING TO GRANTS.—During a covered public health emergency, if the recipient of a grant awarded before or during such emergency under section 2011 of title 38, United States Code, for a project described in subsection (b)(1) of such section is no longer providing services in accordance with the terms of the grant, the recipient shall not be subject during such emergency to any property disposition requirements relating to the grant under subsection (c) or (f) of section 61.67 of title 38, Code of Federal Regulations, section 200.311(c) of title 2, Code of Federal Regulations, or successor regulations.

(c) INSPECTION AND LIFE SAFETY CODE REQUIREMENTS FOR THERAPEUTIC HOUSING.—

(1) IN GENERAL.—During a covered public health emergency, the Secretary may waive any inspection or life safety code requirement under subsection (c) of section 2032 of title 38, United States Code—

(A) to allow quick identification of temporary alternate sites of care for homeless veterans that are suitable for habitation;

(B) to facilitate social distancing or isolation needs; or

(C) to facilitate the operation of housing under such section.

(2) LIMITATION.—The Secretary may waive a requirement pursuant to the authority provided by paragraph (1) with respect to a residence or facility referred to in such section 2032 only if the residence or facility, as the case may be, meets applicable local safety requirements, including fire safety requirements.

(d) ACCESS TO DEPARTMENT OF VETERANS AFFAIRS TELEHEALTH SERVICES.—To the extent practicable, during a covered public health emergency, the Secretary shall ensure that veterans participating in or receiving services from a program under chapter 20 of title 38, United States Code, have access to telehealth services to which such veterans are eligible under the laws administered by the Secretary, including by ensuring that telehealth capabilities are available to—

(1) such veterans;

(2) case managers of the Department of programs for homeless veterans authorized under such chapter; and

(3) community-based service providers for homeless veterans receiving funds from the Department through grants or contracts.

(e) DEFINITIONS.—In this section:

(1) COVERED PUBLIC HEALTH EMERGENCY.—The term ''covered public health emergency'' means an emergency with respect to COVID–19 declared by a Federal, State, or local authority.

(2) HOMELESS VETERAN; VETERAN.—The terms ''homeless veteran'' and ''veteran'' have the meanings given those terms in section 2002 of title 38, United States Code.

(3) TELEHEALTH.—

(A) IN GENERAL.—The term ''telehealth'' means the use of electronic information and telecommunications technologies to support and promote long-distance clinical health care, patient and professional health-related education, public health, and health administration.

(B) TECHNOLOGIES.—For purposes of subparagraph (A), ''telecommunications technologies'' include video conferencing, the internet, streaming media, and terrestrial and wireless communications.

**SEC. 4202. LEGAL SERVICES FOR HOMELESS VETERANS AND VETERANS AT RISK FOR HOMELESSNESS.**

(a) IN GENERAL.—Subchapter III of chapter 20 of title 38, United States Code, is amended by inserting after section 2022 the following new section:

**''§ 2022A. Legal services for homeless veterans and veterans at risk for homelessness**

''(a) GRANTS.—Subject to the availability of appropriations provided for such purpose, the Secretary shall award grants to eligible entities that provide legal services to homeless veterans and veterans at risk for homelessness.

''(b) CRITERIA.—(1) The Secretary shall—

''(A) establish criteria and requirements for grants under this section, including criteria for entities eligible to receive such grants; and

''(B) publish such criteria and requirements in the Federal Register.

''(2) In establishing criteria and requirements under paragraph (1), the Secretary shall—

''(A) take into consideration any criteria and requirements needed with respect to carrying out this section in rural communities, on trust lands, and in the territories and possessions of the United States; and

''(B) consult with organizations that have experience in providing services to homeless veterans, including—

''(i) veterans service organizations;

''(ii) the Equal Justice Works AmeriCorps Veterans Legal Corps; and

''(iii) such other organizations as the Secretary determines appropriate.

''(c) ELIGIBLE ENTITIES.—The Secretary may award a grant under this section to an entity applying for such a grant only if the applicant for the grant—

''(1) is a public or nonprofit private entity with the capacity (as determined by the Secretary) to effectively administer a grant under this section;

''(2) demonstrates that adequate financial support will be available to carry out the services for which the grant is sought consistent with the application;

''(3) agrees to meet the applicable criteria and requirements established under subsection (b)(1); and

''(4) has, as determined by the Secretary, demonstrated the capacity to meet such criteria and requirements.

''(d) USE OF FUNDS.—Grants under this section shall be used to provide homeless veterans and veterans at risk for homelessness the following legal services:

''(1) Legal services relating to housing, including eviction defense, representation in landlord-tenant cases, and representation in foreclosure cases.

''(2) Legal services relating to family law, including assistance in court proceedings for child support, divorce, estate planning, and family reconciliation.

''(3) Legal services relating to income support, including assistance in obtaining public benefits.

''(4) Legal services relating to criminal defense, including defense in matters symptomatic of homelessness, such as outstanding warrants, fines, and driver's license revocation, to reduce recidivism and facilitate the overcoming of reentry obstacles in employment or housing.

''(5) Legal services relating to requests to upgrade the characterization of a discharge or dismissal of a former member of the Armed Forces under section 1553 of title 10.

''(6) Such other legal services as the Secretary determines appropriate.

''(e) FUNDS FOR WOMEN VETERANS.—For any fiscal year, not less than 10 percent of the amount authorized to be appropriated for grants under this section shall be used to provide legal services described in subsection (d) to women veterans.

''(f) LOCATIONS.—To the extent practicable, the Secretary shall award grants under this section to eligible entities in a manner that is equitably distributed across the geographic regions of the United States, including with respect to—

''(1) rural communities;

''(2) trust lands (as defined in section 3765 of this title);

''(3) Native Americans; and

''(4) tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

''(g) BIENNIAL REPORTS.—(1) Not less frequently than once every two years, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on grants awarded under this section.

''(2) To the extent feasible, each report required by paragraph (1) shall include the following with respect to the period covered by the report:

''(A) The number of homeless veterans and veterans at risk for homelessness assisted.

''(B) A description of the legal services provided.

''(C) A description of the legal matters addressed.

''(D) An analysis by the Secretary with respect to the operational effectiveness and cost-effectiveness of the services provided.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by inserting after the item relating to section 2022 the following new item:

''2022A. Legal services for homeless veterans and veterans at risk for homelessness.''.

(c) CRITERIA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish and publish in the Federal Register the criteria and requirements pursuant to subsection (b)(1) of section 2022A of title 38, United States Code, as added by subsection (a).

**SEC. 4203. GAP ANALYSIS OF DEPARTMENT OF VETERANS AFFAIRS PROGRAMS THAT PROVIDE ASSISTANCE TO WOMEN VETERANS WHO ARE HOMELESS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall complete an analysis of programs of the Department of Veterans Affairs that provide assistance to women veterans who are homeless or precariously housed to identify the areas in which such programs are failing to meet the needs of such women.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the analysis completed under subsection (a).

**SEC. 4204. IMPROVEMENTS TO GRANTS AWARDED BY THE SECRETARY OF VETERANS AFFAIRS TO ENTITIES THAT PROVIDE SERVICES TO HOMELESS VETERANS.**

(a) INCREASE IN PER DIEM PAYMENTS.—Paragraph (2) of subsection (a) of section 2012 of title 38, United States Code, is amended to read as follows:

''(2)(A)(i) Except as otherwise provided in subparagraph (B), the rate for such per diem payments shall be the daily cost of care estimated by the grant recipient or eligible entity adjusted by the Secretary under clause (ii).

''(ii)(I) The Secretary shall adjust the rate estimated by the grant recipient or eligible entity under clause (i) to exclude other sources of income described in subclause (III) that the grant recipient or eligible entity certifies to be correct.

''(II) Each grant recipient or eligible entity shall provide to the Secretary such information with respect to other sources of income as the Secretary may require to make the adjustment under subclause (I).

''(III) The other sources of income referred to in subclauses (I) and (II) are payments to the grant recipient or eligible entity for furnishing services to homeless veterans under programs other than under this subchapter, including payments and grants from other departments and agencies of the United States, from departments or agencies of State or local government, and from private entities or organizations.

''(iii) For purposes of calculating the rate for per diem payments under clause (i), in the case of a homeless veteran who has care of a minor dependent while receiving services from the grant recipient or eligible entity, the daily cost of care of the homeless veteran shall be the sum of the daily cost of care of the homeless veteran determined under clause (i) plus, for each such minor dependent, an amount that equals 50 percent of such daily cost of care.

''(B)(i)(I) Except as provided in clause (ii), and subject to the availability of appropriations, the Secretary may adjust the rate for per diem payments under this paragraph, as the Secretary considers appropriate.

''(II) Any adjustment made under this clause—

''(aa) may not result in a rate that—

''(AA) is lower than the rate in effect under this paragraph as in effect immediately preceding the date of the enactment of the Navy SEAL Bill Mulder Act of 2020; or

''(BB) exceeds the rate that is 115 percent of the rate authorized for State homes for domiciliary care under subsection (a)(1)(A) of section 1741 of this title, as the Secretary may increase from time to time under subsection (c) of that section; and

''(bb) may be determined on the basis of locality.

''(ii) In the case of services furnished to a homeless veteran who is placed in housing that will become permanent housing for the veteran upon termination of the furnishing of such services to such veteran, the maximum rate of per diem authorized under this section is 150 percent of the rate authorized for State homes for domiciliary care under subsection (a)(1)(A) of section 1741 of this title, as the Secretary may increase from time to time under subsection (c) of that section.''.

(b) REIMBURSEMENT OF CERTAIN FEES.—Such section is further amended by adding at the end the following new subsection:

''(e) REIMBURSEMENT OF ENTITIES FOR CERTAIN FEES.—The Secretary may reimburse a recipient of a grant under section 2011, 2013, or 2061 of this title or a recipient of per diem payments under this section for fees charged to that grant or per diem payment recipient for the use of the homeless management information system described in section 402(f) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360a(f))—

''(1) in amounts the Secretary determines to be reasonable; and

''(2) if the Secretary determines that the grant or per diem payment recipient is unable to obtain information contained in such system through other means and at no cost to the grant or per diem payment recipient.''.

**SEC. 4205. REPEAL OF SUNSET ON AUTHORITY TO CARRY OUT PROGRAM OF REFERRAL AND COUNSELING SERVICES FOR VETERANS AT RISK FOR HOMELESSNESS WHO ARE TRANSITIONING FROM CERTAIN INSTITUTIONS.**

(a) IN GENERAL.—Section 2023 of title 38, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

(b) CONFORMING AMENDMENT.—Section 2021(a)(4) of such title is amended by striking ''section 2023(e)'' and inserting ''section 2023(d)''.

**SEC. 4206. COORDINATION OF CASE MANAGEMENT SERVICES FOR VETERANS RECEIVING HOUSING VOUCHERS UNDER TRIBAL HOUSING AND URBAN DEVELOPMENT-VETERANS AFFAIRS SUPPORTIVE HOUSING PROGRAM.**

Section 2003 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(c) MEMORANDUM OF UNDERSTANDING ON ASSISTANCE FROM INDIAN HEALTH SERVICE.—The Secretary may enter into a memorandum of understanding with the Secretary of Health and Human Services under which case managers of the Indian Health Service may provide case management assistance to veterans who receive housing vouchers under the Tribal Housing and Urban Development-Veterans Affairs Supportive Housing (Tribal HUD-VASH) program of the Department of Housing and Urban Development.''.

**SEC. 4207. CONTRACTS RELATING TO CASE MANAGERS FOR HOMELESS VETERANS IN SUPPORTED HOUSING PROGRAM.**

(a) IN GENERAL.—Section 304 of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 38 U.S.C. 2041 note) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before ''The Secretary'';

(B) by adding at the end the following new paragraphs:

''(2)(A) The director of each covered medical center shall seek to enter into one or more contracts or agreements described in paragraph (1).

''(B) Any contract or agreement under subparagraph (A) may require that each case manager employed by an eligible entity who performs services under the contract or agreement has credentials equivalent to the credentials required for a case manager of the Department.

''(C)(i) The Secretary may waive the requirement under subparagraph (A) with respect to a covered medical center if the Secretary determines that fulfilling such requirement is infeasible.

''(ii) If the Secretary grants a waiver under clause (i), the Secretary shall, not later than 90 days after granting such waiver, submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing—

''(I) an explanation of the determination made under clause (i);

''(II) a plan to increase the number of case managers of the Department; and

''(III) a plan for the covered medical center to increase use of housing vouchers allocated to that medical center under the program described in paragraph (1).

''(D) In this paragraph, the term 'covered medical center' means a medical center of the Department with respect to which the Secretary determines that—

''(i) more than 15 percent of all housing vouchers allocated to that medical center under the program described in paragraph (1) during the fiscal year preceding the fiscal year in which such determination was made were unused due to a lack of case management services provided by the Secretary; and

''(ii) one or more case manager positions have been vacant for at least nine consecutive months immediately preceding the date of such determination.''; and

(2) in subsection (b)(2)—

(A) in the matter before subparagraph (A), by striking '', including because—'' and inserting a period; and

(B) by striking subparagraphs (A), (B), and (C).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

**SEC. 4208. REPORT ON STAFFING OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-DEPARTMENT OF VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM.**

Not later than 180 days after the date of the enactment of this Act, and every three years thereafter, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that includes the following:

(1) An assessment of the hiring needs of the program carried out under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) (in this section referred to as the ''HUD-VASH program''), including—

(A) an identification of the number of case managers of the HUD-VASH program as of the date of the report including—

(i) the total number of vacancies; and

(ii) the vacancies at each medical center of the Department of Veterans Affairs;

(B) the number of case managers of the HUD-VASH program that the Secretary of Veterans Affairs and the Secretary of Housing and Urban Development jointly determine necessary to meet the needs of the Department and the program; and

(C) the amount of turnover among case managers of the HUD-VASH program and whether the turnover was planned or unexpected.

(2) An assessment of how compensation, including recruitment and retention incentives, for case managers of the HUD-VASH program affects turnover, and what percentage of retention compensation is provided to such case managers at each medical center of the Department of Veterans Affairs (compared to other positions).

(3) A comparison of compensation described in paragraph (2) with the compensation provided to State, local, and nongovernmental housing employees at comparable training and experience levels.

(4) Examples of how the Department of Veterans Affairs and the Department of Housing and Urban Development have worked with non-Federal partners (such as local governments, nongovernmental organizations, veterans service organizations, and employee unions) to meet the staffing needs of the HUD-VASH program.

(5) Examples of how medical centers of the Department of Veterans Affairs with high retention rates for case managers of the HUD-VASH program have been able to maintain staffing levels.

## Subtitle C—Retraining Assistance for Veterans

**SEC. 4301. ACCESS FOR THE SECRETARIES OF LABOR AND VETERANS AFFAIRS TO THE FEDERAL DIRECTORY OF NEW HIRES.**

Section 453A(h) of the Social Security Act (42 U.S.C. 653a(h)) is amended by adding at the end the following new paragraph:

''(4) VETERAN EMPLOYMENT.—The Secretaries of Labor and of Veterans Affairs shall have access to information reported by employers pursuant to subsection (b) of this section for purposes of tracking employment of veterans.''.

**SEC. 4302. EXPANSION OF ELIGIBLE CLASS OF PROVIDERS OF HIGH TECHNOLOGY PROGRAMS OF EDUCATION FOR VETERANS.**

Section 116 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3001 note) is amended—

(1) in subsection (b), by adding at the end the following: ''The Secretary shall treat an individual as an eligible veteran if the Secretary determines that the individual shall become an eligible veteran fewer than 180 days after the date of such determination. If an individual treated as an eligible veteran by reason of the preceding sentence does anything to make the veteran ineligible during the 180-day period referred to in such sentence, the Secretary may require the veteran to repay any benefits received by such veteran by reason of such sentence.'';

(2) in subsection (c)—

(A) in paragraph (3)(A), by striking ''has been operational for at least 2 years'' and inserting ''employs instructors whom the Secretary determines are experts in their respective fields in accordance with paragraph (6)''; and

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

''(6) EXPERTS.—The Secretary shall determine whether instructors are experts under paragraph (3)(A) based on evidence furnished to the Secretary by the provider regarding the ability of the instructors to—

''(A) identify professions in need of new employees to hire, tailor the programs to meet market needs, and identify the employers likely to hire graduates;

''(B) effectively teach the skills offered to eligible veterans;

''(C) provide relevant industry experience in the fields of programs offered to incoming eligible veterans; and

''(D) demonstrate relevant industry experience in such fields of programs.'';

(3) in subsection (d), in the matter preceding paragraph (1)—

(A) by inserting ''(not including an individual described in the second sentence of subsection (b))'' after ''each eligible veteran''; and

(B) by inserting ''or part-time'' after ''full-time'';

(4) in subsection (g), by striking ''$15,000,000'' and inserting ''$45,000,000''; and

(5) by adding at the end the following new subsection (i):

''(i) PROHIBITION ON CERTAIN ACCOUNTING OF ASSISTANCE.—The Secretary may not consider enrollment in a high technology program of education under this section to be assistance under a provision of law referred to in section 3695 of title 38, United States Code.''.

**SEC. 4303. PILOT PROGRAM FOR OFF-BASE TRANSITION TRAINING FOR VETERANS AND SPOUSES.**

(a) EXTENSION OF PILOT PROGRAM.—Subsection (a) of section 301 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 10 U.S.C. 1144 note) is amended—

(1) by striking ''During the two-year period beginning on the date of the enactment of this Act'' and inserting ''During the five-year period beginning on the date of the enactment of the Navy SEAL Bill Mulder Act of 2020''; and

(2) by striking ''to assess the feasibility and advisability of providing such program to eligible individuals at locations other than military installations''.

(b) LOCATIONS.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by striking ''STATES'' and inserting ''LOCATIONS''; and

(B) by striking ''not less than three and not more than five States'' and inserting ''not fewer than 50 locations in States (as defined in section 101 of title 38, United States Code)'';

(2) in paragraph (2), by striking ''at least two'' and inserting ''at least 20''; and

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

''(5) PREFERENCES.—In selecting States for participation in the pilot program, the Secretary shall provide a preference for any State with—

''(A) a high rate of usage of unemployment benefits for recently separated members of the Armed Forces; or

''(B) a labor force or economy that has been significantly impacted by a covered public health emergency.

''(6) COVERED PUBLIC HEALTH EMERGENCY DEFINED.—In this subsection, the term 'covered public health emergency' means—

''(A) the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to Coronavirus Disease 2019 (COVID–19); or

''(B) a domestic emergency declared, based on an outbreak of Coronavirus Disease 2019 (COVID–19), by the President, the Secretary of Homeland Security, or a State or local authority.''.

(c) ANNUAL REPORT.—Subsection (e) of such section is amended by adding at the end the following new sentence: ''Each such report shall include information about the employment outcomes of the eligible individuals who received such training during the year covered by the report.''.

(d) CONFORMING REPEAL.—Subsection (f) of such section is repealed.

**SEC. 4304. GRANTS FOR PROVISION OF TRANSITION ASSISTANCE TO MEMBERS OF THE ARMED FORCES AFTER SEPARATION, RETIREMENT, OR DISCHARGE.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall make grants to eligible organizations for the provision of transition assistance to members of the Armed Forces who are separated, retired, or discharged from the Armed Forces, and spouses of such members.

(b) USE OF FUNDS.—The recipient of a grant under this section shall use the grant to provide to members of the Armed Forces and spouses described in subsection (a) resume assistance, interview training, job recruitment training, and related services leading directly to successful transition, as determined by the Secretary.

(c) ELIGIBLE ORGANIZATIONS.—To be eligible for a grant under this section, an organization shall submit to the Secretary an application containing such information and assurances as the Secretary, in consultation with the Secretary of Labor, may require.

(d) PRIORITY.—In making grants under this section, the Secretary shall give priority to an organization that—

(1) provides multiple forms of services described in subsection (b); or

(2) is located in a State with—

(A) a high rate of unemployment among veterans;

(B) a high rate of usage of unemployment benefits for recently separated members of the Armed Forces; or

(C) a labor force or economy that has been significantly impacted by a covered public health emergency (as such term is defined in section 131(n)).

(e) AMOUNT OF GRANT.—A grant under this section shall be in an amount that does not exceed 50 percent of the amount required by the organization to provide the services described in subsection (b).

(f) DEADLINE.—The Secretary shall carry out this section not later than 180 days after the date of the enactment of this Act.

(g) TERMINATION.—The authority to provide a grant under this section shall terminate on the date that is five years after the date on which the Secretary implements the grant program under this section.

**SEC. 4305. ONE-YEAR INDEPENDENT ASSESSMENT OF THE EFFECTIVENESS OF TRANSITION ASSISTANCE PROGRAM.**

(a) INDEPENDENT ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the covered officials, shall enter into an agreement with an appropriate entity with experience in adult education to carry out a one-year independent assessment of the Transition Assistance Program under sections 1142 and 1144 of title 10, United States Code (TAP), including—

(1) the effectiveness of the Transition Assistance Program for members of each military department during the entire military life cycle;

(2) the appropriateness of the career readiness standards of the Transition Assistance Program;

(3) a review of information that is provided to the Department of Veterans Affairs under the Transition Assistance Program, including mental health data;

(4) whether the Transition Assistance Program effectively addresses the challenges veterans face entering the civilian workforce and in translating experience and skills from military service to the job market;

(5) whether the Transition Assistance Program effectively addresses the challenges faced by the families of veterans making the transition to civilian life;

(6) appropriate metrics regarding outcomes of the Transition Assistance Program for members of the Armed Forces one year after separation, retirement, or discharge from the Armed Forces;

(7) what the Secretary, in consultation with the covered officials and veterans service organizations, determine to be successful outcomes for the Transition Assistance Program;

(8) whether members of the Armed Forces achieve successful outcomes for the Transition Assistance Program, as determined under paragraph (7);

(9) how the Secretary and the covered officials provide feedback to each other regarding such outcomes;

(10) recommendations for the Secretaries of the military departments regarding how to improve outcomes for members of the Armed Forces after separation, retirement, and discharge; and

(11) other topics the Secretary and the covered officials determine would aid members of the Armed Forces as they transition to civilian life.

(b) REPORT.—Not later than 90 days after the completion of the independent assessment under subsection (a), the Secretary and the covered officials shall jointly submit to the appropriate committees of Congress—

(1) the findings and recommendations (including recommended legislation) of the independent assessment prepared by the entity described in subsection (a); and

(2) responses of the Secretary and the covered officials to the findings and recommendations described in paragraph (1).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

(2) COVERED OFFICIALS.—The term ''covered officials'' means—

(A) the Secretary of Defense;

(B) the Secretary of Labor;

(C) the Administrator of the Small Business Administration; and

(D) the Secretaries of the military departments.

(3) MILITARY DEPARTMENT.—The term ''military department'' has the meaning given that term in section 101 of title 10, United States Code.

**SEC. 4306. LONGITUDINAL STUDY ON CHANGES TO TRANSITION ASSISTANCE PROGRAM.**

(a) STUDY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, the Secretary of Labor, and the Administrator of the Small Business Administration, shall conduct a five-year longitudinal study regarding the Transition Assistance Program under sections 1142 and 1144 of title 10, United States Code (TAP), on three separate cohorts of members of the Armed Forces who have separated from the Armed Forces, including—

(1) a cohort that has attended counseling under the Transition Assistance Program as implemented on the date of the enactment of this Act;

(2) a cohort that attends counseling under the Transition Assistance Program after the Secretary of Defense and the Secretary of Labor implement changes recommended in the report under section 136(b); and

(3) a cohort that has not attended counseling under the Transition Assistance Program.

(b) PROGRESS REPORTS.—Not later than 90 days after the date that is one year after the date of the initiation of the study under subsection (a), and annually thereafter for the three subsequent years, the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Labor, and the Administrator of the Small Business Administration shall jointly submit to the appropriate committees of Congress a progress report of activities under the study during the immediately preceding year.

(c) FINAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the completion of the study under subsection (a), the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Labor, and the Administrator of the Small Business Administration shall jointly submit to the appropriate committees of Congress a report of final findings and recommendations based on the study.

(2) ELEMENTS.—The final report under paragraph (1) shall include information regarding the following:

(A) The percentage of each cohort that received unemployment benefits during the study under subsection (a).

(B) The numbers of months members of each cohort were employed during the study.

(C) Annual starting and ending salaries of members of each cohort who were employed during the study.

(D) How many members of each cohort enrolled in an institution of higher learning, as that term is defined in section 3452(f) of title 38, United States Code.

(E) The academic credit hours, degrees, and certificates obtained by members of each cohort during the study.

(F) The annual income of members of each cohort.

(G) The total household income of members of each cohort.

(H) How many members of each cohort own their principal residences.

(I) How many dependents members of each cohort have.

(J) The percentage of each cohort that achieves a successful outcome for the Transition Assistance Program, as determined under section 136(a)(7).

(K) Other criteria the Secretaries and the Administrator of the Small Business Administration determine appropriate.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

## TITLE V—DEBORAH SAMPSON

**SEC. 5001. SHORT TITLE.**

This title may be cited as the ''Deborah Sampson Act of 2020''.

### Subtitle A—Improving Access for Women Veterans to the Department of Veterans Affairs

**SEC. 5101. OFFICE OF WOMEN'S HEALTH IN DEPARTMENT OF VETERANS AFFAIRS.**

(a) CHIEF OFFICER OF WOMEN'S HEALTH.—Subsection (a) of section 7306 of title 38, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

''(10) The Chief Officer of Women's Health.''.

(b) ORGANIZATION OF OFFICE AND ANNUAL REPORTS.—

(1) IN GENERAL.—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end of the following new sections:

**''§ 7310. Office of Women's Health**

''(a) ESTABLISHMENT.—(1) The Under Secretary for Health shall establish and operate in the Veterans Health Administration the Office of Women's Health (in this section referred to as the 'Office').

''(2) The Office shall be located at the Central Office of the Department of Veterans Affairs.

''(3)(A) The head of the Office is the Chief Officer of Women's Health (in this section referred to as the 'Chief Officer').

''(B) The Chief Officer shall report to the Under Secretary for Health.

''(4) The Under Secretary for Health shall provide the Office with such staff and other support as may be necessary for the Office to carry out effectively the functions of the Office under this section.

''(5) The Under Secretary for Health may reorganize existing offices within the Veterans Health Administration as of the date of the enactment of this section in order to avoid duplication with the functions of the Office.

''(b) FUNCTIONS.—The functions of the Office include the following:

''(1) To provide a central office for monitoring and encouraging the activities of the Veterans Health Administration with respect to the provision, evaluation, and improvement of health care services provided to women veterans by the Department.

''(2) To develop and implement standards of care for the provision of health care for women veterans by the Department.

''(3) To monitor and identify deficiencies in standards of care for the provision of health care for women veterans by the Department, to provide technical assistance to medical facilities of the Department to address and remedy deficiencies, and to perform oversight of implementation of such standards of care.

''(4) To monitor and identify deficiencies in standards of care for the provision of health care for women veterans provided through the community pursuant to this title and to provide recommendations to the appropriate office to address and remedy any deficiencies.

''(5) To oversee distribution of resources and information related to health programming for women veterans under this title.

''(6) To promote the expansion and improvement of clinical, research, and educational activities of the Veterans Health Administration with respect to the health care of women veterans.

''(7) To provide, as part of the annual budgeting process, recommendations with respect to the amounts to be requested for furnishing hospital care and medical services to women veterans pursuant to chapter 17 of this title, including, at a minimum, recommendations that ensure that such amounts either reflect or exceed the proportion of veterans enrolled in the system of patient enrollment of the Department established and operated under section 1705(a) of this title who are women.

''(8) To provide recommendations to the Under Secretary for Health with respect to modifying the Veterans Equitable Resource Allocation system, or successor system, to ensure that resource allocations under such system, or successor system, reflect the health care needs of women veterans.

''(9) To carry out such other duties as the Under Secretary for Health may require.

''(c) RECOMMENDATIONS.—(1) If the Under Secretary for Health determines not to implement any recommendation made by the Chief Officer with respect to the allocation of resources to address the health care needs of women veterans, the Secretary shall notify the appropriate congressional committees of such determination by not later than 30 days after the date on which the Under Secretary for Health receives the recommendation.

''(2) Each notification under paragraph (1) relating to a determination with respect to a recommendation shall include the following:

''(A) The reasoning of the Under Secretary for Health in making the determination.

''(B) An alternative, if one is selected, to the recommendation that the Under Secretary for Health will carry out to fulfill the health care needs of women veterans.

''(d) STANDARDS OF CARE.—For purposes of carrying out the functions of the Office under this section, the standards of care for the provision of health care for women veterans from the Department shall include, at a minimum, the following:

''(1) A requirement for—

''(A) at least one designated women's health primary care provider at each medical center of the Department whose duties include, to the extent practicable, providing training to other health care providers of the Department with respect to the needs of women veterans; and

''(B) at least one designated women's health primary care provider at each community-based outpatient clinic of the Department who may serve women patients as a percentage of the total duties of the provider.

''(2) Other requirements as determined by the Under Secretary for Health.

''(e) OUTREACH.—The Chief Officer shall ensure that—

''(1) not less frequently than biannually, each medical facility of the Department holds a public forum for women veterans that occurs outside of regular business hours; and

''(2) not less frequently than quarterly, each medical facility of the Department convenes a focus group of women veterans that includes a discussion of harassment occurring at such facility.

''(f) DEFINITIONS.—In this section:

''(1) The term 'appropriate congressional committees' has the meaning given that term in section 7310A(h) of this title.

''(2) The term 'facility of the Department' has the meaning given the term 'facilities of the Department' in section 1701(3) of this title.

''(3) The term 'Veterans Equitable Resource Allocation system' means the resource allocation system established pursuant to section 429 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2929).

**''§ 7310A. Annual reports on women's health**

''(a) ANNUAL REPORTS.—Not later than December 1 of each year, the Chief Officer of Women's Health shall submit to the appropriate congressional committees a report containing the matters under subsections (b) through (g).

''(b) OFFICE OF WOMEN'S HEALTH.—Each report under subsection (a) shall include a description of—

''(1) actions taken by the Office of Women's Health established under section 7310 of this title in the preceding fiscal year to improve the provision of health care by the Department to women veterans;

''(2) any identified deficiencies related to the provision of health care by the Department to women veterans and the standards of care established in such section and the plan of the Department to address such deficiencies;

''(3) the funding and personnel provided to the Office and whether additional funding or personnel are needed to meet the requirements of such section; and

''(4) other information that would be of interest to the appropriate congressional committees with respect to oversight of the provision of health care by the Department to women veterans.

''(c) ACCESS TO GENDER-SPECIFIC SERVICES.—(1) Each report under subsection (a) shall include an analysis of the access of women veterans to gender-specific services under contracts, agreements, or other arrangements with non-Department medical providers entered into by the Secretary for the provision of hospital care or medical services to veterans.

''(2) The analysis under paragraph (1) shall include data and performance measures for the availability of gender-specific services described in such paragraph, including—

''(A) the average wait time between the preferred appointment date of the veteran and the date on which the appointment is completed;

''(B) the average driving time required for veterans to attend appointments; and

''(C) reasons why appointments could not be scheduled with non-Department medical providers.

''(d) MODELS OF CARE.—(1) Each report under subsection (a) shall include an analysis of the use by the Department of general primary care clinics, separate but shared spaces, and women's health centers as delivery of care models for women veterans.

''(2) The analysis under paragraph (1) shall include the following:

''(A) The number of facilities of the Department that fall into each delivery of care model described in such paragraph, disaggregated by Veterans Integrated Service Network and State.

''(B) A description of the criteria used by the Department to determine which such model is most appropriate for each facility of the Department.

''(C) An assessment of how the Department decides to make investments to modify facilities to a different model.

''(D) A description of what, if any, plans the Department has to modify facilities from general primary care clinics to another model.

''(E) An assessment of whether any facilities could be modified to a separate but shared space for a women's health center within planned investments under the strategic capital investment planning process of the Department.

''(F) An assessment of whether any facilities could be modified to a separate or shared space or a women's health center with minor modifications to existing plans under the strategic capital investment planning process of the Department.

''(G) An assessment of whether the Department has a goal for how many facilities should fall into each such model.

''(e) STAFFING.—Each report under subsection (a) shall include an analysis of the staffing of the Department relating to the treatment of women, including the following, disaggregated by Veterans Integrated Service Network and State (except with respect to paragraph (4)):

''(1) The number of women's health centers.

''(2) The number of patient aligned care teams of the Department relating to women's health.

''(3) The number of full- and part-time gynecologists of the Department.

''(4) The number of designated women's health care providers of the Department, disaggregated by facility of the Department.

''(5) The number of health care providers of the Department who have completed a mini-residency for women's health care through the Women Veterans Health Care Mini-Residency Program of the Department during the one-year period preceding the submittal of the report and the number of mini-residency training slots for such program that are available during the one-year period following such date.

''(6) The number of designated women's health care providers of the Department who have sufficient women patient loads or case complexities to retain their competencies and proficiencies.

''(f) ACCESSIBILITY AND TREATMENT OPTIONS.—Each report under subsection (a) shall include an analysis of the accessibility and treatment options for women veterans, including the following:

''(1) An assessment of wheelchair accessibility of women's health centers of the Department, including, with respect to each such center, an assessment of accessibility for each kind of treatment provided at the center, including with respect to radiology and mammography, that addresses all relevant factors, including door sizes, hoists, and equipment.

''(2) The options for women veterans to access mental health providers and primary care providers who are women.

''(3) The options for women veterans at medical facilities of the Department with respect to clothing sizes, including for gowns, drawstring pants, and pajamas.

''(g) DEFINITIONS.—In this section:

''(1) The term 'appropriate congressional committees' means—

''(A) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

''(B) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.

''(2) The term 'gender-specific services' means mammography, obstetric care, gynecological care, and such other services as the Secretary determines appropriate.''.

(2) REFERENCES TO HEALTH CARE AND SERVICES.—The references to health care and the references to services in sections 7310 and 7310A of title 38, United States Code, as added by paragraph (1), are references to the health care and services included in the medical benefits package provided by the Department as in effect on the day before the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 7309A the following new items:

''7310. Office of Women's Health.

''7310A. Annual reports on women's health.''.

(c) INITIAL REPORT.—The Chief Officer of Women's Health of the Department of Veterans Affairs shall submit the initial report under section 7310A of title 38, United States Code, as added by subsection (b), by not later than one year after the date of the enactment of this Act.

**SEC. 5102. WOMEN VETERANS RETROFIT INITIATIVE.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall prioritize the retrofitting of existing medical facilities of the Department of Veterans Affairs with fixtures, materials, and other outfitting measures to support the provision of care to women veterans at such facilities.

(b) PLAN.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives a plan to address deficiencies in environment of care for women veterans at medical facilities of the Department.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) An explanation of the specific environment of care deficiencies that need correcting.

(B) An assessment of how the Secretary prioritizes retrofitting existing medical facilities to support provision of care to women veterans in comparison to other requirements.

(C) A five-year strategic plan and cost projection for retrofitting medical facilities of the Department to support the provision of care to women veterans as required under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—Subject to appropriations and the plan under (b), there is authorized to be appropriated to the Secretary $20,000,000 to carry out subsection (a) in addition to amounts otherwise made available to the Secretary for the purposes set forth in such subsection.

**SEC. 5103. ESTABLISHMENT OF ENVIRONMENT OF CARE STANDARDS AND INSPECTIONS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish a policy under which the environment of care standards and inspections at medical centers of the Department of Veterans Affairs include—

(1) an alignment of the requirements for such standards and inspections with the women's health handbook of the Veterans Health Administration;

(2) a requirement for the frequency of such inspections;

(3) delineation of the roles and responsibilities of staff at each medical center who are responsible for compliance;

(4) the requirement that each medical center submit to the Secretary and make publicly available a report on the compliance of the medical center with the standards; and

(5) a remediation plan.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report certifying in writing that the policy required by subsection (a) has been finalized and disseminated to all medical centers of the Department.

**SEC. 5104. PROVISION OF REINTEGRATION AND READJUSTMENT SERVICES TO VETERANS AND FAMILY MEMBERS IN GROUP RETREAT SETTINGS.**

(a) IN GENERAL.—Section 1712A of title 38, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) in clause (ii), by redesignating subclauses (I) and (II) as items (aa) and (bb);

(B) by redesignating clauses (i) and (ii) as subclauses (I) and (II);

(C) in the matter preceding subclause (I), as redesignated by subparagraph (B), by striking ''Counseling'' and inserting ''(i) Counseling''; and

(D) by adding at the end the following new clause:

''(ii)(I) Except as provided in subclauses (IV) and (V), counseling furnished to an individual under subparagraph (A) may include reintegration and readjustment services described in subclause (II) furnished in group retreat settings.

''(II) Reintegration and readjustment services described in this subclause are the following:

''(aa) Information on reintegration of the individual into family, employment, and community.

''(bb) Financial counseling.

''(cc) Occupational counseling.

''(dd) Information and counseling on stress reduction.

''(ee) Information and counseling on conflict resolution.

''(ff) Such other information and counseling as the Secretary considers appropriate to assist the individual in reintegration into family, employment, and community.

''(III) In furnishing reintegration and readjustment services under subclause (I), the Secretary shall offer women the opportunity to receive such services in group retreat settings in which the only participants are women.

''(IV) An individual described in subparagraph (C)(v) may receive reintegration and readjustment services under subclause (I) of this clause only if the individual receives such services with a family member described in subclause (I) or (II) of such subparagraph.

''(V) In each of fiscal years 2021 through 2025, the maximum number of individuals to whom integration and readjustment services may be furnished in group retreat settings under this subclause (I) shall not exceed 1,200 individuals.''.

(b) REQUEST FOR SERVICES.—Subsection (a)(2) of such section is amended—

(1) by striking ''Upon'' and inserting ''(A) Upon'';

(2) by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(B)(i)''; and

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

''(B) Upon the request of an individual described in paragraph (1)(C), the Secretary shall furnish the individual reintegration and readjustment services in group retreat settings under paragraph (1)(B)(ii) if the Secretary determines the experience will be therapeutically appropriate.''.

**SEC. 5105. PROVISION OF LEGAL SERVICES FOR WOMEN VETERANS.**

(a) AGREEMENT REQUIRED.—The Secretary of Veterans Affairs shall enter into one or

more agreements with public or private entities to provide legal services to women veterans.

(b) FOCUS.—The focus of an agreement entered into under subsection (a) shall be to address the following unmet needs of women veterans as set forth in the most recently completed Community Homelessness Assessment, Local Education and Networking Groups for Veterans (CHALENG for Veterans) survey:

(1) Child support.

(2) Prevention of eviction and foreclosure.

(3) Discharge upgrades.

(4) Financial guardianship.

(5) Credit counseling.

(6) Family reconciliation assistance.

**SEC. 5106. COMPTROLLER GENERAL SURVEYS AND REPORT ON SUPPORTIVE SERVICES PROVIDED FOR VERY LOW-INCOME WOMEN VETERANS.**

(a) SURVEYS.—

(1) SURVEY OF WOMEN VETERANS.—The Comptroller General of the United States shall survey women veterans who have received or are receiving supportive services provided under section 2044 of title 38, United States Code, to determine satisfaction with the ability of such services to meet the specific needs of such veterans.

(2) SURVEY OF ELIGIBLE ENTITIES.—The Comptroller General shall survey eligible entities receiving financial assistance under such section and other partners of the Department of Veterans Affairs, including veterans service organizations and the National Coalition of Homeless Veterans, on the view of such entities and partners regarding—

(A) whether the Department is meeting the needs of women veterans through the provision of supportive services under such section; and

(B) any additional supportive services that may be required to meet such needs.

(b) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the efforts of the Department of Veterans Affairs to provide supportive services to women veterans under section 2044 of title 38, United States.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A review of how the Department determines which categories of supportive services would be beneficial to women veterans who receive services under such section.

(B) A description of the challenges women veterans who have children face in accessing supportive services under such section, including with respect to accessing—

(i) homeless shelters with their children;

(ii) homeless shelters that have restrictions on male children; and

(iii) affordable child care.

(C) A description of how the Department identifies eligible entities under such section that can provide supportive services to meet the needs of women veterans, including eligible entities with experience in—

(i) intimate partner violence;

(ii) legal matters pertaining especially to women veterans, including temporary restraining orders and child care orders;

(iii) supportive services for children; and

(iv) the evaluation of which categories of services would be beneficial to women veterans who receive such services under such section.

(D) A description of how much the Department spends, from funds appropriated to carry out such section and funds provided under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), on supportive services specifically for women veterans, and in particular, on the services described in subparagraph (A).

(E) The results of the surveys conducted under subsection (a).

(F) A review of the resources and programming offered to woman veterans under such section.

(G) An assessment of such other areas as the Comptroller General considers appropriate.

**SEC. 5107. PROGRAMS ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS.**

(a) ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

**"§ 1709C. Assistance for child care for certain veterans receiving health care**

''(a) PROGRAM REQUIRED.—The Secretary shall carry out a program to provide, subject to subsection (b), assistance to qualified veterans described in subsection (c) to obtain child care so that such veterans can receive health care services described in subsection (c)(2).

''(b) LIMITATION ON PERIOD OF PAYMENTS.—Assistance may be provided to a qualified veteran under this section for receipt of child care only during the period that the qualified veteran—

''(1) receives the types of health care services described in subsection (c)(2) at a facility of the Department; and

''(2) requires travel to and return from such facility for the receipt of such health care services.

''(c) QUALIFIED VETERANS.—For purposes of this section, a qualified veteran is a veteran who—

''(1) is the primary caretaker of a child or children; and

''(2)(A) receives from the Department—

''(i) regular mental health care services;

''(ii) intensive mental health care services; or

''(iii) such other intensive health care services that the Secretary determines that provision of assistance to the veteran to obtain child care would improve access to such health care services by the veteran; or

''(B) is in need of regular or intensive mental health care services from the Department, and but for lack of child care services, would receive such health care services from the Department.

''(d) LOCATIONS.—Not later than five years after the date of the enactment of the Deborah Sampson Act of 2020, the Secretary shall carry out the program at each medical center of the Department.

''(e) FORMS OF CHILD CARE ASSISTANCE.—(1) Child care assistance under this section may include the following:

''(A) Stipends for the payment of child care offered by a licensed child care center (either directly or through a voucher program) that shall be, to the extent practicable, modeled after the Department of Veterans Affairs Child Care Subsidy Program established pursuant to section 630 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107–67; 115 Stat. 552).

''(B) Direct provision of child care at an on-site facility of the Department.

''(C) Payments to private child care agencies.

''(D) Collaboration with facilities or programs of other Federal agencies.

''(E) Such other forms of assistance as the Secretary considers appropriate.

''(2) In providing child care assistance under this section, the child care needs of the local area shall be considered and the head of each medical center may select the type of care that is most appropriate or feasible for such medical center.

''(3) In the case that child care assistance under this section is provided as a stipend under paragraph (1)(A), such stipend shall cover the full cost of such child care.''.

(2) CONFORMING AMENDMENT.—Section 205(e) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 38 U.S.C. 1710 note) is amended by striking ''September 30, 2020'' and inserting ''the date of the enactment of the Deborah Sampson Act of 2020''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1709B the following new item:

''1709C. Assistance for child care for certain veterans receiving health care,''.

(b) PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING READJUSTMENT COUNSELING AND RELATED MENTAL HEALTH SERVICES.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing, subject to paragraph (2), assistance to qualified veterans described in paragraph (3) to obtain child care so that such veterans can receive readjustment counseling and related mental health services.

(2) LIMITATION ON PERIOD OF PAYMENTS.—Assistance may be provided to a qualified veteran under the pilot program for receipt of child care only during the period that the qualified veteran receives readjustment counseling and related health care services at a Vet Center.

(3) QUALIFIED VETERANS.—For purposes of this subsection, a qualified veteran is a veteran who—

(A) is the primary caretaker of a child or children; and

(B)(i) receives from the Department regular readjustment counseling and related mental health services; or

(ii) is in need of regular readjustment counseling and related mental health services from the Department, and but for lack of child care services, would receive such counseling and services from the Department.

(4) LOCATIONS.—The Secretary shall carry out the pilot program in not fewer than three Readjustment Counseling Service Regions selected by the Secretary for purposes of the pilot program.

(5) FORMS OF CHILD CARE ASSISTANCE.—

(A) IN GENERAL.—Child care assistance under the pilot program may include the following:

(i) Stipends for the payment of child care offered by a licensed child care center (either directly or through a voucher program) that shall be, to the extent practicable, modeled after the Department of Veterans Affairs Child Care Subsidy Program established pursuant to section 630 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107–67; 115 Stat. 552).

(ii) Payments to private child care agencies.

(iii) Collaboration with facilities or programs of other Federal agencies.

(iv) Such other forms of assistance as the Secretary considers appropriate.

(B) LOCAL AREA.—In providing child care assistance under the pilot program, the child care needs of the local area shall be considered and the head of each Vet Center may select the type of care that is most appropriate or feasible for such Vet Center.

(C) USE OF STIPEND.—In the case that child care assistance under the pilot program is provided as a stipend under subparagraph

(A)(i), such stipend shall cover the full cost of such child care.

(6) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(7) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the findings and conclusions of the Secretary regarding the pilot program, and shall include such recommendations for the continuation or expansion of the pilot program as the Secretary considers appropriate.

(8) VET CENTER DEFINED.—In this subsection, the term ''Vet Center'' has the meaning given that term in section 1712A(h) of title 38, United States Code.

**SEC. 5108. AVAILABILITY OF PROSTHETICS FOR WOMEN VETERANS FROM DEPARTMENT OF VETERANS AFFAIRS.**

(a) ACCESS AT EACH MEDICAL FACILITY.—Section 1714(a) of title 38, United States Code, is amended—

(1) by striking ''(a) Any veteran'' and inserting ''(a)(1) Any veteran''; and

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

''(2) In furnishing prosthetic appliances under paragraph (1), the Secretary shall ensure women veterans are able to access clinically appropriate prosthetic appliances through each medical facility of the Department.''.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the availability from the Department of Veterans Affairs of prosthetics made for women veterans, including an assessment of the availability of such prosthetics at medical facilities of the Department.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) a list of all devices classified by the Department as prosthetic devices, including a breakdown of whether a device is considered gender-neutral or gender-specific;

(B) for gender-neutral devices, a breakdown of sizing;

(C) the average time it takes for a woman veteran to receive a prosthetic device after it is prescribed, disaggregated by Veterans Integrated Service Network and medical center of the Department;

(D) the total number of women veterans utilizing the Department for prosthetic services, disaggregated by facility of the Department;

(E) an assessment of efforts by the Department on research, development, and employment of additive manufacture technology (commonly referred to as 3D printing) to provide prosthetic items for women veterans;

(F) the results of a survey with a representative sample of not fewer than 50,000 veterans (of which women shall be overrepresented) in an amputee care program on satisfaction with prosthetics furnished or procured by the Department that replace appendages or their function; and

(G) such other information as the Secretary considers appropriate.

**SEC. 5109. REQUIREMENT TO IMPROVE DEPARTMENT OF VETERANS AFFAIRS WOMEN VETERANS CALL CENTER.**

The Secretary of Veterans Affairs shall enhance the capabilities of the women veterans call center of the Department of Veterans Affairs to respond to requests by women veterans for assistance with accessing health care and benefits furnished under the laws administered by the Secretary.

**SEC. 5110. STUDY ON INFERTILITY SERVICES FURNISHED AT DEPARTMENT OF VETERANS AFFAIRS.**

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on the infertility services offerings at the Department of Veterans Affairs.

(b) ELEMENTS.—The study conducted under subsection (a) shall include the following:

(1) An assessment of the following:

(A) The availability of infertility services at facilities of the Department and through laws administered by the Secretary for the provision of non-Department care.

(B) The demand for such services from eligible individuals.

(2) Identification of potential challenges in accessing infertility services for eligible individuals.

(3) An analysis of Department resources for the furnishing of infertility services, including analysis of Department workforce and non-Department providers.

(4) Development of recommendations for the improvement of infertility services under laws administered by the Secretary to improve eligible individuals' access, delivery of services, and health outcomes.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the study conducted under subsection (a).

(d) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term ''eligible individual'' means an individual who is a veteran who is eligible for and enrolled in the health care system of the Department under section 1705(a) of title 38, United States Code.

**SEC. 5111. SENSE OF CONGRESS ON ACCESS TO FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS BY RESERVISTS FOR COUNSELING AND TREATMENT RELATING TO MILITARY SEXUAL TRAUMA.**

(a) IN GENERAL.—It is the sense of Congress that members of the reserve components of the Armed Forces, including members of the National Guard, should be able to access all health care facilities of the Department of Veterans Affairs, not just Vet Centers, to receive counseling and treatment relating to military sexual trauma.

(b) DEFINITIONS.—In this section:

(1) MILITARY SEXUAL TRAUMA.—The term ''military sexual trauma'' has the meaning given such term in section 1164(c) of title 38, United States Code, as added by section 5501(a) of this title.

(2) VET CENTER.—The term ''Vet Center'' has the meaning given that term in section 1712A(h) of such title.

## Subtitle B—Increasing Staff Cultural Competency

**SEC. 5201. STAFFING OF WOMEN'S HEALTH PRIMARY CARE PROVIDERS AT MEDICAL FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.**

The Secretary of Veterans Affairs shall ensure that each medical facility of the Department of Veterans Affairs has not fewer than one full-time or part-time women's health primary care provider whose duties include, to the extent possible, providing training to other health care providers of the Department on the needs of women veterans.

**SEC. 5202. ADDITIONAL FUNDING FOR PRIMARY CARE AND EMERGENCY CARE CLINICIANS IN WOMEN VETERANS HEALTH CARE MINI-RESIDENCY PROGRAM.**

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans Affairs $1,000,000 for each fiscal years 2021 through 2025 to provide opportunities for participation in the Women Veterans Health Care Mini-Residency Program of the Department of Veterans Affairs for primary care and emergency care clinicians.

(b) TREATMENT OF AMOUNTS.—The amounts authorized to be appropriated under subsection (a) shall be in addition to amounts otherwise made available to the Secretary for the purposes set forth in such subsection.

**SEC. 5203. ESTABLISHMENT OF WOMEN VETERAN TRAINING MODULE FOR NON-DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PROVIDERS.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish and make available to community providers a training module that is specific to women veterans.

(b) TRAINING MATERIALS PROVIDED.—Under the training module established and made available to community providers under subsection (a), the Secretary shall provide to community providers the same training materials relating to treatment of women veterans that is provided to health care providers of the Department of Veterans Affairs to ensure that all health care providers treating women veterans have access to the same materials to support competency throughout the community.

(c) ADMINISTRATION OF TRAINING MODULE.—The Secretary shall administer the training module established under subsection (a) to community providers through an internet website of the Department.

(d) ANNUAL REPORT.—Not later than one year after the establishment of the training module under subsection (a), and annually thereafter, the Secretary shall submit to Congress a report on—

(1) the utilization by community providers of the training module; and

(2) the effectiveness of the training module.

(e) DEFINITIONS.—In this section:

(1) COMMUNITY PROVIDER.—The term ''community provider'' means a non-Department of Veterans Affairs health care provider who provides preauthorized health care to veterans under the laws administered by the Secretary of Veterans Affairs.

(2) PREAUTHORIZED HEALTH CARE.—The term ''preauthorized health care'' means health care provided to a veteran that is authorized by the Secretary before being provided.

**SEC. 5204. STUDY ON STAFFING OF WOMEN VETERAN PROGRAM MANAGER PROGRAM AT MEDICAL CENTERS OF DEPARTMENT OF VETERANS AFFAIRS AND TRAINING OF STAFF.**

(a) STUDY.—The Secretary of Veterans Affairs shall conduct a study on the use of the Women Veteran Program Manager program of the Department of Veterans Affairs to determine—

(1) if the program is appropriately staffed at each medical center of the Department;

(2) whether each medical center of the Department is staffed with a Women Veteran Program Manager; and

(3) whether it would be feasible and advisable to have a Women Veteran Program Ombudsman at each medical center of the Department.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the study conducted under subsection (a).

(c) TRAINING.—The Secretary shall ensure that all Women Veteran Program Managers and Women Veteran Program Ombudsmen

receive the proper training to carry out their duties.

**SEC. 5205. STUDY ON WOMEN VETERAN COORDINATOR PROGRAM.**

(a) STUDY AND REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) complete a study on the Women Veteran Coordinator program of the Veterans Benefits Administration of the Department of Veterans Affairs; and

(2) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the Secretary with respect to the study completed under paragraph (1).

(b) ELEMENTS.—The study required by subsection (a)(1) shall identify the following:

(1) If the program described in such subsection is appropriately staffed at each regional benefits office of the Department.

(2) Whether each regional benefits office of the Department is staffed with a Women Veteran Coordinator.

(3) The position description of the Women Veteran Coordinator.

(4) Whether an individual serving in the Women Veteran Coordinator position concurrently serves in any other position, and if so, the allocation of time the individual spends in each such position.

(5) A description of the metrics the Secretary uses to determine the job performance and effectiveness of the Women Veteran Coordinator.

**SEC. 5206. STAFFING IMPROVEMENT PLAN FOR PEER SPECIALISTS OF DEPARTMENT OF VETERANS AFFAIRS WHO ARE WOMEN.**

(a) ASSESSMENT OF CAPACITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Inspector General of the Department of Veterans Affairs, shall commence an assessment of the capacity of peer specialists of the Department of Veterans Affairs who are women.

(2) ELEMENTS.—The assessment required by paragraph (1) shall include an assessment of the following:

(A) The geographical distribution of peer specialists of the Department who are women.

(B) The geographical distribution of women veterans.

(C) The number and proportion of women peer specialists who specialize in peer counseling on mental health or suicide prevention.

(D) The number and proportion of women peer specialists who specialize in peer counseling on non-mental health related matters.

(b) REPORT.—Not later than one year after the assessment required by subsection (a) has commenced, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report detailing the findings of the assessment.

(c) STAFFING IMPROVEMENT PLAN.—

(1) IN GENERAL.—Not later than 180 days after submitting the report under subsection (b), the Secretary, in consultation with the Inspector General, shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan, based on the results of the assessment required by subsection (a), to hire additional qualified peer specialists who are women, with special consideration for areas that lack peer specialists who are women.

(2) ELEMENTS.—The peer specialist positions included in the plan required by paragraph (1)—

(A) shall be non-volunteer, paid positions; and

(B) may be part-time positions.

**Subtitle C—Eliminating Harassment and Assault**

**SEC. 5301. EXPANSION OF COVERAGE BY DEPARTMENT OF VETERANS AFFAIRS OF COUNSELING AND TREATMENT FOR SEXUAL TRAUMA.**

(a) EXPANSION OF ELIGIBILITY FOR COUNSELING AND TREATMENT.—Section 1720D of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''active duty, active duty for training, or inactive duty training'' and inserting ''duty, regardless of duty status or line of duty determination (as that term is used in section 12323 of title 10)''; and

(B) in paragraph (2)(A), by striking ''active duty, active duty for training, or inactive duty training'' and inserting ''duty, regardless of duty status or line of duty determination (as that term is used in section 12323 of title 10)'';

(2) by striking ''veteran'' each place it appears and inserting ''former member of the Armed Forces'';

(3) by striking ''veterans'' each place it appears and inserting ''former members of the Armed Forces''; and

(4) by adding at the end the following new subsection:

''(g) In this section, the term 'former member of the Armed Forces' includes the following:

''(1) A veteran.

''(2) An individual described in section 1720I(b) of this title.''.

(b) INCLUSION OF TREATMENT FOR PHYSICAL HEALTH CONDITIONS.—Such section is further amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting '', to include care for physical health conditions, as appropriate,'' after ''counseling and appropriate care and services'';

(ii) by striking ''overcome psychological trauma'' and inserting ''treat a condition''; and

(iii) by striking ''mental health professional'' and inserting ''health care professional''; and

(B) in paragraph (2)(A), by striking ''overcome psychological trauma'' and inserting ''treat a condition''; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting ''and other health care professionals'' after ''mental health professionals''; and

(B) in paragraph (2)(A), by inserting ''and other health care professionals'' after ''mental health professionals''.

**SEC. 5302. ASSESSMENT OF EFFECTS OF INTIMATE PARTNER VIOLENCE ON WOMEN VETERANS BY ADVISORY COMMITTEE ON WOMEN VETERANS.**

Section 542(c)(1) of title 38, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) an assessment of the effects of intimate partner violence on women veterans; and''.

**SEC. 5303. ANTI-HARASSMENT AND ANTI-SEXUAL ASSAULT POLICY OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

**''§ 533. Anti-harassment and anti-sexual assault policy**

''(a) ESTABLISHMENT.—(1) The Secretary, acting through the Office of Assault and Prevention of the Veterans Health Administration, shall establish a comprehensive policy to end harassment and sexual assault, including sexual harassment and gender-based harassment, throughout the Department.

''(2) The policy required by paragraph (1) shall include the following:

''(A) A process for employees and contractors of the Department to respond to reported incidents of harassment and sexual assault committed by any non-Department individual within a facility of the Department, including with respect to accountability or disciplinary measures.

''(B) A process for employees and contractors of the Department to respond to reported incidents of harassment and sexual assault of any non-Department individual within a facility of the Department.

''(C) A process for any non-Department individual to report harassment and sexual assault described in subparagraph (A), including an option for confidential reporting, and for the Secretary to respond to and address such reports.

''(D) Clear mechanisms for non-Department individuals to readily identify to whom and how to report incidents of harassment and sexual assault committed by another non-Department individual.

''(E) Clear mechanisms for employees and contractors of the Department to readily identify to whom and how to report incidents of harassment and sexual assault and how to refer non-Department individuals with respect to reporting an incident of harassment or sexual assault.

''(F) A process for, and mandatory reporting requirement applicable to, any employee or contractor of the Department who witnesses harassment or sexual assault described in subparagraph (A) or (B) within a facility of the Department, regardless of whether the individual affected by such harassment or sexual assault wants to report such harassment or sexual assault.

''(G) The actions possible, including disciplinary actions, for employees or contractors of the Department who fail to report incidents of harassment and sexual assault described in subparagraph (A) or (B) that the employees or contractors witness.

''(H) On an annual or more frequent basis, mandatory training for employees and contractors of the Department regarding how to report and address harassment and sexual assault described in subparagraphs (A) and (B), including bystander intervention training.

''(I) On an annual or more frequent basis, the distribution of the policy under this subsection and anti-harassment and anti-sexual assault educational materials by mail or email to each individual receiving a benefit under a law administered by the Secretary.

''(J) The prominent display of anti-harassment and anti-sexual assault messages in each facility of the Department, including how non-Department individuals may report harassment and sexual assault described in subparagraphs (A) and (B) at such facility and the points of contact under subsection (b).

''(K) The posting on internet websites of the Department, including the main internet website regarding benefits of the Department and the main internet website regarding health care of the Department, of anti-harassment and anti-sexual assault banners specifically addressing harassment and sexual assault described in subparagraphs (A) and (B).

''(b) POINTS OF CONTACT.—The Secretary shall designate, as a point of contact to receive reports of harassment and sexual assault described in subparagraphs (A) and (B) of subsection (a)(2)—

''(1) at least one individual, in addition to law enforcement, at each facility of the Department (including Vet Centers under section 1712A of this title), with regard to that facility;

''(2) at least one individual employed in each Veterans Integrated Service Network, with regard to facilities in that Veterans Integrated Service Network;

''(3) at least one individual employed in each regional benefits office;

''(4) at least one individual employed at each location of the National Cemetery Administration; and

''(5) at least one individual employed at the Central Office of the Department to track reports of such harassment and sexual assault across the Department, disaggregated by facility.

''(c) ACCOUNTABILITY.—(1) The Secretary shall establish a policy to ensure that each facility of the Department and each director of a Veterans Integrated Service Network is responsible for addressing harassment and sexual assault at the facility and the Network.

''(2) The policy required by paragraph (1) shall include—

''(A) a remediation plan for facilities that experience five or more incidents of sexual harassment, sexual assault, or combination thereof, during any single fiscal year; and

''(B) taking appropriate actions under chapter 7 or subchapter V of chapter 74 of this title.

''(d) DATA.—The Secretary shall ensure that the in-take process for veterans at medical facilities of the Department includes a survey to collect the following information:

''(1) Whether the veteran feels safe at the facility and whether any events occurred at the facility that affect such feeling.

''(2) Whether the veteran wants to be contacted later by the Department with respect to such safety issues.

''(e) WORKING GROUP.—(1) The Secretary shall establish a working group to assist the Secretary in implementing policies to carry out this section.

''(2) The working group established under paragraph (1) shall consist of representatives from—

''(A) veterans service organizations;

''(B) State, local, and Tribal veterans agencies; and

''(C) other persons the Secretary determines appropriate.

''(3) The working group established under paragraph (1) shall develop, and the Secretary shall carry out—

''(A) an action plan for addressing changes at the local level to reduce instances of harassment and sexual assault;

''(B) standardized media for veterans service organizations and other persons to use in print and on the internet with respect to reducing harassment and sexual assault; and

''(C) bystander intervention training for veterans.

''(4) The working group established under paragraph (1) shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

''(f) ANNUAL REPORTS.—(1) The Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives an annual report on harassment and sexual assault described in subparagraphs (A) and (B) of subsection (a)(2) in facilities of the Department.

''(2) Each report submitted under paragraph (1) shall include the following:

''(A) Results of harassment and sexual assault programming, including the End Harassment program.

''(B) Results of studies from the Women's Health Practice-Based Research Network of the Department relating to harassment and sexual assault.

''(C) Data collected on incidents of sexual harassment and sexual assault.

''(D) A description of any actions taken by the Secretary during the year preceding the date of the report to stop harassment and sexual assault at facilities of the Department.

''(E) An assessment of the implementation of the training required in subsection (a)(2)(H).

''(F) A list of resources the Secretary determines necessary to prevent harassment and sexual assault at facilities of the Department.

''(g) DEFINITIONS.—In this section:

''(1) The term 'non-Department individual' means any individual present at a facility of the Department who is not an employee or contractor of the Department.

''(2) The term 'sexual harassment' means unsolicited verbal or physical contact of a sexual nature which is threatening in character.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 532 the following new item:

''533. Anti-harassment and anti-sexual assault policy.''.

(c) DEFINITION OF SEXUAL HARASSMENT.—Section 1720D(f) of such title is amended by striking ''repeated,''.

(d) DEADLINE.—The Secretary shall commence carrying out section 533 of such title, as added by subsection (a), not later than 180 days after the date of enactment of this Act.

**SEC. 5304. PILOT PROGRAM ON ASSISTING VETERANS WHO EXPERIENCE INTIMATE PARTNER VIOLENCE OR SEXUAL ASSAULT.**

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of assisting former members of the Armed Forces who have experienced or are experiencing intimate partner violence or sexual assault in accessing benefits from the Department of Veterans Affairs, including coordinating access to medical treatment centers, housing assistance, and other benefits from the Department.

(b) DURATION.—The Secretary shall carry out the pilot program under subsection (a) during the two-year period beginning on the date of the commencement of the pilot program.

(c) COLLABORATION.—The Secretary shall carry out the pilot program under subsection (a) in collaboration with—

(1) intimate partner violence shelters and programs;

(2) rape crisis centers;

(3) State intimate partner violence and sexual assault coalitions; and

(4) such other health care or other service providers that serve intimate partner violence or sexual assault victims as determined by the Secretary, particularly those providing emergency services or housing assistance.

(d) AUTHORIZED ACTIVITIES.—In carrying out the pilot program under subsection (a), the Secretary may conduct the following activities:

(1) Training for community-based intimate partner violence or sexual assault service providers on—

(A) identifying former members of the Armed Forces who have been victims of, or are currently experiencing, intimate partner violence or sexual assault;

(B) coordinating with local service providers of the Department; and

(C) connecting former members of the Armed Forces with appropriate housing, mental health, medical, and other financial assistance or benefits from the Department.

(2) Assistance to service providers to ensure access of veterans to intimate partner violence and sexual assault emergency services, particularly in underserved areas, including services for Native American veterans (as defined in section 3765 of title 38, United States Code).

(3) Such other outreach and assistance as the Secretary determines necessary for the provision of assistance under subsection (a).

(e) INTIMATE PARTNER VIOLENCE AND SEXUAL ASSAULT OUTREACH COORDINATORS.—

(1) IN GENERAL.—In order to effectively assist veterans who have experienced intimate partner violence or sexual assault, the Secretary may establish local coordinators to provide outreach under the pilot program required by subsection (a).

(2) LOCAL COORDINATOR KNOWLEDGE.—The Secretary shall ensure that each coordinator established under paragraph (1) is knowledgeable about—

(A) the dynamics of intimate partner violence and sexual assault, including safety concerns, legal protections, and the need for the provision of confidential services;

(B) the eligibility of veterans for services and benefits from the Department that are relevant to recovery from intimate partner violence and sexual assault, particularly emergency housing assistance, mental health care, other health care, and disability benefits; and

(C) local community resources addressing intimate partner violence and sexual assault.

(3) LOCAL COORDINATOR ASSISTANCE.—Each coordinator established under paragraph (1) shall assist intimate partner violence shelters and rape crisis centers in providing services to veterans.

(f) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the completion of the pilot program under subsection (a), the Secretary shall submit to Congress a report on the pilot program.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) The findings and conclusions of the Secretary with respect to the pilot program.

(B) Such recommendations for continuing or expanding the pilot program as the Secretary considers appropriate.

(g) DEFINITIONS.—In this section:

(1) INTIMATE PARTNER.—

(A) IN GENERAL.—The term ''intimate partner'' means a person with whom one has a close personal relationship that may be characterized by the partners' emotional connectedness, regular contact, ongoing physical contact and sexual behavior, identity as a couple, and familiarity and knowledge about each other's lives.

(B) CLOSE PERSONAL RELATIONSHIPS.—In this paragraph, the term ''close personal relationships'' includes the following:

(i) A relationship between married spouses.

(ii) A relationship between common-law spouses.

(iii) A relationship between civil union spouses.

(iv) A relationship between domestic partners.

(v) A relationship between dating partners.

(vi) A relationship between ongoing sexual partners.

(2) INTIMATE PARTNER VIOLENCE.—The term ''intimate partner violence'' includes physical violence, sexual violence, stalking, and psychological aggression, including coercive tactics by a current or former intimate partner.

**SEC. 5305. STUDY AND TASK FORCE ON VETERANS EXPERIENCING INTIMATE PARTNER VIOLENCE OR SEXUAL ASSAULT.**

(a) NATIONAL BASELINE STUDY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Attorney General, shall conduct a national baseline study to examine the scope of the problem of intimate partner violence and sexual assault among veterans and spouses and intimate partners of veterans.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall—

(A) include a literature review of all relevant research on intimate partner violence and sexual assault among veterans and spouses and intimate partners of veterans;

(B) examine the prevalence of the experience of intimate partner violence among—

(i) women veterans;

(ii) veterans who are minority group members (as defined in section 544 of title 38, United States Code, and including other minority populations as the Secretary determines appropriate);

(iii) urban and rural veterans;

(iv) veterans who are enrolled in a program under section 1720G of title 38, United States Code;

(v) veterans who are in intimate relationships with other veterans; and

(vi) veterans who are described in more than one clause of this subparagraph;

(C) examine the prevalence of the perpetration of intimate partner violence by veterans; and

(D) include recommendations to address the findings of the study.

(3) REPORT.—Not later than 30 days after the date on which the Secretary completes the study under paragraph (1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such study.

(b) TASK FORCE.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Secretary completes the study under subsection (a), the Secretary, in consultation with the Attorney General and the Secretary of Health and Human Services, shall establish a national task force (in this section referred to as the ''Task Force'') to develop a comprehensive national program, including by integrating facilities, services, and benefits of the Department of Veterans Affairs into existing networks of community-based intimate partner violence and sexual assault services, to address intimate partner violence and sexual assault among veterans.

(2) LEADERSHIP.—The Secretary of Veterans Affairs shall lead the Task Force in collaboration with the Attorney General and the Secretary of Health and Human Services.

(c) CONSULTATION WITH STAKEHOLDERS.—In carrying out this section, the Task Force shall consult with—

(1) representatives from veteran service organizations and military service organizations;

(2) representatives from not fewer than three national organizations or State coalitions with demonstrated expertise in intimate partner violence prevention, response, or advocacy; and

(3) representatives from not fewer than three national organizations or State coalitions, particularly those representing underserved and ethnic minority communities, with demonstrated expertise in sexual assault prevention, response, or advocacy.

(d) DUTIES.—The duties of the Task Force shall include the following:

(1) To review existing services and policies of the Department and develop a comprehensive national program to be carried out by the Secretary of Veterans Affairs, in collaboration with the heads of relevant Federal agencies, to address intimate partner violence and sexual assault prevention, response, and treatment.

(2) To review the feasibility and advisability of establishing an expedited process to secure emergency, temporary benefits, including housing or other benefits, for veterans who are experiencing intimate partner violence or sexual assault.

(3) To review and make recommendations regarding the feasibility and advisability of establishing dedicated, temporary housing assistance for veterans experiencing intimate partner violence or sexual assault.

(4) To identify any requirements regarding intimate partner violence assistance or sexual assault response and services that are not being met by the Department and make recommendations on how the Department can meet such requirements.

(5) To review and make recommendations regarding the feasibility and advisability of providing direct services or contracting for community-based services for veterans in response to a sexual assault, including through the use of sexual assault nurse examiners, particularly in underserved or remote areas, including services for Native American veterans.

(6) To review the availability of counseling services provided by the Department and through peer network support, and to provide recommendations for the enhancement of such services, to address—

(A) the perpetration of intimate partner violence and sexual assault; and

(B) the recovery of veterans, particularly women veterans, from intimate partner violence and sexual assault.

(7) To review and make recommendations to expand services available for veterans at risk of perpetrating intimate partner violence.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, and not less frequently than annually thereafter by October 1 of each year, the Task Force shall submit to the Secretary of Veterans Affairs and Congress a report on the activities of the Task Force, including any recommendations for legislative or administrative action.

(f) NONAPPLICABILITY OF FACA.—The Task Force shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

(g) DEFINITIONS.—In this section:

(1) NATIVE AMERICAN VETERAN.—The term ''Native American veteran'' has the meaning given that term in section 3765 of title 38, United States Code.

(2) STATE.—The term ''State'' has the meaning given that term in section 101 of title 38, United States Code.

## Subtitle D—Data Collection and Reporting

**SEC. 5401. REQUIREMENT FOR COLLECTION AND ANALYSIS OF DATA ON DEPARTMENT OF VETERANS AFFAIRS BENEFITS AND SERVICES AND DISAGGREGATION OF SUCH DATA BY GENDER, RACE, AND ETHNICITY.**

The Secretary of Veterans Affairs shall—

(1) collect and analyze data on each program of the Department of Veterans Affairs that provides a service or benefit to a veteran, including the program carried out under section 1144 of title 10, United States Code;

(2) disaggregate such data by gender, race, and ethnicity, when the data lends itself to such disaggregation; and

(3) publish the data collected and analyzed under paragraph (1), except for such cases in which the Secretary determines that some portions of the data would undermine the anonymity of a veteran.

**SEC. 5402. STUDY ON BARRIERS FOR WOMEN VETERANS TO RECEIPT OF HEALTH CARE FROM DEPARTMENT OF VETERANS AFFAIRS.**

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a comprehensive study of the barriers to the provision of health care by the Department of Veterans Affairs encountered by women who are veterans.

(b) SURVEY.—In conducting the study required by subsection (a), the Secretary shall—

(1) survey women veterans who seek or receive hospital care or medical services provided by the Department as well as women veterans who do not seek or receive such care or services;

(2) administer the survey to a representative sample of women veterans from each Veterans Integrated Service Network; and

(3) ensure that the sample of women veterans surveyed is of sufficient size for the study results to be statistically significant and is a larger sample than that of the study specified in subsection (c)(1).

(c) USE OF PREVIOUS STUDIES.—In conducting the study required by subsection (a), the Secretary shall build on the work of the studies of the Department titled—

(1) ''National Survey of Women Veterans in Fiscal Year 2007–2008''; and

(2) ''Study of Barriers for Women Veterans to VA Health Care 2015''.

(d) ELEMENTS OF STUDY.—In conducting the study required by subsection (a), the Secretary shall conduct research on the effects of the following on the women veterans surveyed in the study:

(1) The barriers associated with seeking mental health care services, including with respect to provider availability, telehealth access, and family, work, and school obligations.

(2) The effect of driving distance or availability of other forms of transportation to the nearest medical facility on access to care.

(3) The effect of access to care from non-Department providers.

(4) The availability of child care.

(5) The satisfaction of such veterans with the provision by the Department of integrated primary care, women's health clinics, or both, including perceptions of quality of care, safety, and comfort.

(6) The understanding and perceived accessibility among such veterans of eligibility requirements for, and the scope of services available under, hospital care and medical services.

(7) The perception of such veterans of personal safety and comfort in inpatient, outpatient, and behavioral health facilities.

(8) The gender sensitivity of health care providers and staff to issues that particularly affect women.

(9) The effectiveness of outreach for health care services available to women veterans.

(10) The location and operating hours of health care facilities that provide services to women veterans.

(11) The perception of such veterans of the motto of the Department.

(12) Such other significant barriers as the Secretary considers appropriate.

(e) DISCHARGE BY CONTRACT.—The Secretary shall enter into a contract with a qualified independent entity or organization to carry out the study and research required under this section.

(f) MANDATORY REVIEW OF DATA BY CERTAIN DEPARTMENT DIVISIONS.—

(1) REVIEW.—

(A) IN GENERAL.—The Secretary shall ensure that the head of each division of the Department of Veterans Affairs specified in paragraph (2) reviews the results of the study conducted under this section.

(B) SUBMITTAL OF FINDINGS.—The head of each division specified in paragraph (2) shall submit findings with respect to the study under this section to the Under Secretary of the Department with responsibilities relating to health care services for women veterans.

(2) SPECIFIED DIVISIONS.—The divisions of the Department of Veterans Affairs specified in this paragraph are the following:

(A) The Office of the Under Secretary for Health.

(B) The Office of Women's Health established under section 7310 of title 38, United States Code.

(C) The Center for Women Veterans under section 318 of such title.

(D) The Advisory Committee on Women Veterans established under section 542 of such title.

(g) REPORT.—

(1) IN GENERAL.—Not later than 30 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study required under this section.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) the findings of the head of each division of the Department specified under subsection (f)(2); and

(B) recommendations for such administrative and legislative action as the Secretary considers appropriate.

**SEC. 5403. STUDY ON FEASIBILITY AND ADVISABILITY OF OFFERING PARENTING STAIR PROGRAM AT ALL MEDICAL CENTERS OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a study on the feasibility and advisability of expanding the Parenting STAIR program to all medical centers of the Department of Veterans Affairs and including such program as part of care for military sexual trauma for affected members and former members of the Armed Forces.

(b) ELEMENTS.—In conducting the study under subsection (a), the Secretary shall assess—

(1) staffing needed to offer the Parenting STAIR program at all medical centers of the Department;

(2) any additional infrastructure or resources (such as child care during the program) needed for the expansion of the program; and

(3) such other factors relevant to the expansion of the program as the Secretary considers appropriate.

(c) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report detailing—

(A) the current number and locations of all facilities of the Department offering the Parenting STAIR program; and

(B) the number of veterans served by such program in the most recent fiscal year or calendar year for which data is available.

(2) FINAL REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report detailing—

(A) the results of the study conducted under subsection (a);

(B) an update on how many veterans have used the Parenting STAIR program since its development in fiscal year 2017, disaggregated by year, including the locations in which veterans have used such program; and

(C) a determination on the feasibility and advisability of expanding the Parenting STAIR program to all medical facilities of the Department offering care for military sexual trauma.

(d) DEFINITIONS.—In this section:

(1) AFFECTED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—The term ''affected members and former members of the Armed Forces'' means members and former members of the Armed Forces who are parents and have experienced military sexual trauma.

(2) MILITARY SEXUAL TRAUMA.—The term ''military sexual trauma'' has the meaning given such term in section 1164(c) of title 38, United States Code, as added by section 5501(a) of this title.

(3) PARENTING STAIR PROGRAM.—The term ''Parenting STAIR program'' means the program of the Department of Veterans Affairs that consists of a five-session, parenting-specific treatment protocol based on skills training in affective and interpersonal regulation (commonly referred to as ''STAIR''), which is a cognitive behavioral therapy that has been identified as a promising practice for treating post-traumatic stress disorder, including chronic and complicated forms, among individuals with co-occurring disorders.

## Subtitle E—Benefits Matters

**SEC. 5501. EVALUATION OF SERVICE-CONNECTION OF MENTAL HEALTH CONDITIONS RELATING TO MILITARY SEXUAL TRAUMA.**

(a) SPECIALIZED TEAMS TO EVALUATE CLAIMS INVOLVING MILITARY SEXUAL TRAUMA.—

(1) IN GENERAL.—subchapter VI of chapter 11 of such title is amended by adding at the end the following new section:

**''§ 1164. Specialized teams to evaluate claims involving military sexual trauma**

''(a) IN GENERAL.—The Secretary shall establish specialized teams to process claims for compensation for a covered mental health condition based on military sexual trauma experienced by a veteran during active military, naval, or air service.

''(b) TRAINING.—The Secretary shall ensure that members of teams established under subsection (a) are trained to identify markers indicating military sexual trauma.

''(c) DEFINITIONS.—In this section:

''(1) The term 'covered mental health condition' means post-traumatic stress disorder, anxiety, depression, or other mental health diagnosis described in the current version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association that the Secretary determines to be related to military sexual trauma.

''(2) The term 'military sexual trauma' means, with respect to a veteran, a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment during active military, naval, or air service.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1164. Specialized teams to evaluate claims involving military sexual trauma.''.

(b) ANNUAL REPORTS ON CLAIMS FOR DISABILITIES INCURRED OR AGGRAVATED BY MILITARY SEXUAL TRAUMA.—

(1) REPORTS REQUIRED.—Not later than March 1, 2021, and not less frequently than once each year thereafter through 2027, the Secretary of Veterans Affairs shall submit to Congress a report on covered claims submitted during the previous fiscal year to identify and track the consistency of decisions across regional offices of the Department of Veterans Affairs.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) The number of covered claims submitted to or considered by the Secretary during the fiscal year covered by the report.

(B) Of the covered claims listed under subparagraph (A), the number and percentage of such claims—

(i) submitted by each sex;

(ii) that were approved, including the number and percentage of such approved claims submitted by each sex;

(iii) that were denied, including the number and percentage of such denied claims submitted by each sex; and

(iv) that were developed and reviewed by a specialized team established under section 1164(a) of title 38, United States Code, as added by subsection (a).

(C) Of the covered claims listed under subparagraph (A) that were approved, the number and percentage, disaggregated by sex, of claims assigned to each rating percentage.

(D) Of the covered claims listed under subparagraph (A) that were denied—

(i) the three most common reasons given by the Secretary under section 5104(b)(1) of title 38, United States Code, for such denials; and

(ii) the number of denials that were based on the failure of a veteran to report for a medical examination.

(E) The number of covered claims that, as of the end of the fiscal year covered by the report, are pending and, separately, the number of such claims on appeal.

(F) For the fiscal year covered by the report, the average number of days that covered claims take to complete, beginning on the date on which the claim is submitted.

(G) A description of the training that the Secretary provides to employees of the Veterans Benefits Administration, or such contractors or other individuals as the Secretary considers appropriate, specifically with respect to covered claims, including the frequency, length, and content of such training.

(H) Whether all covered claims are subject to second level review until the individual rater of the Veterans Benefits Administration adjudicating such covered claims achieves an accuracy rate of 90 percent on decisions of such covered claims.

(3) DEFINITIONS.—In this subsection:

(A) COVERED CLAIMS.—The term ''covered claims'' means claims for disability compensation submitted to the Secretary based on a covered mental health condition alleged to have been incurred or aggravated by military sexual trauma.

(B) COVERED MENTAL HEALTH CONDITION.—The term ''covered mental health condition'' has the meaning given such term in section 1164(c) of title 38, United States Code.

(C) MILITARY SEXUAL TRAUMA.—The term ''military sexual trauma'' has the meaning given such term in such section.

**SEC. 5502. CHOICE OF SEX OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL EXAMINER FOR ASSESSMENT OF CLAIMS FOR COMPENSATION RELATING TO DISABILITY RESULTING FROM PHYSICAL ASSAULT OF A SEXUAL NATURE, BATTERY OF A SEXUAL NATURE, OR SEXUAL HARASSMENT.**

(a) IN GENERAL.—Subchapter VI of chapter 11 of title 38, United States Code, as amended by section 5501 of this title, is further amended by inserting after section 1164, as added by section 5501, the following new section:

**"§ 1165. Choice of sex of medical examiner for certain disabilities**

''(a) IN GENERAL.—The Secretary shall ensure that a veteran who requires a medical examination from a covered medical provider in support of a claim for compensation under this chapter for a mental or physical health condition that resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment may designate the sex of the medical provider who provides such medical examination.

''(b) COVERED MEDICAL PROVIDERS.—For purposes of this section, a covered medical provider is any medical provider who is employed by the Department or is under any contract with the Department to provide a medical examination or a medical opinion when such an examination or opinion is necessary to make a decision on a claim.

''(c) NOTICE.—Before providing any medical examination for a veteran in support for a claim described in subsection (a), the Secretary shall notify the veteran of the veteran's rights under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of such title, as amended by section 5501 of this title, is further amended by inserting after the item relating to section 1164 the following new item:

''1165. Choice of sex of medical examiner for certain disabilities.''.

**SEC. 5503. SECRETARY OF VETERANS AFFAIRS REPORT ON IMPLEMENTING RECOMMENDATIONS OF INSPECTOR GENERAL OF DEPARTMENT OF VETERANS AFFAIRS IN CERTAIN REPORT ON DENIED POSTTRAUMATIC STRESS DISORDER CLAIMS RELATED TO MILITARY SEXUAL TRAUMA.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House a report on the progress of the Secretary in implementing the recommendations from the report of the Inspector General of the Department of Veterans Affairs entitled ''Denied Posttraumatic Stress Disorder Claims Related to Military Sexual Trauma'' (17–05248–241).

## TITLE VI—REPRESENTATION AND FINANCIAL EXPLOITATION MATTERS

**SEC. 6001. SHORT TITLE.**

This title may be cited as the ''Financial Refuge for Every Elderly Veteran Act of 2020'' or the ''FREE Veteran Act of 2020''.

**SEC. 6002. PLAN TO ADDRESS THE FINANCIAL EXPLOITATION OF VETERANS RECEIVING PENSION FROM THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) DEVELOPMENT OF METHOD FOR SOLICITATION AND COLLECTION OF INFORMATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall develop a method for systematically soliciting and collecting information on complaints received, referrals made, and actions taken by the pension management centers of the Department of Veterans Affairs and any other relevant components of the Department, in cases of potential financial exploitation of individuals receiving pension under chapter 15 of title 38, United States Code.

(b) PLAN TO ASSESS AND ADDRESS FINANCIAL EXPLOITATION OF VETERANS.—

(1) IN GENERAL.—The Secretary shall develop and periodically update a plan—

(A) to regularly assess the information solicited and collected under subsection (a) to identify trends of potential financial exploitation of the individuals described in subsection (a) across the Department; and

(B) to outline actions that the Department can take to improve education and training to address those trends.

(2) SUBMISSION OF PLAN.—Not later than one year after the date of the enactment of this Act and not less frequently than once every two years thereafter until the date that is six years after the date of the enactment of this Act, the Secretary shall submit the plan most recently developed or updated under paragraph (1) to—

(A) the Comptroller General of the United States; and

(B) the Committee on Veterans' Affairs and the Special Committee on Aging of the Senate and the Committee on Veterans' Affairs of the House of Representatives.

**SEC. 6003. OVERPAYMENTS OF PENSION TO VETERANS RECEIVING PENSION FROM THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) GUIDANCE AND TRAINING FOR CLAIMS PROCESSORS.—As the Secretary of Veterans Affairs considers necessary, but not less frequently than once every three years until the date that is 10 years after the date of the enactment of this Act, the Under Secretary for Benefits of the Department of Veterans Affairs shall update guidance and training curriculum for the processors of claims for pension under chapter 15 of title 38, United States Code, regarding the evaluation of questionable medical expenses on applications for pension, including by updating such guidance with respect to what constitutes a questionable medical expense and by including examples of such expenses.

(b) IDENTIFICATION AND TRACKING.—The Under Secretary shall develop a method for identifying and tracking the number of individuals who have received overpayments of pension under chapter 15 of title 38, United States Code.

(c) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act and not later than October 31 of each fiscal year beginning thereafter until the date that is four years after the date of the enactment of this Act, the Under Secretary shall submit to Congress a report that includes, for the period covered by the report, the following:

(1) The number of individuals who received overpayments of pension under chapter 15 of title 38, United States Code.

(2) The five most common reasons for overpayments described in paragraph (1).

(3) The number of veterans who had to repay overpayments described in paragraph (1).

(4) The number of veterans for whom the Secretary waived a requirement to repay an overpayment described in paragraph (1).

(5) The total dollar amount of overpayments described in paragraph (1).

(6) The total dollar amount of repayments of veterans for overpayments described in paragraph (1).

(7) The average dollar amount of repayments described in paragraph (6).

**SEC. 6004. EVALUATION OF ADDITIONAL ACTIONS FOR VERIFYING DIRECT DEPOSIT INFORMATION PROVIDED BY VETERANS ON APPLICATIONS FOR VETERANS PENSION.**

(a) IN GENERAL.—The Under Secretary for Benefits of the Department of Veterans Affairs shall—

(1) conduct an evaluation of the feasibility and advisability of requiring the processors of claims for pension under chapter 15 of title 38, United States Code, to take additional actions to verify that the direct deposit information provided by an individual on an application for pension is for the appropriate recipient; and

(2) identify such legislative or administrative actions as the Under Secretary considers appropriate to ensure that payments of pension are provided to the correct recipients.

(b) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, the Under Secretary shall submit to Congress a report on the evaluation and identification under subsection (a).

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) The findings of the Under Secretary with respect to the evaluation conducted under subsection (a)(1).

(B) The actions identified under subsection (a)(2).

(C) A plan for implementing any administrative actions identified under subsection (a)(2).

(D) A rationale for not implementing any actions evaluated under paragraph (1) of subsection (a) but not identified under paragraph (2) of such subsection.

**SEC. 6005. ANNUAL REPORT ON EFFORTS OF DEPARTMENT OF VETERANS AFFAIRS TO ADDRESS THE FINANCIAL EXPLOITATION OF VETERANS RECEIVING PENSION.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act and not less frequently than once each year thereafter until the date that is four years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on efforts to address the financial exploitation of individuals receiving pension under chapter 15 of title 38, United States Code.

(b) CONTENTS.—Each report required by subsection (a) shall include, for the period covered by the report, the following:

(1) The number of individuals who received pension under chapter 15 of title 38, United States Code, who have been referred by any component of the Department of Veterans Affairs to the Office of Inspector General of the Department as likely or proven victims of financial exploitation.

(2) The number of referrals and reports relating to the financial exploitation of such individuals made by the Department of Veterans Affairs to—

(A) the Consumer Sentinel Network of the Federal Trade Commission; and

(B) the Department of Justice.

(3) A description of the actions taken as a result of such referrals and reports against—

(A) individuals recognized by the Secretary as agents or attorneys under section 5904 of title 38, United States Code; and

(B) individuals not so recognized.

**SEC. 6006. NOTICE REGARDING FEES CHARGED IN CONNECTION WITH FILING AN APPLICATION FOR VETERANS PENSION.**

The Under Secretary for Benefits of the Department of Veterans Affairs shall ensure that every paper or electronic document relating to the receipt of pension under chapter 15 of title 38, United States Code, that is available to individuals who apply for such pension, including educational forms about or applications for such pension, includes a notice that the Department does not charge any fee in connection with the filing of an application for such pension.

**SEC. 6007. OUTREACH PLAN FOR EDUCATING VULNERABLE VETERANS ABOUT POTENTIAL FINANCIAL EXPLOITATION RELATING TO THE RECEIPT OF PENSION.**

(a) DEVELOPMENT OF PLAN.—The Under Secretary for Benefits of the Department of Veterans Affairs shall develop, in collaboration with veterans service organizations, an outreach plan for educating vulnerable individuals about potential financial exploitation relating to the receipt of pension

under chapter 15 of title 38, United States Code.

(b) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Veterans' Affairs and the Special Committee on Aging of the Senate and the Committee on Veterans' Affairs of the House of Representatives the plan developed under subsection (a).

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term ''veterans service organization'' means an organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

## TITLE VII—OTHER MATTERS

### Subtitle A—Administrative and Other Matters

**SEC. 7001. MEDICAL EXAMINATION PROTOCOL FOR VOLUNTEER DRIVERS PARTICIPATING IN PROGRAM OF TRANSPORTATION SERVICES FOR VETERANS.**

Section 111A(b) of title 38, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

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

''(2)(A) Not later than 90 days after the date of the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, the Secretary shall develop and establish a national protocol for the administration of medical examinations for volunteer drivers to participate in the program described in paragraph (1).

''(B) In developing the protocol required by subparagraph (A), the Secretary shall consult with such persons as the Secretary determines have an interest in the program described in paragraph (1).

''(C)(i) The Secretary shall implement the protocol by first conducting a one-year pilot program using the protocol.

''(ii) After conducting the pilot program required by clause (i), the Secretary shall assess the pilot program and make such changes to the protocol as the Secretary considers appropriate.

''(iii) After making changes to the protocol under clause (ii), the Secretary shall implement the protocol in phases during the course of one year.''.

**SEC. 7002. DEPARTMENT OF VETERANS AFFAIRS ADVISORY COMMITTEE ON TRIBAL AND INDIAN AFFAIRS.**

(a) ESTABLISHMENT OF ADVISORY COMMITTEE.—

(1) IN GENERAL.—Subchapter III of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

**''§ 547. Advisory Committee on Tribal and Indian Affairs**

''(a) ESTABLISHMENT.—(1) The Secretary shall establish an advisory committee to provide advice and guidance to the Secretary on matters relating to Indian tribes, tribal organizations, and Native American veterans.

''(2) The advisory committee established under paragraph (1) shall be known as the 'Advisory Committee on Tribal and Indian Affairs' (in this section referred to as the 'Committee').

''(3) The Committee shall facilitate, but not supplant, government-to-government consultation between the Department and Indian tribes or tribal organizations.

''(4) The Secretary shall consult with Indian tribes or tribal organizations in developing a charter for the Committee.

''(b) MEMBERSHIP.—(1) The Committee shall be comprised of 15 voting members selected by the Secretary from among individuals nominated as specified under this subsection.

''(2) In selecting members under paragraph (1), the Secretary shall ensure that—

''(A) at least one member of each of the 12 service areas of the Indian Health Service is represented in the membership of the Committee nominated by Indian tribes or tribal organizations;

''(B) at least one member of the Committee represents the Native Hawaiian veteran community nominated by a Native Hawaiian Organization;

''(C) at least one member of the Committee represents urban Indian organizations nominated by a national urban Indian organization; and

''(D) not fewer than half of the members are veterans, unless the Secretary determines that an insufficient number of qualified veterans were nominated under paragraph (1).

''(3) No member of the Committee may be an employee of the Federal Government.

''(c) TERMS; VACANCIES.—(1) A member of the Committee shall be appointed for a term of two years.

''(2) The Secretary shall fill a vacancy in the Committee in the same manner as the original appointment within 180 days.

''(d) MEETINGS.—(1)(A) Except as provided in subparagraph (B), the Committee shall meet in-person with the Secretary, or the Secretary's designee, not less frequently than twice each year and hold monthly conference calls as necessary.

''(B) During a public health emergency (as defined in section 20003 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136)), meetings under subparagraph (A) may be conducted virtually.

''(2)(A) Representatives of relevant Federal agencies may attend meetings of the Committee and provide information to the Committee.

''(B) One representative of the Office of Tribal Government Relations of the Department shall attend at each meeting of the Committee.

''(C) Representatives attending meetings under this paragraph shall not be considered voting members of the Committee.

''(D) A representative attending a meeting or providing information under this paragraph may not receive additional compensation for services performed with respect to the Committee.

''(e) SUBCOMMITTEES.—(1) The Committee may establish subcommittees.

''(2) The Secretary may, in consultation with the Committee, appoint a member to a subcommittee established under paragraph (1) who is not a member of the Committee.

''(3) Such subcommittees may enhance the function of the Committee, but may not supersede the authority of the Committee or provide direct advice or work products to the Department.

''(f) DUTIES.—The duties of the Committee are as follows:

''(1) To advise the Secretary on ways the Department can improve the programs and services of the Department to better serve Native American veterans.

''(2) To identify for the Department evolving issues of relevance to Indian tribes, tribal organizations, and Native American veterans relating to programs and services of the Department.

''(3) To propose clarifications, recommendations, and solutions to address issues raised at tribal, regional, and national levels, especially regarding any tribal consultation reports.

''(4) To provide a forum for Indian tribes, tribal organizations, urban Indian organizations, Native Hawaiian organizations, and the Department to discuss issues and proposals for changes to Department regulations, policies, and procedures.

''(5) To identify priorities and provide advice on appropriate strategies for tribal consultation and urban Indian organizations conferring on issues at the tribal, regional, or national levels.

''(6) To ensure that pertinent issues are brought to the attention of Indian tribes, tribal organizations, urban Indian organizations, and Native Hawaiian organizations in a timely manner, so that feedback can be obtained.

''(7) To encourage the Secretary to work with other Federal agencies and Congress so that Native American veterans are not denied the full benefit of their status as both Native Americans and veterans.

''(8) To highlight contributions of Native American veterans in the Armed Forces.

''(9) To make recommendations on the consultation policy of the Department on tribal matters.

''(10) To support a process to develop an urban Indian organization confer policy to ensure the Secretary confers, to the maximum extent practicable, with urban Indian organizations.

''(11) To conduct other duties as recommended by the Committee.

''(g) REPORTS.—(1) Not less frequently than once each year, the Committee shall submit to the Secretary and the appropriate committees of Congress such recommendations as the Committee may have for legislative or administrative action for the upcoming year.

''(2) Not later than 90 days after the date on which the Secretary receives a recommendation under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a written response to the recommendation.

''(3) Not less frequently than once every two years, the Committee shall submit to the Secretary and the appropriate committees of Congress a report describing the activities of the Committee during the previous two years.

''(4) The Secretary shall make publicly available on an Internet website of the Department—

''(A) each recommendation the Secretary receives under paragraph (1);

''(B) each response the Secretary submits under paragraph (2); and

''(C) each report the Secretary receives under paragraph (3).

''(h) COMMITTEE PERSONNEL MATTERS.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5 while away from the home or regular place of business of the member in the performance of the duties of the Committee.

''(i) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

''(j) DEFINITIONS.—In this section:

''(1) The term 'appropriate committees of Congress' means—

''(A) the Committee on Veterans' Affairs and the Committee on Indian Affairs of the Senate; and

''(B) the Committee on Veterans' Affairs and the Committee on Natural Resources of the House of Representatives.

''(2) The term 'Indian tribe' has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(3) The term 'Native Hawaiian organization' means any organization that—

''(A) serves the interests of Native Hawaiians;

''(B) has Native Hawaiians in substantive and policymaking positions within the organization;

''(C) has demonstrated experience working with Native Hawaiian veterans; and

''(D) shall include the Office of Hawaiian Affairs.

''(4) The term 'Native American veteran' has the meaning given such term in section 3765 of this title.

''(5) The term 'Office of Hawaiian Affairs' means the Office of Hawaiian Affairs established by the constitution of the State of Hawaii.''.

''(6) The term 'tribal organization' has the meaning given such term in section 3765 of this title.

''(7) The term 'urban Indian organization' has the meaning given such term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 546 the following new item:

''547. Advisory Committee on Tribal and Indian Affairs.''.

(b) DEADLINE FOR ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish the advisory committee required by section 547 of title 38, United States Code, as added by subsection (a)(1), not later than 180 days after the date of the enactment of this Act.

(c) DEADLINE FOR INITIAL APPOINTMENTS.—Not later than 90 days after the date on which the Secretary establishes the advisory committee required by such section, the Secretary shall appoint members under subsection (b)(1) of such section.

(d) INITIAL MEETING.—Not later than 90 days after the date on which the Secretary establishes the advisory committee required by such section, such advisory committee shall hold its first meeting.

(e) REPORT ON RELATION TO OFFICE OF TRIBAL AND GOVERNMENT RELATIONS.—

(1) IN GENERAL.—Not later than two years after the date of the first meeting held by the advisory committee required by such section, the Secretary shall submit to Congress a report on whether and to what extent the activities of the advisory committee improve the function of the Office of Tribal and Government Relations of the Department of Veterans Affairs, aid the decisions of the Secretary, and whether and to what extent the activities of the advisory committee duplicate function of the Department performed before the enactment of this Act.

(2) REVIEW BY ADVISORY COMMITTEE.—The Secretary shall—

(A) give the advisory committee an opportunity to review the report required by paragraph (1) before submitting the report under such paragraph; and

(B) include in the report submitted under such paragraph such comments as the advisory committee considers appropriate regarding the views of the advisory committee with respect to the report.

**SEC. 7003. PREFERENCE FOR OFFERORS EMPLOYING VETERANS.**

(a) IN GENERAL.—Subchapter II of chapter 81 of title 38, United States Code, is amended by adding after section 8128 the following new section:

**''§ 8129. Preference for offerors employing veterans**

''(a) PREFERENCE.—(1) In awarding a contract for the procurement of goods or services, the Secretary may give a preference to offerors that employ veterans on a full-time basis.

''(2) The Secretary shall determine such preference based on the percentage of the full-time employees of the offeror who are veterans.

''(b) ENFORCEMENT PENALTIES FOR MISREPRESENTATION.—(1) Any offeror that is determined by the Secretary to have willfully and intentionally misrepresented the veteran status of the employees of the offeror for purposes of subsection (a) may be debarred from contracting with the Department for a period of not less than five years.

''(2) If the Secretary carries out a debarment under paragraph (1), the Secretary shall—

''(A) commence debarment action against the offeror by not later than 30 days after determining that the offeror willfully and intentionally misrepresented the veteran status of the employees of the offeror as described in paragraph (1); and

''(B) complete debarment actions against such offeror by not later than 90 days after such determination.

''(3) The debarment of an offeror under paragraph (1) includes the debarment of all principals in the offeror for a period of not less than five years.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 8128 the following new item:

''8129. Preference for offerors employing veterans.''.

**SEC. 7004. EXTENSION OF CERTAIN EMPLOYMENT AND REEMPLOYMENT RIGHTS TO MEMBERS OF THE NATIONAL GUARD WHO PERFORM STATE ACTIVE DUTY.**

Section 4303 of title 38, United States Code, is amended—

(1) in paragraph (13), by inserting ''State active duty for a period of 14 days or more, State active duty in response to a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.), State active duty in response to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170),'' after ''full-time National Guard duty,'';

(2) by redesignating paragraph (15) as paragraph (16); and

(3) by inserting after paragraph (14) the following new paragraph (15):

''(15) The term 'State active duty' means training or other duty, other than inactive duty, performed by a member of the National Guard of a State—

''(A) not under section 502 of title 32 or under title 10;

''(B) in service to the Governor of a State; and

''(C) for which the member is not entitled to pay from the Federal Government.''.

**SEC. 7005. REPAYMENT OF MISUSED BENEFITS.**

(a) IN GENERAL.—Section 6107(b) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking ''In any case in which a fiduciary described in paragraph (2)'' and inserting ''In any case not covered by subsection (a) in which a fiduciary'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) APPLICATION.—The amendments made by subsection (a) shall apply with respect to any determination by the Secretary of Veterans Affairs made on or after the date of the enactment of this Act regarding the misuse of benefits by a fiduciary.

**SEC. 7006. EXEMPTION OF CERTAIN TRANSFERS.**

Section 7364(b)(1) of title 38, United States Code, is amended by adding at the end the following new sentence: ''Any amounts so transferred after September 30, 2016, shall be available without regard to fiscal year limitations, notwithstanding section 1535(d) of title 31.''.

**SEC. 7007. REPORT AND PLANNED ACTIONS OF THE SECRETARY OF VETERANS AFFAIRS TO ADDRESS CERTAIN HIGH-RISK AREAS OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Comptroller General of the United States, shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report outlining the plan the Secretary has developed and the actions the Secretary has taken to address the areas of concern identified by the Comptroller General for the Department of Veterans Affairs in the 2019 High-Risk List of the Government Accountability Office (GAO–19–157SP) regarding—

(1) acquisition management; and

(2) managing risks and improving health care.

(b) ELEMENTS.—The report under subsection (a) shall include each of the following:

(1) Root causes of the areas of concern described in paragraphs (1) and (2) of subsection (a).

(2) Corrective actions and specific steps to address each root cause, including—

(A) the progress of the Secretary in implementing those actions and steps; and

(B) timelines and milestones the Secretary determines feasible to complete each corrective action.

(3) Resources the Secretary determines are necessary to implement corrective actions, including—

(A) funding;

(B) stakeholders;

(C) technology; and

(D) senior officials responsible for implementing the corrective actions and reporting results.

(4) Metrics for assessing progress in addressing the areas of concern described in paragraphs (1) and (2) of subsection (a).

(5) Key outcomes that demonstrate progress in addressing the areas of concern described in paragraphs (1) and (2) of subsection (a).

(6) Obstacles to implementation of the plan that the Secretary identifies.

(7) Recommendations of the Secretary regarding legislation or funding the Secretary determines necessary to implement the plan.

(8) Any other information the Secretary determines is relevant to understanding the progress of the Department toward the removal of the areas of concern from the High Risk List.

(c) ANNUAL UPDATES.—

(1) UPDATE REQUIRED.—Not less than once each year during the implementation period under paragraph (2), the Secretary shall submit to Congress an update regarding implementation of each element of the plan under subsection (b).

(2) IMPLEMENTATION PERIOD.—The implementation period described in this paragraph begins on the date on which the Secretary submits the report required under subsection (a) and ends on the earlier of the following dates:

(A) The date on which the Comptroller General removes the last area of concern for the Department from the most recent High-Risk List of the Government Accountability Office.

(B) The date that is 8 years after the date on which the Secretary submits the plan required under subsection (a).

**SEC. 7008. ANNUAL REPORT BY SECRETARY OF VETERANS AFFAIRS ON IMPLEMENTATION OF PRIORITY RECOMMENDATIONS OF COMPTROLLER GENERAL OF THE UNITED STATES PERTAINING TO DEPARTMENT OF VETERANS AFFAIRS.**

(a) ANNUAL REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, and not less than once during each of the subsequent 3 years, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives and to the Comptroller General of the United States a report on the implementation of priority recommendations of the Comptroller General that pertain to the Department of Veterans Affairs.

(b) CONTENTS.—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

(1) The progress of the Secretary in implementing all open priority recommendations of the Comptroller General for the Department of Veterans Affairs.

(2) An explanation for each instance where the Secretary has decided not to implement, or has not fully implemented, an open priority recommendation of the Comptroller General for the Department.

(3) A summary of the corrective actions taken and remaining steps the Secretary plans to take to implement open priority recommendations of the Comptroller General.

(c) SUPPLEMENT NOT SUPPLANT CERTAIN REQUIRED REPORTS OR WRITTEN STATEMENTS.—The report under this section shall not be construed to supplant any report or written statement required under section 720 of title 31, United States Code.

**SEC. 7009. CLARIFICATION OF METHODS USED TO MONITOR COMPLIANCE WITH CERTAIN LIMITATIONS ON SUBCONTRACTING.**

Section 8127(k)(3)(A) of title 38, United States Code, is amended by striking ''and any other'' and inserting ''or any other''.

**SEC. 7010. DEPARTMENT OF VETERANS AFFAIRS REQUIREMENT TO PROVIDE CERTAIN NOTICE TO PERSONS FILING CLAIMS FOR DAMAGE, INJURY, OR DEATH ON STANDARD FORM 95.**

Not later than 90 days after the date on which a person submits to the Secretary of Veterans Affairs a claim for damage, injury, or death on Standard Form 95, or any successor form, the Secretary shall provide to such person notice of each of the following:

(1) The benefit of obtaining legal advice concerning such claim.

(2) The employment status of any individual listed on the form.

(3) If the claim involves a contractor that entered into an agreement with the Secretary, the importance of obtaining legal advice as to the statute of limitations regarding the claim in the State in which the claim arose.

**Subtitle B—Matters Relating to the Chief Financial Officer of Department of Veterans Affairs**

**SEC. 7101. DEFINITIONS.**

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Veterans' Affairs of the Senate and the House of Representatives and the Committees on Appropriations of the Senate and the House of Representatives.

(2) SUBORDINATE CHIEF FINANCIAL OFFICER.—The term ''subordinate chief financial officer''—

(A) includes—

(i) the chief financial officer of the Veterans Health Administration, the chief financial officer of the Office of Community Care within the Veterans Health Administration, and all chief financial officers of Veterans Integrated Service Networks within the Veterans Health Administration;

(ii) the chief financial officer of the Veterans Benefits Administration and all chief financial officers of organizational subdivisions representing business lines within the Veterans Benefits Administration;

(iii) the chief financial officer of the National Cemetery Administration; and

(iv) the chief financial officer of the Office of Information and Technology; and

(B) does not include the Inspector General.

**SEC. 7102. PLANS FOR ADDRESSING MATERIAL WEAKNESSES AND PROVIDING SUFFICIENT AUTHORITY TO CHIEF FINANCIAL OFFICER OF DEPARTMENT OF VETERANS AFFAIRS.**

Not later than 180 days after the date of the enactment of this Act, and annually thereafter for each of the three subsequent years, the Secretary of Veterans Affairs, acting through the Chief Financial Officer of the Department of Veterans Affairs, shall submit to the appropriate congressional committees—

(1) an action plan, including steps, related timelines, costs, progress, status of implementation, and any updates for fully addressing the material weaknesses of the Department discussed in the Management's Discussion and Analysis section of the financial statements of the Department submitted to Congress under section 3515 of title 31, United States Code for the year preceding the year during which the report is submitted; and

(2) a plan outlining the steps the Secretary plans to take to address the recommendations of auditors related to entity-level internal controls and to provide sufficient authority to the Chief Financial Officer of the Department to carry out the requirements of section 902 of title 31, United States Code.

**SEC. 7103. CHIEF FINANCIAL OFFICER ATTESTATION.**

Concurrent with the submittal to Congress of the President's budget request under section 1105 of title 31, United States Code, for fiscal year 2022 and each of the next three subsequent fiscal years, the Chief Financial Officer of the Department of Veterans affairs shall submit to the appropriate congressional committees each of the following:

(1) A certification of the responsibility of the Chief Financial Officer for internal financial controls of the Department.

(2) An attestation that the Chief Financial Officer has collaborated sufficiently with the subordinate chief financial officers of the Department to be confident in the financial projections included the budget request and supporting materials.

**SEC. 7104. CHIEF FINANCIAL OFFICER RESPONSIBILITY FOR SUBORDINATE CHIEF FINANCIAL OFFICERS.**

(a) IN GENERAL.—In accordance with the responsibilities of the Chief Financial Officer of the Department of Veterans Affairs for the recruitment, selection, and training of personnel to carry out agency financial management functions pursuant to section 902(a)(5)(C) of title 31, United States Code, the Chief Financial Officer or the designee of the Chief Financial Officer within the Office of Management of the Department shall—

(1) participate in the interview and selection panels of all subordinate chief financial officers; and

(2) give input into the performance plans and performance evaluations of all subordinate chief financial officers.

(b) TERMINATION.—The requirements under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act.

**Subtitle C—Servicemembers Civil Relief**

**SEC. 7201. CLARIFICATION OF DELIVERY OF NOTICE OF TERMINATION OF LEASES OF PREMISES AND MOTOR VEHICLES FOR PURPOSES OF RELIEF UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) IN GENERAL.—Section 305(c)(2) of the Servicemembers Civil Relief Act (50 U.S.C. 3955(c)(2)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period and inserting ''; or''; and

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

''(D) by electronic means, including—

''(i) the direct delivery of material to an electronic address designated by the lessor (or the lessor's grantee) or the lessor's agent (or the agent's grantee);

''(ii) the posting of material to a website or other internet or electronic-based information repository to which access has been granted to the lessee, the lessor (or the lessor's grantee), or the lessor's agent (or the agent's grantee); and

''(iii) other electronic means reasonably calculated to ensure actual receipt of the material by the lessor (or the lessor's grantee) or the lessor's agent (or the agent's grantee).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to delivery of notice of lease terminations on or after the date the enactment of this Act.

**SEC. 7202. TECHNICAL CORRECTION REGARDING EXTENSION OF LEASE PROTECTIONS FOR SERVICEMEMBERS UNDER STOP MOVEMENT ORDERS IN RESPONSE TO LOCAL, NATIONAL, OR GLOBAL EMERGENCY.**

(a) IN GENERAL.—Section 305(b) of the Servicemembers Civil Relief Act (50 U.S.C. 3955(b)), as amended by Public Law 116–158, is further amended—

(1) in paragraph (1)(C)(ii), by striking ''Secretary of Defense'' and inserting ''Secretary concerned''; and

(2) in paragraph (2)(C)(ii), by striking ''Secretary of Defense'' and inserting ''Secretary concerned''.

(b) RETROACTIVE APPLICATION.—The amendments made by this section shall apply to stop movement orders issued on or after March 1, 2020.

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**SA 2696.** Mr. INHOFE (for Mr. MORAN (for himself and Mr. TESTER)) proposed an amendment to the bill H.R. 7105, to provide flexibility for the Secretary of Veterans Affairs in caring for homeless veterans during a covered public health emergency, to direct the Secretary of Veterans Affairs to carry out a retraining assistance program for unemployed veterans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Food Allergy Safety, Treatment, Education, and Research Act of 2020'' or the ''FASTER Act of 2020''.

**SEC. 2. FOOD ALLERGY SAFETY.**

(a) IN GENERAL.—Section 201(qq)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(qq)(1)) is amended by striking ''and soybeans'' and inserting ''soybeans, and sesame''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any food that is introduced or delivered for introduction into interstate commerce on or after January 1, 2023.

**SEC. 3. REPORT TO CONGRESS.**

(a) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

(1) descriptions of ongoing Federal activities related to—

(A) the surveillance and collection of data on the prevalence of food allergies and severity of allergic reactions for specific food or food ingredients, including the identification of any gaps in such activities;

(B) the development of effective food allergy diagnostics;

(C) the prevention of the onset of food allergies;

(D) the reduction of risks related to living with food allergies; and

(E) the development of new therapeutics to prevent, treat, cure, and manage food allergies; and

(2) specific recommendations and strategies to expand, enhance, or improve activities described in paragraph (1), including—

(A) strategies to improve the accuracy of food allergy prevalence data by expanding and intensifying current collection methods, including support for research that includes the identification of biomarkers and tests to validate survey data and the investigation of the use of identified biomarkers and tests in national surveys;

(B) strategies to overcome gaps in surveillance and data collection activities related to food allergies and specific food allergens; and

(C) recommendations for the development and implementation of a regulatory process and framework that would allow for the timely, transparent, and evidence-based modification of the definition of ''major food allergen'' included in section 201(qq) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(qq)), including with respect to—

(i) the scientific criteria for defining a food or food ingredient as a ''major food allergen'' pursuant to such process, including recommendations pertaining to evidence of the prevalence and severity of allergic reactions to a food or food ingredient that would be required in order to establish that such food or food ingredient is an allergen of public health concern appropriate for such process; and

(ii) opportunities for stakeholder engagement and comment, as appropriate, in considering any such modification to such definition.

(b) PUBLICATION.—The Secretary shall make the report under subsection (a) available on the internet website of the Department of Health and Human Services.

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**SA 2697.** Mr. INHOFE (for Mr. PETERS) proposed an amendment to the bill S. 3418, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow the Administrator of the Federal Emergency Management Agency to provide capitalization grants to States to establish revolving funds to provide hazard mitigation assistance to reduce risks from disasters and natural hazards, and other related environmental harm; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Safeguarding Tomorrow through Ongoing Risk Mitigation Act'' or the ''STORM Act''.

**SEC. 2. GRANTS TO ENTITIES FOR ESTABLISHMENT OF HAZARD MITIGATION REVOLVING LOAN FUNDS.**

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

**''SEC. 205. GRANTS TO ENTITIES FOR ESTABLISHMENT OF HAZARD MITIGATION REVOLVING LOAN FUNDS.**

''(a) GENERAL AUTHORITY.—

''(1) IN GENERAL.—The Administrator may enter into agreements with eligible entities to make capitalization grants to such entities for the establishment of hazard mitigation revolving loan funds (referred to in this section as 'entity loan funds') for providing funding assistance to local governments to carry out eligible projects under this section to reduce disaster risks for homeowners, businesses, nonprofit organizations, and communities in order to decrease—

''(A) the loss of life and property;

''(B) the cost of insurance; and

''(C) Federal disaster payments.

''(2) AGREEMENTS.—Any agreement entered into under this section shall require the participating entity to—

''(A) comply with the requirements of this section; and

''(B) use accounting, audit, and fiscal procedures conforming to generally accepted accounting standards.

''(b) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a capitalization grant under this section, an eligible entity shall submit to the Administrator an application that includes the following:

''(A) Project proposals comprised of local government hazard mitigation projects, on the condition that the entity provides public notice not less than 6 weeks prior to the submission of an application.

''(B) An assessment of recurring major disaster vulnerabilities impacting the entity that demonstrates a risk to life and property.

''(C) A description of how the hazard mitigation plan of the entity has or has not taken the vulnerabilities described in subparagraph (B) into account.

''(D) A description about how the projects described in subparagraph (A) could conform with the hazard mitigation plan of the entity and of the unit of local government.

''(E) A proposal of the systematic and regional approach to achieve resilience in a vulnerable area, including impacts to river basins, river corridors, watersheds, estuaries, bays, coastal regions, micro-basins, micro-watersheds, ecosystems, and areas at risk of earthquakes, tsunamis, droughts, severe storms, and wildfires, including the wildland-urban interface.

''(2) TECHNICAL ASSISTANCE.—The Administrator shall provide technical assistance to eligible entities for applications under this section.

''(c) ENTITY LOAN FUND.—

''(1) ESTABLISHMENT OF FUND.—An entity that receives a capitalization grant under this section shall establish an entity loan fund that complies with the requirements of this subsection.

''(2) FUND MANAGEMENT.—Except as provided in paragraph (3), entity loan funds shall—

''(A) be administered by the agency responsible for emergency management; and

''(B) include only—

''(i) funds provided by a capitalization grant under this section;

''(ii) repayments of loans under this section to the entity loan fund; and

''(iii) interest earned on amounts in the entity loan fund.

''(3) ADMINISTRATION.—A participating entity may combine the financial administration of the entity loan fund of such entity with the financial administration of any other revolving fund established by such entity if the Administrator determines that—

''(A) the capitalization grant, entity share, repayments of loans, and interest earned on amounts in the entity loan fund are accounted for separately from other amounts in the revolving fund; and

''(B) the authority to establish assistance priorities and carry out oversight activities remains in the control of the entity agency responsible for emergency management.

''(4) ENTITY SHARE OF FUNDS.—

''(A) IN GENERAL.—On or before the date on which a participating entity receives a capitalization grant under this section, the entity shall deposit into the entity loan fund of such entity, an amount equal to not less than 10 percent of the amount of the capitalization grant.

''(B) REDUCED GRANT.—If, with respect to a capitalization grant under this section, a participating entity deposits in the entity loan fund of the entity an amount that is less than 10 percent of the total amount of the capitalization grant that the participating entity would otherwise receive, the Administrator shall reduce the amount of the capitalization grant received by the entity to the amount that is 10 times the amount so deposited.

''(d) APPORTIONMENT.—

''(1) IN GENERAL.—Except as otherwise provided by this subsection, the Administrator shall apportion funds made available to carry out this section to entities that have entered into an agreement under subsection (a)(2) in amounts as determined by the Administrator.

''(2) RESERVATION OF FUNDS.—The Administrator shall reserve not more than 2.5 percent of the amount made available to carry out this section for the Federal Emergency Management Agency for—

''(A) administrative costs incurred in carrying out this section;

''(B) providing technical assistance to participating entities under subsection (b)(2); and

''(C) capitalization grants to insular areas under paragraph (4).

''(3) PRIORITY.—In the apportionment of capitalization grants under this subsection, the Administrator shall give priority to entity applications under subsection (b) that—

''(A) propose projects increasing resilience and reducing risk of harm to natural and built infrastructure;

''(B) involve a partnership between two or more eligible entities to carry out a project or similar projects;

''(C) take into account regional impacts of hazards on river basins, river corridors, micro-watersheds, macro-watersheds, estuaries, lakes, bays, and coastal regions and areas at risk of earthquakes, tsunamis, droughts, severe storms, and wildfires, including the wildland-urban interface; or

''(D) propose projects for the resilience of major economic sectors or critical national infrastructure, including ports, global commodity supply chain assets (located within an entity or within the jurisdiction of local governments, insular areas, and Indian tribal governments), power and water production and distribution centers, and bridges and waterways essential to interstate commerce.

''(4) INSULAR AREAS.—

''(A) APPORTIONMENT.—From any amount remaining of funds reserved under paragraph (2), the Administrator may enter into agreements to provide capitalization grants to insular areas.

''(B) REQUIREMENTS.—An insular area receiving a capitalization grant under this section shall comply with the requirements of

this section as applied to participating entities.

''(e) ENVIRONMENTAL REVIEW OF REVOLVING LOAN FUND PROJECTS.—The Administrator may delegate to a participating entity all of the responsibilities for environmental review, decision making, and action pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other applicable Federal environmental laws including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and the National Historic Preservation Act of 1966 (54 U.S.C. 300101 et seq.) that would apply to the Administrator were the Administrator to undertake projects under this section as Federal projects so long as the participating entity carries out such responsibilities in the same manner and subject to the same requirements as if the Administrator carried out such responsibilities.

''(f) USE OF FUNDS.—

''(1) TYPES OF ASSISTANCE.—Amounts deposited in an entity loan fund, including loan repayments and interest earned on such amounts, may be used—

''(A) to make loans, on the condition that—

''(i) such loans are made at an interest rate of not more than 1 percent;

''(ii) annual principal and interest payments will commence not later than 1 year after completion of any project and all loans made under this subparagraph will be fully amortized—

''(I) not later than 20 years after the date on which the project is completed; or

''(II) for projects in a low-income geographic area, not later than 30 years after the date on which the project is completed and not longer than the expected design life of the project;

''(iii) the loan recipient of a loan under this subparagraph establishes a dedicated source of revenue for repayment of the loan;

''(iv) the loan recipient of a loan under this subparagraph has a hazard mitigation plan that has been approved by the Administrator; and

''(v) the entity loan fund will be credited with all payments of principal and interest on all loans made under this subparagraph;

''(B) for mitigation efforts, in addition to mitigation planning under section 322 not to exceed 10 percent of the capitalization grants made to the participating entity in a fiscal year;

''(C) for the reasonable costs of administering the fund and conducting activities under this section, except that such amounts shall not exceed $100,000 per year, 2 percent of the capitalization grants made to the participating entity in a fiscal year, or 1 percent of the value of the entity loan fund, whichever amount is greatest, plus the amount of any fees collected by the entity for such purpose regardless of the source; and

''(D) to earn interest on the entity loan fund.

''(2) PROHIBITION ON DETERMINATION THAT LOAN IS A DUPLICATION.—In carrying out this section, the Administrator may not determine that a loan is a duplication of assistance or programs under this Act.

''(3) PROJECTS AND ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Except as provided in this subsection, a participating entity may use funds in the entity loan fund to provide financial assistance for projects or activities that mitigate the impacts of natural hazards including—

''(A) drought and prolonged episodes of intense heat;

''(B) severe storms, including hurricanes, tornados, wind storms, cyclones, and severe winter storms;

''(C) wildfires;

''(D) earthquakes;

''(E) flooding, including the construction, repair, or replacement of a non-Federal levee or other flood control structure, provided that the Administrator, in consultation with the Army Corps of Engineers (if appropriate), requires an eligible entity to determine that such levee or structure is designed, constructed, and maintained in accordance with sound engineering practices and standards equivalent to the purpose for which such levee or structure is intended;

''(F) shoreline erosion;

''(G) high water levels; and

''(H) storm surges.

''(4) ZONING AND LAND USE PLANNING CHANGES.—A participating entity may use not more than 10 percent of a capitalization grant under this section to enable units of local government to implement zoning and land use planning changes focused on—

''(A) the development and improvement of zoning and land use codes that incentivize and encourage low- impact development, resilient wildland-urban interface land management and development, natural infrastructure, green stormwater management, conservation areas adjacent to floodplains, implementation of watershed or greenway master plans, and reconnection of floodplains;

''(B) the study and creation of agricultural risk compensation districts where there is a desire to remove or set-back levees protecting highly developed agricultural land to mitigate for flooding, allowing agricultural producers to receive compensation for assuming greater flood risk that would alleviate flood exposure to population centers and areas with critical national infrastructure;

''(C) the study and creation of land use incentives that reward developers for greater reliance on low impact development stormwater best management practices, exchange density increases for increased open space and improvement of neighborhood catch basins to mitigate urban flooding, reward developers for including and augmenting natural infrastructure adjacent to and around building projects without reliance on increased sprawl, and reward developers for addressing wildfire ignition; and

''(D) the study and creation of an erosion response plan that accommodates river, lake, forest, plains, and ocean shoreline retreating or bluff stabilization due to increased flooding and disaster impacts.

''(5) ESTABLISHING AND CARRYING OUT BUILDING CODE ENFORCEMENT.—A participating entity may use capitalization grants under this section to enable units of local government to establish and carry out the latest published editions of relevant building codes, specifications, and standards for the purpose of protecting the health, safety, and general welfare of the building's users against disasters and natural hazards.

''(6) ADMINISTRATIVE AND TECHNICAL COSTS.—For each fiscal year, a participating entity may use the amount described in paragraph (1)(C) to—

''(A) pay the reasonable costs of administering the programs under this section, including the cost of establishing an entity loan fund; and

''(B) provide technical assistance to recipients of financial assistance from the entity loan fund, on the condition that such technical assistance does not exceed 5 percent of the capitalization grant made to such entity.

''(7) LIMITATION FOR SINGLE PROJECTS.—A participating entity may not provide an amount equal to or more than $5,000,000 to a single hazard mitigation project.

''(8) REQUIREMENTS.—For fiscal year 2022 and each fiscal year thereafter, the requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to the construction of projects carried out in whole or in part with assistance made available by an entity loan fund authorized by this section.

''(g) INTENDED USE PLANS.—

''(1) IN GENERAL.—After providing for public comment and review, and consultation with appropriate government agencies of the State or Indian tribal government, Federal agencies, and interest groups, each participating entity shall annually prepare and submit to the Administrator a plan identifying the intended uses of the entity loan fund.

''(2) CONTENTS OF PLAN.—An entity intended use plan prepared under paragraph (1) shall include—

''(A) the integration of entity planning efforts, including entity hazard mitigation plans and other programs and initiatives relating to mitigation of major disasters carried out by such entity;

''(B) an explanation of the mitigation and resiliency benefits the entity intends to achieve by—

''(i) reducing future damage and loss associated with hazards;

''(ii) reducing the number of severe repetitive loss structures and repetitive loss structures in the entity;

''(iii) decreasing the number of insurance claims in the entity from injuries resulting from major disasters or other natural hazards; and

''(iv) increasing the rating under the community rating system under section 1315(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4022(b)) for communities in the entity;

''(C) information on the availability of, and application process for, financial assistance from the entity loan fund of such entity;

''(D) the criteria and methods established for the distribution of funds;

''(E) the amount of financial assistance that the entity anticipates apportioning;

''(F) the expected terms of the assistance provided from the entity loan fund; and

''(G) a description of the financial status of the entity loan fund, including short-term and long-term goals for the fund.

''(h) AUDITS, REPORTS, PUBLICATIONS, AND OVERSIGHT.—

''(1) BIENNIAL ENTITY AUDIT AND REPORT.—Beginning not later than the last day of the second fiscal year after the receipt of payments under this section, and biennially thereafter, any participating entity shall—

''(A) conduct an audit of the entity loan fund established under subsection (c); and

''(B) provide to the Administrator a report including—

''(i) the result of any such audit; and

''(ii) a review of the effectiveness of the entity loan fund of the entity with respect to meeting the goals and intended benefits described in the intended use plan submitted by the entity under subsection (g).

''(2) PUBLICATION.—A participating entity shall publish and periodically update information about all projects receiving funding from the entity loan fund of such entity, including—

''(A) the location of the project;

''(B) the type and amount of assistance provided from the entity loan fund;

''(C) the expected funding schedule; and

''(D) the anticipated date of completion of the project.

''(3) OVERSIGHT.—

''(A) IN GENERAL.—The Administrator shall, at least every 4 years, conduct reviews and audits as may be determined necessary or appropriate by the Administrator to carry out the objectives of this section and determine the effectiveness of the fund in reducing natural hazard risk.

''(B) GAO REQUIREMENTS.—A participating entity shall conduct audits under paragraph

(1) in accordance with the auditing procedures of the Government Accountability Office, including generally accepted government auditing standards.

''(C) RECOMMENDATIONS BY ADMINISTRATOR.—The Administrator may at any time make recommendations for or require specific changes to an entity loan fund in order to improve the effectiveness of the fund.

''(i) REGULATIONS OR GUIDANCE.—The Administrator shall issue such regulations or guidance as are necessary to—

''(1) ensure that each participating entity uses funds as efficiently as possible;

''(2) reduce waste, fraud, and abuse to the maximum extent possible; and

''(3) require any party that receives funds directly or indirectly under this section, including a participating entity and a recipient of amounts from an entity loan fund, to use procedures with respect to the management of the funds that conform to generally accepted accounting standards.

''(j) WAIVER AUTHORITY.—Until such time as the Administrator issues final regulations to implement this section, the Administrator may—

''(1) waive notice and comment rulemaking, if the Administrator determines the waiver is necessary to expeditiously implement this section; and

''(2) provide capitalization grants under this section as a pilot program.

''(k) LIABILITY PROTECTIONS.—The Agency shall not be liable for any claim based on the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty by the Agency, or an employee of the Agency in carrying out this section.

''(l) GAO REPORT.—Not later than 1 year after the date on which the first entity loan fund is established under subsection (c), the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that examines—

''(1) the appropriateness of regulations and guidance issued by the Administrator for the program, including any oversight of the program;

''(2) a description of the number of the entity loan funds established, the projects funded from such entity loan funds, and the extent to which projects funded by the loan funds adhere to any applicable hazard mitigation plans;

''(3) the effectiveness of the entity loan funds to lower disaster related costs; and

''(4) recommendations for improving the administration of entity loan funds.

''(m) DEFINITIONS.—In this section, the following definitions apply:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

''(2) AGENCY.—The term 'Agency' means the Federal Emergency Management Agency.

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

''(A) a State; or

''(B) an Indian tribal government that has received a major disaster declaration during the 5-year period ending on the date of enactment of the STORM Act.

''(4) HAZARD MITIGATION PLAN.—The term 'hazard mitigation plan' means a mitigation plan submitted under section 322.

''(5) INSULAR AREA.—The term 'insular area' means Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

''(6) LOW-INCOME GEOGRAPHIC AREA.—The term 'low-income geographic area' means an area described in paragraph (1) or (2) of section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

''(7) PARTICIPATING ENTITY.—The term 'participating entity' means an eligible entity that has entered into an agreement under this section.

''(8) REPETITIVE LOSS STRUCTURE.—The term 'repetitive loss structure' has the meaning given the term in section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121).

''(9) SEVERE REPETITIVE LOSS STRUCTURE.—The term 'severe repetitive loss structure' has the meaning given the term in section 1366(h) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(h)).

''(10) STATE.—The term 'State' means any State of the United States, the District of Columbia, and Puerto Rico.

''(11) WILDLAND-URBAN INTERFACE.—The term 'wildland-urban interface' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

''(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000,000 for each of fiscal years 2022 through 2023 to carry out this section.''.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. INHOFE. Mr. President, I have 7 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, December 9, 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 INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, December 9, 2020, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, December 9, 2020, at 10 a.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, April 30, 2019, at 2 p.m., to conduct a closed briefing.

SUBCOMMITTEE ON SOCIAL SECURITY, PENSIONS, AND FAMILY POLICY

The Subcommittee on Social Security, Pensions, and Family Policy of the Committee on Finance is authorized to meet during the session of the Senate on Wednesday, December 9, 2020, at 10 a.m., to conduct a hearing.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

The Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, December 9, 2020, at 9:45 a.m., to conduct a hearing.

## DEPENDABLE EMPLOYMENT AND LIVING IMPROVEMENTS FOR VETERANS ECONOMIC RECOVERY ACT

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 7105 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. 7105) to provide flexibility for the Secretary of Veterans Affairs in caring for homeless veterans during a covered public health emergency, to direct the Secretary of Veterans Affairs to carry out a retraining assistance program for unemployed veterans, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill, which was reported from the Committee on Veterans' Affairs.

Mr. INHOFE. I ask unanimous consent that the Moran substitute amendment at the desk be agreed to, the bill, as amended, be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 2696) in the nature of a substitute was agreed to, as follows:

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

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

The bill was read the third time.

The bill (H.R. 7105), as amended, was passed.

## BANKRUPTY ADMINISTRATION IMPROVEMENT ACT OF 2020

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4996, introduced earlier today.

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. 4996) to ensure funding of the United States trustees, extend temporary bankruptcy judgeships, and for other purposes.

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

Mr. INHOFE. 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 (S. 4996) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 4996

*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 ''Bankruptcy Administration Improvement Act of 2020''.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) Because of the importance of the goal that the bankruptcy system is self-funded, at no cost to the taxpayer, Congress has closely monitored the funding needs of the bankruptcy system, including by requiring periodic reporting by the Attorney General regarding the United States Trustee System Fund.

(2) Congress has amended the various bankruptcy fees as necessary to ensure that the bankruptcy system remains self-supporting, while also fairly allocating the costs of the system among those who use the system.

(3) Because the bankruptcy system is interconnected, the result has been a system of fees, including filing fees, quarterly fees in chapter 11 cases, and other fees, that together fund the courts, judges, United States trustees, and chapter 7 case trustees necessary for the bankruptcy system to function.

(4) This Act and the amendments made by this Act—

(A) ensure adequate funding of the United States trustees, supports the preservation of existing bankruptcy judgeships that are urgently needed to handle existing and anticipated increases in business and consumer caseloads, and provides long-overdue additional compensation for chapter 7 case trustees whose caseloads include chapter 11 reorganization cases that were converted to chapter 7 liquidation cases; and

(B) confirm the longstanding intention of Congress that quarterly fee requirements remain consistent across all Federal judicial districts.

(b) PURPOSE.—The purpose of this Act and the amendments made by this Act is to further the long-standing goal of Congress of ensuring that the bankruptcy system is self-funded, at no cost to the taxpayer.

**SEC. 3. UNITED STATES TRUSTEE SYSTEM FUND; BANKRUPTCY FEES.**

(a) DEPOSITS OF CERTAIN FEES FOR FISCAL YEARS 2021 THROUGH 2026.—Notwithstanding section 589a(b) of title 28, United States Code, for each of fiscal years 2021 through 2026—

(1) the fees collected under section 1930(a)(6) of such title, less the amount specified in subparagraph (2), shall be deposited as specified in subsection (b); and

(2) $5,400,000 of the fees collected under section 1930(a)(6) of such title shall be deposited in the general fund of the Treasury.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a of title 28, United States Code, is amended by adding at the end the following:

''(f)(1) During each of fiscal years 2021 through 2026 and notwithstanding subsections (b) and (c), the fees collected under section 1930(a)(6), less the amount specified in paragraph (2), shall be deposited as follows, in the following order:

''(A) First, the amounts specified in the Department of Justice appropriations for that fiscal year, shall be deposited as discretionary offsetting collections to the ''United States Trustee System Fund'', pursuant to subsection (a), to remain available until expended.

''(B) Second, the amounts determined annually by the Director of the Administrative Office of the United States Courts that are necessary to reimburse the judiciary for the costs of administering payments under section 330(e) of title 11, shall be deposited as mandatory offsetting collections to the 'United States Trustee System Fund', and transferred and deposited into the special fund established under section 1931(a), and notwithstanding subsection (a), shall be available for expenditure without further appropriation.

''(C) Third, the amounts determined annually by the Director of the Administrative Office of the United States Courts that are necessary to pay trustee compensation authorized by section 330(e)(2) of title 11, shall be deposited as mandatory offsetting collections to the 'United States Trustee System Fund', and transferred and deposited into the Chapter 7 Trustee Fund established under section 330(e) of title 11 for payment to trustees serving in cases under chapter 7 of title 11 (in addition to the amounts paid under section 330(b) of title 11), in accordance with that section, and notwithstanding subsection (a), shall be available for expenditure without further appropriation.

''(D) Fourth, any remaining amounts shall be deposited as discretionary offsetting collections to the 'United States Trustee System Fund', to remain available until expended.

''(2) Notwithstanding subsection (b), for each of fiscal years 2021 through 2026, $5,400,000 of the fees collected under section 1930(a)(6) shall be deposited in the general fund of the Treasury.''.

(c) COMPENSATION OF OFFICERS.—Section 330 of title 11, United States Code, is amended by adding at the end the following:

''(e)(1) There is established a fund in the Treasury of the United States, to be known as the 'Chapter 7 Trustee Fund', which shall be administered by the Director of the Administrative Office of the United States Courts.

''(2) Deposits into the Chapter 7 Trustee Fund under section 589a(f)(1)(C) of title 28 shall be available until expended for the purposes described in paragraph (3).

''(3) For fiscal years 2021 through 2026, the Chapter 7 Trustee Fund shall be available to pay the trustee serving in a case that is filed under chapter 7 or a case that is converted to a chapter 7 case in the most recent fiscal year (referred to in this subsection as a 'chapter 7 case') the amount described in paragraph (4) for the chapter 7 case in which the trustee has rendered services in that fiscal year.

''(4) The amount described in this paragraph shall be the lesser of—

''(A) $60; or

''(B) a pro rata share, for each chapter 7 case, of the fees collected under section 1930(a)(6) of title 28 and deposited to the United States Trustee System Fund under section 589a(f)(1) of title 28, less the amounts specified in section 589a(f)(1)(A) and (B) of title 28.

''(5) The payment received by a trustee under paragraph (3) shall be paid in addition to the amount paid under subsection (b).

''(6) Not later than September 30, 2021, the Director of the Administrative Office of the United States Courts shall promulgate regulations for the administration of this subsection.''.

(d) BANKRUPTCY FEES.—Section 1930(a) of title 28, United States Code, is amended—

(1) by striking paragraph (6)(B) and inserting the following:

''(B)(i) During the 5-year period beginning on January 1, 2021, in addition to the filing fee paid to the clerk, a quarterly fee shall be paid to the United States trustee, for deposit in the Treasury, in each open and reopened case under chapter 11 of title 11, other than under subchapter V, for each quarter (including any fraction thereof) until the case is closed, converted, or dismissed, whichever occurs first.

''(ii) The fee shall be the greater of—

''(I) 0.4 percent of disbursements or $250 for each quarter in which disbursements total less than $1,000,000; and

''(II) 0.8 percent of disbursements but not more than $250,000 for each quarter in which disbursements total at least $1,000,000.

''(iii) The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.''; and

(2) in paragraph (7), in the first sentence, by striking ''may'' and inserting ''shall''.

(e) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) EXCEPTIONS.—

(A) COMPENSATION OF OFFICERS.—The amendments made by subsection (c) shall apply to any case filed on or after the date of enactment of this Act—

(i) under chapter 7 of title 11, United States Code; or

(ii)(I) under chapter 11, 12, or 13 of that title; and

(II) converted to a chapter 7 case under that title.

(B) BANKRUPTCY FEES.—The amendments made by subsection (d) shall apply to—

(i) any case pending under chapter 11 of title 11, United States Code, on or after the date of enactment of this Act; and

(ii) quarterly fees payable under section 1930(a)(6) of title 28, United States Code, as amended by subsection (d), for disbursements made in any calendar quarter that begins on or after the date of enactment of this Act.

**SEC. 4. EXTENSION OF TEMPORARY OFFICE OF BANKRUPTCY JUDGES IN CERTAIN JUDICIAL DISTRICTS.**

(a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 2017.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 1003(a) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) for the district of Delaware and the eastern district of Michigan are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.

(2) VACANCIES.—

(A) DISTRICT OF DELAWARE.—The 1st and 2d vacancies in the office of a bankruptcy judge for the district of Delaware—

(i) occurring 5 years or more after the date established by section 1003(b)(1) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) EASTERN DISTRICT OF MICHIGAN.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Michigan—

(i) occurring 5 years or more after the date established by section 1003(b)(3) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1003 of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 2005 AND EXTENDED BY THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012 AND THE BANKRUPTCY JUDGESHIP ACT OF 2017.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized for the following districts by section 1223(b) of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), extended by section 2(a) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note), and further extended by section 1002(a) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:

(A) The district of Delaware.
(B) The southern district of Florida.
(C) The district of Maryland.
(D) The eastern district of Michigan.
(E) The district of Nevada.
(F) The eastern district of North Carolina.
(G) The district of Puerto Rico.
(H) The eastern district of Virginia.

(2) VACANCIES.—

(A) SINGLE VACANCIES.—Except as provided in subparagraphs (B), (C), (D), (E), and (F), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1)—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
shall not be filled.

(B) DISTRICT OF DELAWARE.—The 3d, 4th, 5th, and 6th vacancies in the office of a bankruptcy judge for the district of Delaware—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
shall not be filled.

(C) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of a bankruptcy judge for the southern district of Florida—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
shall not be filled.

(D) DISTRICT OF MARYLAND.—The 1st vacancy in the office of a bankruptcy judge for the district of Maryland—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
shall not be filled.

(E) EASTERN DISTRICT OF MICHIGAN.—The 2d vacancy in the office of a bankruptcy judge for the eastern district of Michigan—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
shall not be filled.

(F) DISTRICT OF PUERTO RICO.—The 1st vacancy in the office of a bankruptcy judge for the district of Puerto Rico—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1223 of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note), and section 1002 of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(c) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 2005 AND EXTENDED BY THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized for the following districts by section 1223(b) of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note) and extended by section 2(a) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:

(A) The southern district of Georgia.
(B) The district of Maryland.
(C) The district of New Jersey.
(D) The northern district of New York.
(E) The district of South Carolina.

(2) VACANCIES.—

(A) SINGLE VACANCIES.—Except as provided in subparagraph (B), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1)—

(i) occurring 5 years or more after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
shall not be filled.

(B) DISTRICT OF MARYLAND.—The 2d and 3d vacancies in the office of a bankruptcy judge for the district of Maryland—

(i) occurring 5 years or more after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1223 of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note) and section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(d) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 1992 AND EXTENDED BY THE BANKRUPTCY JUDGESHIP ACT OF 2005, THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012, AND THE BANKRUPTCY JUDGESHIP ACT OF 2017.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), extended by section 1223(c) of Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), extended by section 2(b) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note), and further extended by section 1002(b) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) for the district of Delaware and the district of Puerto Rico are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.

(2) VACANCIES.—

(A) DISTRICT OF DELAWARE.—The 7th vacancy in the office of a bankruptcy judge for the district of Delaware—

(i) occurring 5 years or more after the date established by section 1002(b)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
shall not be filled.

(B) DISTRICT OF PUERTO RICO.—The 2d vacancy in the office of a bankruptcy judge for the district of Puerto Rico—

(i) occurring 5 years or more after the date established by section 1002(b)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), section 1223 of Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note), and section 1002 of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(e) TEMPORARY OFFICE OF BANKRUPTCY JUDGE AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 1992 AND EXTENDED BY THE BANKRUPTCY JUDGESHIP ACT OF 2005 AND THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012.—

(1) EXTENSIONS.—The temporary office of bankruptcy judge authorized by section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), extended by section 1223(c) of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), and further extended by section 2(b) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) for the eastern district of Tennessee is extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the district occurs.

(2) VACANCY.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Tennessee—

(A) occurring 5 years or more after the date of the enactment of this Act, and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), section 1223 of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), and section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152

note) remain applicable to the temporary office of bankruptcy judge referred to in paragraph (1).

(f) TEMPORARY OFFICE OF BANKRUPTCY JUDGE AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 1992 AND EXTENDED BY THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012.—

(1) EXTENSIONS.—The temporary office of bankruptcy judge authorized by section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and extended by section 2(c) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) for the middle district of North Carolina is extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the district occurs.

(2) VACANCY.—The 1st vacancy in the office of a bankruptcy judge for the middle district of North Carolina—

(A) occurring 5 years or more after the date of the enactment of this Act, and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judge referred to in paragraph (1).

**SEC. 5. REGULATIONS.**

Section 375(h) of title 28, United States Code, is amended by striking ''may'' and inserting ''shall''.

## WHISTLEBLOWER ACT OF 2019

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 2315 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2315) to amend section 4712 of title 41, United States Code, to clarify the inclusion of subcontractors and subgrantees for whistleblower protection.

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

Mr. INHOFE. 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 (S. 2315) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 2315

*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 ''Whistleblower Act of 2019''.

**SEC. 2. PROTECTION AGAINST REPRISAL FOR FEDERAL SUBGRANTEE EMPLOYEES.**

Section 4712 of title 41, United States Code, is amended—

(1) in subsection (a)(2)(G), by striking ''or grantee'' and inserting ''grantee, or subgrantee'';

(2) in subsection (b), by striking ''contractor or grantee'' and inserting ''contractor, subcontractor, grantee, or subgrantee'';

(3) in subsection (c)(1), by striking ''contractor or grantee'' each place it appears and inserting ''contractor, subcontractor, grantee, or subgrantee''; and

(4) in subsection (d), by striking ''and grantees'' and inserting ''grantees, and subgrantees''.

## SAFEGUARDING TOMORROW THROUGH ONGOING RISK MITIGATION ACT OF 2020

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 511, S. 3418.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3418) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow the Administrator of the Federal Emergency Management Agency to provide capitalization grants to States to establish revolving funds to provide hazard mitigation assistance to reduce risks from disasters and natural hazards, and other related environmental harm.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs with an amendment as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 3418

*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 ''Safeguarding Tomorrow through Ongoing Risk Mitigation Act of 2020'' or the ''STORM Act''.

**SEC. 2. GRANTS TO ENTITIES FOR ESTABLISHMENT OF HAZARD MITIGATION REVOLVING LOAN FUNDS.**

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

**''SEC. 205. GRANTS TO ENTITIES FOR ESTABLISHMENT OF HAZARD MITIGATION REVOLVING LOAN FUNDS.**

''(a) GENERAL AUTHORITY.—

''(1) IN GENERAL.—The Administrator may enter into agreements with eligible entities to make capitalization grants to such entities for the establishment of hazard mitigation revolving loan funds (referred to in this section as 'entity loan funds') for providing funding assistance to local governments to carry out eligible projects under this section to reduce disaster risk in order to decrease—

''(A) the loss of life and property;

''(B) the cost of insurance; and

''(C) Federal disaster payments.

''(2) AGREEMENTS.—Any agreement entered into under this section shall require the participating entity to—

''(A) comply with the requirements of this section; and

''(B) use accounting, audit, and fiscal procedures conforming to generally accepted accounting standards.

''(b) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a capitalization grant under this section, an eligible entity shall submit to the Administrator an application that includes the following:

''(A) Project proposals comprised of local government hazard mitigation projects, on the condition that the entity provides public notice not less than 6 weeks prior to the submission of an application.

''(B) An assessment of recurring major disaster vulnerabilities impacting the entity that demonstrates a risk to life and property.

''(C) A description of how the hazard mitigation plan of the entity has or has not taken the vulnerabilities described in subparagraph (B) into account.

''(D) A description about how the projects described in subparagraph (A) could conform with the hazard mitigation plan of the entity and of the unit of local government.

''(E) A proposal of the systematic and regional approach to achieve resilience in a vulnerable area, including impacts to river basins, river corridors, watersheds, estuaries, bays, coastal regions, micro-basins, microwatersheds, ecosystems, and areas at risk of earthquakes, tsunamis, droughts, and wildfires.

''(2) TECHNICAL ASSISTANCE.—The Administrator shall provide technical assistance to eligible entities for applications under this section.

''(c) ENTITY LOAN FUND.—

''(1) ESTABLISHMENT OF FUND.—An entity that receives a capitalization grant under this section shall establish an entity loan fund that complies with the requirements of this subsection.

''(2) FUND MANAGEMENT.—Except as provided in paragraph (3), entity loan funds shall—

''(A) be administered by the agency responsible for emergency management; and

''(B) include only—

''(i) funds provided by a capitalization grant under this section;

''(ii) repayments of loans under this section to the entity loan fund; and

''(iii) interest earned on amounts in the entity loan fund.

''(3) ADMINISTRATION.—A participating entity may combine the financial administration of the entity loan fund of such entity with the financial administration of any other revolving fund established by such entity if the Administrator determines that—

''(A) the capitalization grant, entity share, repayments of loans, and interest earned on amounts in the entity loan fund are accounted for separately from other amounts in the revolving fund; and

''(B) the authority to establish assistance priorities and carry out oversight activities remains in the control of the entity agency responsible for emergency management.

''(4) ENTITY SHARE OF FUNDS.—

''(A) IN GENERAL.—On or before the date on which a participating entity receives a capitalization grant under this section, the entity shall deposit into the entity loan fund of such entity, an amount equal to not less than 10 percent of the amount of the capitalization grant.

''(B) REDUCED GRANT.—If, with respect to a capitalization grant under this section, a participating entity deposits in the entity loan fund of the entity an amount that is less than 10 percent of the total amount of the capitalization grant that the participating entity would otherwise receive, the Administrator shall reduce the amount of

the capitalization grant received by the entity to the amount that is 10 times the amount so deposited.

''(d) APPORTIONMENT.—

''(1) IN GENERAL.—Except as otherwise provided by this subsection, the Administrator shall apportion funds made available to carry out this section to entities that have entered into an agreement under subsection (a)(2) in amounts as determined by the Administrator.

''(2) RESERVATION OF FUNDS.—The Administrator shall reserve not more than 2.5 percent of the amount made available to carry out this section for the [Federal Emergency Management] Agency for—

''(A) administrative costs incurred in carrying out this section;

''(B) providing technical assistance to participating entities under subsection (b)(2); and

''(C) capitalization grants to insular areas under paragraph (4).

''(3) PRIORITY.—In the apportionment of capitalization grants under this subsection, the Administrator shall give priority to entity applications under subsection (b) that—

''(A) propose projects increasing resilience and reducing risk of harm to natural and built infrastructure;

''(B) involve a partnership between two or more eligible entities to carry out a project or similar projects;

''(C) take into account regional impacts of hazards on river basins, river corridors, micro-watersheds, macro-watersheds, estuaries, lakes, bays, and coastal regions and areas at risk of earthquakes, tsunamis, droughts, and wildfires; or

''(D) propose projects for the resilience of major economic sectors or critical national infrastructure, including ports, global commodity supply chain assets (located within an entity or within the jurisdiction of local governments, insular areas, and [tribal] *Tribal* governments), power and water production and distribution centers, and bridges and waterways essential to interstate commerce.

''(4) INSULAR AREAS.—

''(A) APPORTIONMENT.—From any amount remaining of funds reserved under paragraph (2), the Administrator may enter into agreements to provide capitalization grants to insular areas.

''(B) REQUIREMENTS.—An insular area receiving a capitalization grant under this section shall comply with the requirements of this section as applied to participating entities.

''(e) ENVIRONMENTAL REVIEW OF REVOLVING LOAN FUND PROJECTS.—The Administrator may delegate to a participating entity all of the responsibilities for environmental review, decision making, and action pursuant the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other applicable Federal environmental laws including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and the National Historic Preservation Act of 1966 [(16 U.S.C. 470 et seq.)] *(54 U.S.C. 300101 et seq.)* that would apply to the Administrator were the Administrator to undertake projects under this section as Federal projects so long as the participating entity [carry] *carries* out such responsibilities in the same manner and subject to the same requirements as if the Administrator carried out such responsibilities.

''(f) USE OF FUNDS.—

''(1) TYPES OF ASSISTANCE.—Amounts deposited in an entity loan fund, including loan repayments and interest earned on such amounts, may be used—

''(A) to make loans, on the condition that—

''(i) such loans are made at an interest rate of not more than 1 percent;

''(ii) annual principal and interest payments will commence not later than 1 year after completion of any project and all loans made under this subparagraph will be fully amortized—

''(I) not later than 20 years after the date on which the project is completed; or

''(II) for projects in a low-income geographic area, not later than 30 years after the date on which the project is completed and not longer than the expected design life of the project;

''(iii) the loan recipient of a loan under this subparagraph establishes a dedicated source of revenue for repayment of the loan;

''(iv) the loan recipient of a loan under this subparagraph has a hazard mitigation plan that has been approved by the Administrator; and

''(v) the entity loan fund will be credited with all payments of principal and interest on all loans made under this subparagraph;

''(B) for mitigation efforts, in addition to mitigation planning under section 322 not to exceed 10 percent of the capitalization grants made to the participating entity in a fiscal year;

''(C) for the reasonable costs of administering the fund and conducting activities under this section, except that such amounts shall not exceed $100,000 per year, 2 percent of the capitalization grants made to the participating entity in a fiscal year, or 1 percent of the value of the entity loan fund, whichever amount is greatest, plus the amount of any fees collected by the entity for such purpose regardless of the source; and

''(D) to earn interest on the entity loan fund.

''(2) PROHIBITION ON DETERMINATION THAT LOAN IS A DUPLICATION.—In carrying out this section, the Administrator may not determine that a loan is a duplication of assistance or programs under this Act.

''(3) PROJECTS AND ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Except as provided in this subsection, a participating entity may use funds in the entity loan fund to provide financial assistance for projects or activities that mitigate the impacts of natural hazards including—

''(A) drought and prolonged episodes of intense heat;

''(B) severe storms, including hurricanes, tornados, wind storms, cyclones, and severe winter storms;

''(C) wildfires;

''(D) earthquakes;

''(E) flooding;

''(F) shoreline erosion;

''(G) high water levels; and

''(H) storm surges.

''(4) ZONING AND LAND USE PLANNING CHANGES.—A participating entity may use not more than 10 percent of a capitalization grant under this section to enable units of local government to implement zoning and land use planning changes focused on—

''(A) the development and improvement of zoning and land use codes that incentivize and encourage low-impact development, resilient wildland-urban interface land management and development, natural infrastructure, green stormwater management, conservation areas adjacent to floodplains, implementation of watershed or greenway master plans, and reconnection of floodplains;

''(B) the study and creation of agricultural risk compensation districts where there is a desire to remove or set-back levees protecting highly developed agricultural land to mitigate for flooding, allowing agricultural producers to receive compensation for assuming greater flood risk that would alleviate flood exposure to population [s] centers and areas with critical national infrastructure;

''(C) the study and creation of land use incentives that reward developers for greater reliance on low impact development stormwater best management practices, exchange density increases for increased open space and improvement of neighborhood catch basins to mitigate urban flooding, reward developers for including and augmenting natural infrastructure adjacent to and around building projects without reliance on increased sprawl, and reward developers for addressing wildfire ignition; and

''(D) the study and creation of an erosion response plan that accommodates river, lake, forest, plains, and ocean shoreline retreating or bluff stabilization due to increased flooding and disaster impacts.

''(5) ESTABLISHING AND CARRYING OUT BUILDING CODE ENFORCEMENT.—A participating entity may use capitalization grants under this section to enable units of local government to establish and carry out the latest published editions of relevant building codes, specifications, and standards for the purpose of protecting the health, safety, and general welfare of the building [s] users against disasters and natural hazards.

''(6) ADMINISTRATIVE AND TECHNICAL COSTS.—For each fiscal year, a participating entity may use the amount described in paragraph (1)(C) to—

''(A) pay the reasonable costs of administering the programs under this section, including the cost of establishing an entity loan fund; and

''(B) provide technical assistance to recipients of financial assistance from the entity loan fund, on the condition that such technical assistance does not exceed 5 percent of the capitalization grant made to such entity.

''(7) LIMITATION FOR SINGLE PROJECTS.—A participating entity may not provide an amount equal to or more than $5,000,000 to a single hazard mitigation project.

''(g) INTENDED USE PLANS.—

''(1) IN GENERAL.—After providing for public comment and review, and consultation with appropriate government agencies of the State or Indian Tribe, Federal agencies, and interest groups, each participating entity shall annually prepare and submit to the Administrator a plan identifying the intended uses of the entity loan fund.

''(2) CONTENTS OF PLAN.—An entity intended use plan prepared under paragraph (1) shall include—

''(A) the integration of entity planning efforts, including entity hazard mitigation plans and other programs and initiatives relating to mitigation of major disasters carried out by such entity;

''(B) an explanation of the mitigation and resiliency benefits the entity intends to achieve by—

''(i) reducing future damage and loss associated with hazards;

''(ii) reducing the number of severe repetitive loss structures and repetitive loss structures in the entity;

''(iii) decreasing the number of insurance claims in the entity from injuries resulting from major disasters or other natural hazards; and

''(iv) increasing the rating under the community rating system under section 1315(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4022(b)) for communities in the entity;

''(C) information on the availability of, and application process for, financial assistance from the entity loan fund of such entity;

''(D) the criteria and methods established for the distribution of funds;

''(E) the amount of financial assistance that the entity anticipates apportioning;

''(F) the expected terms of the assistance provided from the entity loan fund; and

''(G) a description of the financial status of the entity loan fund, including short-term and long-term goals for the fund.

''(h) AUDITS, REPORTS, PUBLICATIONS, AND OVERSIGHT.—

''(1) BIENNIAL ENTITY AUDIT AND REPORT.—Beginning not later than the last day of the second fiscal year after the receipt of payments under this section, and biennially thereafter, any participating entity shall—

''(A) conduct an audit of [such] *the entity loan* fund established under subsection [(b)] *(c)*; and

''(B) provide to the Administrator a report including—

''(i) the result of any such audit; and

''(ii) a review of the effectiveness of the entity loan fund of the entity with respect to meeting the goals and intended benefits described in the intended use plan submitted by the entity under subsection [(f)] *(g)*.

''(2) PUBLICATION.—A participating entity shall publish and periodically update information about all projects receiving funding from the entity loan fund of such entity, including—

''(A) the location of the project;

''(B) the type and amount of assistance provided from the entity loan fund;

''(C) the expected funding schedule; and

''(D) the anticipated date of completion of the project.

''(3) OVERSIGHT.—

''(A) IN GENERAL.—The Administrator shall, at least every 4 years, conduct reviews and audits as may be determined necessary or appropriate by the Administrator to carry out the objectives of this section and determine the effectiveness of the fund in reducing natural hazard risk.

''(B) GAO REQUIREMENTS.—[The] *A participating* entity shall conduct audits under paragraph (1) in accordance with the auditing procedures of the Government Accountability Office, including generally accepted government auditing standards.

''(C) RECOMMENDATIONS BY ADMINISTRATOR.—The Administrator may at any time make recommendations for or require specific changes to an entity loan fund in order to improve the effectiveness of the fund.

''(i) REGULATIONS OR GUIDANCE.—The Administrator shall issue such regulations or guidance as are necessary to—

''(1) ensure that each participating entity uses funds as efficiently as possible;

''(2) reduce waste, fraud, and abuse to the maximum extent possible; and

''(3) require any party that receives funds directly or indirectly under this section, including a participating entity and a recipient of amounts from an entity loan fund, to use procedures with respect to the management of the funds that conform to generally accepted accounting standards.

''(j) LIABILITY PROTECTIONS.—The [Federal Emergency Management] Agency shall not be liable for any claim based on the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty by the Agency, or an employee of the Agency in carrying out this section.

''(k) DEFINITIONS.—In this section, the following definitions apply:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

''(2) AGENCY.—The term 'Agency' means the Federal Emergency Management Agency.

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

''(A) a State; or

''(B) an Indian [tribal] *Tribal* government that has received a major disaster declaration during the 5-year period ending on the date of enactment of the STORM Act.

''(4) HAZARD MITIGATION PLAN.—The term 'hazard mitigation plan' means a mitigation plan submitted under section 322.

''(5) INSULAR AREA.—The term 'insular area' means Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

''(6) LOW-INCOME GEOGRAPHIC AREA.—The term 'low-income geographic area' means an area described in paragraph (1) or (2) of section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

''(7) PARTICIPATING ENTITY.—The term 'participating entity' means an eligible entity that has entered into an agreement under this section.

''(8) REPETITIVE LOSS STRUCTURE.—The term 'repetitive loss structure' has the meaning given the term in section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121).

''(9) SEVERE REPETITIVE LOSS STRUCTURE.—The term 'severe repetitive loss structure' has the meaning given the term in section 1366(h) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(h)).

''(10) STATE.—The term 'State' means any State of the United States, the District of Columbia, and Puerto Rico.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000,000 for each of fiscal years 2021 through 2023 to carry out this section.''.

Mr. INHOFE. I ask unanimous consent that the committee-reported amendments be withdrawn, the Peters substitute amendment at the desk be considered and agreed to; the bill, as amended, be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendments were withdrawn.

The amendment (No. 2697), in the nature of a substitute, was agreed to, as follows:

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

The bill (S. 3418), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## ORDERS FOR THURSDAY, DECEMBER 10, 2020

Mr. INHOFE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, December 10; 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 resume consideration of the conference report to accompany H.R. 6395.

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

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. INHOFE. 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 7:02 p.m., adjourned until Thursday, December 10, 2020, at 10 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate December 9, 2020:

FEDERAL ELECTION COMMISSION

ALLEN DICKERSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2025.

SHANA M. BROUSSARD, OF LOUISIANA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2023.

SEAN J. COOKSEY, OF MISSOURI, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2021.