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House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. CLAY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 17, 2020.

I hereby appoint the Honorable WM. LACY CLAY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2020, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with time equally allocated between the parties and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 1:50 p.m.

FAREWELL TO THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Mexico (Mr. LUJÁN) for 5 minutes.

Mr. LUJÁN. Mr. Speaker, I am honored to rise for the last time on the floor of the House of Representatives.

Growing up on a small farm in New Mexico, I never imagined that I would walk these hallowed Halls and speak from this Chamber. Of course, I did not get here alone. I stand on the shoulders of giants like Dennis Chávez and Manuel Luján and many others who blazed a trail for me and other Hispanic Americans to serve our communities proudly in the people's House.

I also owe my public service to heroes a little closer to home: My mother, Carmen, a retired public school employee; and my late father, Ben, a union iron worker who became Speaker of the New Mexico House of Representatives. They taught me that no job is too big or too small, and that we must be guided by our compassion for others. It was their passion for serving others that propelled me to seek public office. Thanks, Mom and Dad.

I also want to take this opportunity to express my gratitude to Speaker PELOSI, Majority Leader HOYER, and Whip CLYBURN and countless other Members for their guidance and mentorship during my career in the House and during these last 2 years that I have served as Assistant Speaker.

I want to thank my colleagues on both sides of the aisle for your friendship and support.

And thank you to the freshmen Members, the new Members, who I had the honor of working with and mentoring during the 116th Congress. During a difficult time in our Nation's history, your commitment to our constituents and the Nation has inspired me every day.

Thank you to my staff, who work long hours and weekends to serve the people of New Mexico. Their support has enabled me to make progress on the issues that matter most to New Mexicans.

And, finally, thank you to the people of New Mexico's Third Congressional District. It has been such an honor to represent you. The House and I will never stop working to make a positive difference.

I am proud of what we were able to accomplish for New Mexico's Third Congressional District:

Defending the Affordable Care Act, which expanded health coverage to 270,000 New Mexicans;

Reaching across the aisle to pass bills into law combating the opioid epidemic that has ravished families and communities;

Working with my Republican colleagues to make robust investments in our world-class national labs;

Creating good-paying jobs for New Mexicans by passing measures to bolster our State's growing outdoor economy and to improve broadband deployment in our rural communities;

Passing legislation to preserve and protect Native languages for future generations;

Ensuring New Mexico's land grants and acequias are treated with dignity and respect, and can continue to thrive;

And assisting thousands of New Mexicans in navigating our Federal agencies, helping veterans and seniors secure their hard-earned benefits, taxpayers navigate the IRS, and new citizens through the naturalization process.

Mr. Speaker, I will include in the RECORD a list of 29 bills I led and 10 that I co-led that became law while I served in the House.

Come January, the Third District will have a new representative in Teresa Leger Fernandez. I know she will be a champion for working families and for New Mexico. I look forward to continuing to work with her and the rest of my friends in the New Mexico delegation from the other side of the Capitol.

I am truly humbled that the people of New Mexico have sent me to be their voice in the United States Senate. To be perfectly honest, it hasn't sunk in yet.

But I will miss the people's House. It has been the privilege of my lifetime to serve here alongside you. Let's continue to heed the call of the American

people and make a positive difference every day that we can.

HONORING THE SERVICE OF BILL HUGHES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. SCALISE) for 5 minutes.

Mr. SCALISE. Mr. Speaker, I also wish my friend from New Mexico well in the next phase of his life. I thank him for his service to our country.

Mr. Speaker, I rise today to make a bittersweet announcement, and that is to say thank you to a member of my staff who has given 31 years of his life to this great institution. I am talking about Bill Hughes.

Bill Hughes has decided to retire at the end of the 116th Congress. More than one person has remarked over the years that Bill Hughes comes with the building. Bill has been my policy director since I became the Republican whip in 2014. He was my very first hire in that office. But his career was already legendary when I asked him to unretire and to join the whip team.

Bill's career embodies the American Dream. He grew up in South Dakota. He didn't have connections in Washington. He just had a dream. He was drawn to public service, and his breaks came through hard work. He became an expert on the Federal budget and the legislative process.

For 31 years, Bill has been part of some of the biggest policy debates, legislative achievements, and history-making events of our time. He retires still doing what he dreamed about doing as a young kid growing up in rural South Dakota.

Bill has served as policy director for a Speaker of this House. He served as staff director for a committee, as Chief of Staff for a Senator, and a staff director for the Senate Republican Policy Committee.

He began his career at OMB under David Stockman back in the Reagan administration.

When I hired Bill, I hired the institutional memory of this place dating all the way back to the 98th Congress. He has an encyclopedic memory of budget accounts, past appropriations battles, Senate procedures, and, yes, also the history of American music. You can imagine some of those conversations that we have had through some of the battles we have had up here.

His colleagues respect and admire him; and more than one generation of staffers have sought his advice, guidance, and mentorship.

We have all been involved in dropping a bill right over there on the House floor, but very few of us have dropped a bill the way that Bill Hughes has.

One day, when he was working for the legendary Bud Shuster, Bill came running down to the floor with a 1,700-page infrastructure bill to get it introduced so it could get voted on, and he literally dropped the bill on the floor. It took some time to put it back together and, of course, with Bill's attention to detail, he made sure that every page was back in the right place. But he never once ''dropped'' a bill for me.

Bill is a consummate staffer and a humble public servant. He works endless hours to ensure that I have the best information and the most important facts about key legislation. He never made himself part of the story. He is that kind of person who deflects attention and credit.

In doing so, Bill Hughes has earned the confidence, not only of me, but of all the leaders that he has worked with. Speaker Boehner, Speaker Ryan, Leader MCCARTHY all have sought Bill's advice and counsel during his tenure as my policy director in the whip office.

I am sad to have to say good-bye to Bill. We will miss the House Republicans' ''Senate whisperer,'' as we refer to him. But very few have earned the thanks and best wishes that Bill leaves this institution with.

Bill stands out among his peers and colleagues. He came to Washington nearly 40 years ago with a servant's heart. He came here for a career in public service, and he leaves the House with more than 33 years of legislative and executive branch experience. It is truly a remarkable run.

Bill is retiring to spend more time with his wife and kids and the greener pastures of his cabin in the mountains. If Bill wanted to continue to work, it would be right here in the House that he loves, and the House that will be forever indebted to his sacrifice, his wisdom, and his great love for the United States of America.

Bill, we were lucky to work with you, and America is a richer Nation thanks to your service. You will be deeply missed here, but you have more than earned the opportunity to enjoy this next chapter in your already rich life.

Thank you to Bill Hughes, and God bless you.

FAREWELL TO THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. CUNNINGHAM) for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I rise with honor to address this Chamber one last time. And I say ''with honor,'' because it has been truly that to serve the people of South Carolina's First Congressional District. I want to thank them for that opportunity, particularly because, by most accounts, I never should have been here in the first place.

I was reminded of that over the Thanksgiving holiday as I walked on the beach on Sullivan's Island with my 2-year-old son, Boone. We were out there searching for a sandcastle that he had built the day before, but I knew it had been washed away by the tides.

I thought about the slim chances I had of making it here back in 2018. And then my defeat 2 years later. It became apparent that political victories and losses are as transient and vulnerable as my son's sandcastle on the beach. Especially in a district like ours, a Democrat in a ruby red and gerrymandered district that President Trump carried by 13 points back in 2016, one that had not been served by a Democrat in my lifetime.

But we made it here by promising something different, by promising to work with one another, reach across the aisle, listen to those we may not agree with, and get things done.

Washington, D.C., was rife with partisanship and chaos. However, I didn't arrive 2 years ago to simply complain; I came to roll up my sleeves and be part of the solution. Or, as the old adage goes, I did not come to curse the darkness, but to light a candle.

But it wasn't just about talk; it was about action. We said we would work across the aisle, and I was ranked the fourth most bipartisan Member in Congress.

I said I would work with anyone to get things done, and President Trump signed two of my bills into law.

I promised to protect our beautiful shorelines in South Carolina, and we passed my bipartisan bill that did exactly that.

We showed that working together can manifest remarkable results, all of which was made possible by the dedication of my incredible staff and with the love and support of my family.

Sadly though, here in Washington, D.C., bipartisanship and civility seem to be the exception and not the rule. In my short tenure, I have been disappointed with a lot that I have encountered.

I have seen Members consistently put their party ahead of their own people; embracing conspiracy theories or arguments detached from reality while knowing better and, sometimes, admitting so privately.

I have seen Members mock the President behind his back and praise him to his face; loathe him in private and worship him on television.

I have seen them intentionally spread misinformation and lies, flirt with white supremacists, and pander to the most extreme voices in our society.

And it has been for one reason and one reason alone: self-preservation; people more interested in protecting themselves and their party than protecting our country; more interested in keeping their job than doing their job.

Such reckless and selfish behavior has created a system where most politicians can't lose and most Americans can't win. And when it is time to tackle the greatest challenges before us, our leaders cannot even agree on the problems, let alone the solutions.

Today's elected leaders bear a tremendous responsibility to be the custodians of our young and fragile democracy. And make no mistake, our democracy has been battered and bruised, but it is not yet broken. And

to save it, we must agree on one basic truth: that the other side is not the enemy. The enemy is the stubbornness of our own biases.

□ 1215

The enemy is a political system that seeks to divide us for sport. Let's fight that and not each other. Our country is facing some serious issues right now, and our country will be much better served if Democrats and Republicans can come together.

My grandfather always told me that you can get through about any problem if you actually sit down with somebody and have a beer together. I have been trying to work with people since the first day I got here. I won't ever stop reaching across the aisle or trying to work with one another or sitting down and having a beer and listening to each other.

For the betterment of this country, we have to come together. We have to sit down, listen to each other, and maybe even have a beer.

In the spirit of bipartisanship and cooperation, I raise this glass to my colleagues, both Democrats and Republicans.

WARNINGS FROM BIPARTISAN COMMISSION ON FEDERAL ELECTION REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS of Alabama. Mr. Speaker, this is my eighth speech in a series on voter fraud, election theft, and the Presidential election.

There are three major flaws in America's elections that socialist Democrats exploit to steal elections.

First, voting by illegal aliens and other noncitizens is rampant because socialist Democrats made it illegal to require proof of citizenship when illegal aliens and other noncitizens demand to be registered to vote. In 2020, hundreds of thousands, and more likely millions, of illegal aliens and other noncitizens legally voted for Joe Biden after he promised them amnesty and citizenship if he is elected President.

Second, vote-by-mail schemes are both horribly prone to voter fraud and are illegal because they violate Article I, Section 4 of the Constitution and Congress' ensuing designation, with minor exceptions, of one 24-hour day as the election day during which citizens can vote. Yet, in 2020, socialist Democrats foisted vote-by-mail schemes on America in order to more easily engage in voter fraud and election theft.

Third, the lack of photo ID requirements makes it easier for paid socialist Democrat election thieves to steal elections with voter impersonators. While socialist Democrats and the fake news media repeatedly and falsely claim there was no voter fraud in 2020, what is most startling is this: America was warned 15 years ago that this would happen.

In 2005, a bipartisan Commission on Federal Election Reform co-chaired by Democrat President Jimmy Carter and Reagan White House Chief of Staff James Baker issued a 105-page report specifically warning about the very same systemic flaws the socialist Democrats used in 2020 to steal elections. The commission report warns: ''Elections are the heart of democracy. If elections are defective, the entire democratic system is at risk.''

Concerning noncitizen voting, the commission warned of a growing noncitizen voting threat, citing 784 noncitizen votes in a contested California congressional race. The commission recommended that ''all States should use their best efforts to obtain proof of citizenship before registering voters.''

Of course, that means repealing the socialist Democrat law that makes it illegal for voter registrars to require proof of citizenship when illegal aliens and other noncitizens demand to be registered to vote.

Concerning vote-by-mail schemes, the commission warned that vote by mail is ''likely to increase the risks of fraud and of contested elections,'' adding that it remains ''the largest source of potential voter fraud'' because it is ''vulnerable to abuse in several ways. Blank ballots mailed to the wrong address or to large residential buildings might get intercepted. . . . Vote buying schemes are far more difficult to detect when citizens vote by mail.''

The commission recommended minimizing voting by mail.

On voter ID, the commission warned that the lack of photo ID opens the door to voter fraud and strongly recommended a photo ID requirement for voters, noting that ''photo IDs currently are needed to board a plane, enter Federal buildings, and cash a check. Voting is equally important,'' and that ''voters in nearly 100 democracies use a photo identification card without fear of infringement on their rights.''

The commission recommended that ''citizens should identify themselves as the correct person on the registration list when they vote.'' The problem ''is not the magnitude of the fraud. In close or disputed elections, and there are many, a small amount of fraud could make the margin of difference.''

How prophetic.

Mr. Speaker, America's republic is only as good as its election system. On January 6, 2021, I have a choice. I can ignore truth, surrender to socialism, and accept electoral college submissions from States with election systems so badly flawed as to render their vote submissions unreliable, untrustworthy, and unworthy of acceptance. Or I can fight for America and move to reject them.

I can't speak for anyone else, but as for me, MO BROOKS from Alabama's Fifth Congressional District, I choose to fight for America.

HONORING VICKI WAGNER MANSFIELD

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Michigan (Ms. STEVENS) for 5 minutes.

Ms. STEVENS. Mr. Speaker, I rise today to honor my friend and the ray of light that was Vicki Wagner Mansfield, a resident of Troy, Michigan, who passed away last month after a 2-year battle with brain cancer.

Vicki, simply put, was a pillar of our community, known and beloved by many. She was raised in Grosse Pointe, Michigan, and she moved to Troy with her husband, Bruce, in 1985 to raise their family.

Her memory is carried forward by her beloved Bruce; her two amazing daughters, Abbey and Rachel; and her delightful grandson, Hank.

Vicki was known as a loving wife, mother, grandmother, daughter, sister, friend, and aunt. She is celebrated in our community for her artistic creativity, that forthrightness, her fierce loyalty, and the contributions that she made as an active volunteer in our community.

Vicki was a mother's mother. She was active in PTA, school events, and political activities, always with the goal of: How do I make this world a better place?

So many former students through the Birmingham school system have stood up to say how much Vicki meant to them, how involved she was as a parent with the Girl Scouts or in a play that she did. It was always because she cared about the outcomes of their lives.

Vicki took the time in some of the remaining days that she had to message me to say—not with a complaint or with a question—how much she cared about the work that we do in the Congress, to pass along to those who are in elected office a note of gratitude and thanks to say keep going, keep giving it all you can.

That is certainly something that Vicki did every day of her life.

Her passing is also a stark reminder of our work ahead to improve the research and treatment of cancer in this country. Glioblastoma is a common and aggressive brain cancer with an unfortunately high mortality rate. A strong Federal investment is essential to improve our understanding and care of this tragic disease and for the providers like those at the Henry Ford Medical Center and what they rely on for good research.

I carry Vicki's light like a torch in the fight for increased funding for cancer research. As we inch toward this deadline to fund our government, I continue to urge and work with my colleagues to join me in supporting robust brain cancer research funding at the NIH and DOD to continue this life-saving work. We cannot let those suffering from brain cancer and their families fail.

CONGRATULATING GAIL LANGWORTHY ON HER RETIREMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to thank and congratulate Gail Langworthy, an incredibly kind and dedicated employee of mine who has served my constituents for 8 years back in the district.

Gail is moving on to an exciting new phase of her life, and she is leaving our office to enjoy her retirement.

When Gail isn't working hard for the people of Pennsylvania's 15th Congressional District, she is an active volunteer for the Breedtown Cemetery Association in Venango County. She enjoys dancing, visiting her three grandchildren in Florida, and exploring local trails while riding bikes with her husband, Jeff.

Gail has also been described as an avid thrift shop and yard sale junkie. Gail will be missed by our entire team, but I am happy for her as she begins this new adventure.

Thank you, Gail, for your hard work, dedication, and service, and enjoy your retirement.

RECOGNIZING DAVE BAILEY ON HIS RETIREMENT

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize Mr. Dave Bailey, who has worked for 31 years for the Office of the Chief Administrative Officer by supporting Member offices with all sorts of technology needs.

Dave has been a frequent visitor to our office to help me and my staff with our computers any time that we had an issue. He also played a critical role in ensuring our office was ready to telework as we transitioned our lives online at the start of this pandemic.

Simply put, we would not be able to do our jobs without people like Dave Bailey.

I am disappointed that I will not be able to share my well wishes with Dave in person, but I wanted to take this opportunity to thank him for his three decades of service and for all the help that he has provided me in my office.

Dave, be well, and enjoy your much-deserved retirement.

COVID VACCINE

Mr. THOMPSON of Pennsylvania. Mr. Speaker, this week, we reached a truly incredible milestone in the fight against coronavirus.

On Monday, the first COVID–19 vaccine developed by Pfizer was administered, and today, the FDA is meeting to approve the Moderna vaccine.

The timeline of vaccine development was made possible by Operation Warp Speed, and it is truly a modern medical miracle. In the 1930s, at the University of Pittsburgh, Dr. Jonas Salk began work on a polio vaccine. It wasn't until 1953, 23 years later, that the vaccine was successfully tested.

Operation Warp Speed has helped shrink the vaccine timeline and knock down barriers in delays. To develop a safe, effective vaccine in under a year is a testament to the incredible scientific progress we have seen over the years and the refusal of scientists to surrender to this terrible virus.

The marshaling of the public sector and the private sector together by President Trump has really resulted in this vaccine that we have all been desperately waiting on. The vaccine is a critical step in saving lives, saving jobs, and saving our economy.

I thank President Trump for his leadership in Operation Warp Speed, and I thank all the incredible scientists, doctors, medical professionals, and the others who have helped make history.

COVID RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Michigan (Ms. SLOTKIN) for 5 minutes.

Ms. SLOTKIN. Mr. Speaker, today, on the eve of a hopeful vote on the next COVID relief bill that our Problem Solvers Caucus has so ably led the charge on, I rise to tell the stories of three individuals from my district. Their stories represent just a fraction of the messages I have been receiving on COVID relief.

But today, on the floor of the people's House, I rise because they deserve to be heard. Their stories are the reason we refuse to go home for Christmas without an agreement. They are why we continue to fight until a deal is reached.

First, I would like to talk about Bob, who wrote to me from Brighton, Michigan. Bob is a pillar of his community. After serving his Nation in the Army National Guard for 6 years, he has been giving back to his fellow veterans for over 21 years as a district post commander for The American Legion.

But for the first time in 16 years, Bob recently found himself laid off from his job in construction due to the coronavirus. To cover his expenses, like 171,000 others in Michigan, he had to file a first-time claim for unemployment insurance. Despite being eligible for the State's maximum benefit, he cannot make ends meet.

Between medications and health insurance, mortgage and car payments, utilities and food, he is having to turn to his savings, and he knows that won't last long.

Bob is responsible, a straight shooter, and he has served our country. He is the kind of Michigander who anyone would want in their corner, but right now, he is asking for help, not sometime in the future, not after the inauguration of a new President.

He is asking us to pass a bill that helps the millions of Americans who are in need. It is our job, and it is our duty to rise to that call.

□ 1230

I am also pushing for relief for Richard, who is from my hometown of Holly, Michigan. Richard chairs our Downtown Development Authority Board, which supports the businesses on Main Street, many of which have been devastated by the pandemic.

Richard has had a front row seat to how critical the situation is, so he wrote me, asking what the Federal Government is going to do to save small businesses from bankruptcy.

I had the chance to talk to Richard over the phone this week, and we agreed that small businesses need loans and clarity on whether those loans will be forgiven or if they can deduct that loan in tax season. This is what we will hopefully be voting on in the next 48 hours in the update to the PPP program.

Richard and I do not see eye to eye on every issue, but when it comes to our local businesses, we are residents of Holly first. We agree that small businesses need a bridge to get them through the next year when the vaccine will be widely available. After all, it is business owners like Richard who have shown the grit and resilience needed to adapt to these challenging times. It is only right that we have their backs when they need it most.

Mr. Speaker, lastly, I am pushing for this bill because of Karli. She is a server at Mackle's in Hartland, Michigan—where, by the way, they have the best buffalo chicken wing tenders ever—and the best part of the job for her is creating memorable experiences for guests who come to share a meal. But these days, with the kitchen converted fully to takeout, she is working half as many shifts and taking home half the pay she used to.

COVID blindsided her and the rest of the service industry, and now she is worried about the bills that are piling up. In between shifts and stretching every paycheck, she is going to school to become a nurse, joining the absolute front line of America's latest war. Simply put, she can't imagine going into the new year with no extra help.

Mr. Speaker, she ends her letter with these words: ''Please help take care of us so we can get back to taking care of you as our guests.''

Take care of us so we can take care of you.

Mr. Speaker, think about that for a moment. In the middle of a global pandemic, one that has claimed 300,000 American lives and upended our way of life, that is the mantra of folks on the ground, folks who just want to take care of their neighbors and their communities. They are not asking for the government to solve every problem, but they expect their government to act.

For residents in my district, an agreement is more than just numbers on a page. It is a ray of hope that maybe they will spend Christmas a little less worried. It is a new year that they can truly look forward to. It is a sign that, when their backs are up against the wall and they need help, Congress can get in a room and agree on a deal.

Mr. Speaker, we are so close to that finish line, and so I ask all my colleagues to join me in heeding the pleas of Bob and Richard and Karli. Let's do the right thing. Let's pass a bill so we can help those who need it the most.

RECOGNIZING PAMELA DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alaska (Mr. YOUNG) for 5 minutes.

Mr. YOUNG. Mr. Speaker, I rise today to recognize my chief of staff, Pamela Day. Next month, after 25 years of service—17 of them in my office—Pam will begin her well-earned retirement.

Pam first arrived on Capitol Hill as a college student and served in my office with my friend, the late Representative Ben Gilman of New York. She first started in my office as a legislative assistant, and her policy knowledge and genuine desire to serve my constituents quickly became apparent.

Because of her hard work, determination, and positive attitude, Pam was promoted to legislative director, deputy chief of staff, and, eventually, she became my chief of staff. Her leadership in my office has been invaluable.

It is no secret, as dean of the House, I have been here for a long time. As a Member of this institution for nearly 20 years, Pam stuck with me through thick and thin, and I will always be grateful for her faithful service.

She is well respected by everyone, from alumni of my staff and her colleagues on Capitol Hill, to leaders in the State of Alaska and advocates far and wide. You simply do not achieve this level of respect unless you set the gold standard for what a congressional staffer should be. Pam has gone above and beyond at every turn.

Mr. Speaker, a chief of staff doesn't just assist the Member; they have an entire team of employees who, at any given time, are working on countless issues. My staff would agree, Pam is admired, respected, and will be deeply missed.

Pam's tenure has seen many of the victories I am proud of. She served in my office while I served as chairman of the Committee on Transportation and Infrastructure and passed our landmark highway bill, SAFETEA-LU. She also helped pass reauthorization of the Magnuson-Stevens Fishery and Conservation Management Act. And her commitment to constituents has helped secure millions of dollars for organizations that serve Alaskans and Americans from all walks of life.

Aside from legislative victories, Pam understood the importance of the relationships in Congress. She made sure that my office was always in good spirits. And as many will attest, she ensured that our annual office Christmas parties were the best on the Hill.

Mr. Speaker, I am very proud of Pam, and I am saddened to see her go. She served me, our State, and our Nation with professionalism, commitment, and a sincere love of country. She has always been committed to the next generation of congressional staff and has been a respected mentor to many of the staffers, both in my office and around Capitol Hill. Her leadership in my office was invaluable, and she will be missed by her colleagues as well as myself.

Mr. Speaker, it has been my great honor to call her my chief of staff and an even greater honor to call her my friend.

Pam, I wish you the best in your retirement. You have certainly earned it. God bless you, Pam, and thank you for your service.

FAREWELL REMARKS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Oklahoma (Ms. KENDRA S. HORN) for 5 minutes.

Ms. KENDRA S. HORN of Oklahoma. Mr. Speaker, I rise today to reflect on what has been the greatest honor of my life: the opportunity to represent my home State and Oklahoma's Fifth Congressional District here in the people's House.

This is not an honor that I take lightly, nor is it a responsibility that I could have carried alone.

First and foremost, I begin by saying thank you.

Thank you to my family, to my parents, grandparents, great-grandparents, my friends, and all of those who have supported me throughout my life, who taught me the lessons about caring for our community, lessons about hard work and determination, about living the Golden Rule—the Oklahoma standard.

Thank you to all my teachers and guiding voices who showed me, through words and actions, the value of service, the importance of showing up for each other and standing up for what is right.

Thank you to Oklahomans who have shown up to make their voices heard. It is because of you we were able to accomplish everything we did. It is because of you that we were able to do what others said could not be done.

Mr. Speaker, I express my gratitude for my staff, who worked day and night to serve the Fifth District: my legislative team who made sure that, with every vote I took, I did what was right for Oklahoma; my caseworkers, who were nothing short of lifesavers. Their work to help veterans and seniors, to help workers and small businesses and struggling families during this pandemic literally saved lives.

Each and every one of my staff pushed themselves, not for my personal end, not to make a political point, but to serve a district and people that they care about, to help people who need it, and to make Oklahomans heard in Congress. After all, that is why we are here.

Members and staff alike, we are here to serve, and public service means putting the best interest of others before ourselves. Service means listening to and working with others, even when we disagree.

Service is not about winning at all costs. It is not about us versus them. It is about all of us working together. Service means leaving the world and our country a better place than we found it.

I still believe that we can do that, that we must do that, that we must leave this country better than we found it. And, no, it is not easy. It takes work, but it is worth it.

Mr. Speaker, during the 116th Congress, I held 54 townhalls, a record for Oklahoma's Fifth District. I met with thousand of Oklahomans: individuals, businesses, and organizations. It was worth it because connecting with constituents and making sure their voices are heard is a critical part of this job.

One of the most frequent questions I had heard time and again—one that broke my heart—was when people would ask me if it was even worth it to work across the aisle to try to get things done, whether it was even possible to find compromise and common ground in today's bitter political climate. My answer was the same every time: Absolutely.

We can and we must. We have done it before. Compromise takes hard work because it is always easier to walk away from the table, to point fingers, than it is to find a path forward. But finding common ground is worth it every time because, when we talk about service and working on behalf of our districts, to me, the best service we can provide here in Congress is putting politics aside and getting the work done for the people we represent. It is with hard work and commitment to talking to each other that we can do that, and we have proven it over and over again here in the 116th Congress.

Mr. Speaker, I am proud to say that, in this Congress, that is what I have done. I have had 25 bipartisan bills signed into law in the midst of a divided government, those that make a real difference for our country and the people of Oklahoma's Fifth District, legislation like my Military Tenant's Bill of Rights and the Military HOMES Act, which work to address substandard and unsafe housing on our military bases; bills like the PPP Flexibility Act, which extends financial support to small businesses during this pandemic; and legislation like the USMCA trade deal and the CARES Act, which all needed bipartisan support to pass.

These things made a difference. They were accomplished because we worked together. We were able to get them signed into law. We have accomplished real things over the past 2 years in service to our country, but only by working together.

And there is so much more left to be done. We have work to do to deliver quality, affordable healthcare to all Americans. We have to strengthen our public education system. We have to

work to create economic opportunity for all. And we must face the realities of inequity and injustice and systemic racism, and the work that has yet to be done to build a stronger America.

There are no easy answers to these challenges. Simply put, there is no silver bullet or hashtag that will solve these deep-seated issues, but there is a right way to work towards a solution: by working together.

Mr. Speaker, at this moment of fear and division, we have a choice: to retreat into our corners and find ourselves pitted against each other, to fall further into this well of darkness, or to come together and find a pathway back to civility, to remember that our neighbors' fears and struggles and challenges are not that different from our own.

Mr. Speaker, this is a choice each of us must make, and we must urge our Nation's leaders to make the choice correctly. We need leaders who will solve problems rather than create them, who will remind us of what we can accomplish together when we try. At this moment in time, we need leaders who will renew our commitment to unity and public service because there is so much at stake.

Mr. Speaker, we have more in common than we have that is different. We have more that unites us than divides us. And to make this great experiment that is our Nation work, we must recognize a fundamental truth:

We are a government of the people, and that means we have to work for everyone. We are a government by the people—not by a party, not by two separate peoples, by the people.

Mr. Speaker, to move ourselves forward for the people, to keep our democracy strong, we must recognize the humanity in each other. Our Nation's future hangs in the balance.

COMMEMORATING THE ABRAHAM ACCORDS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arkansas (Mr. HILL) for 5 minutes.

Mr. HILL of Arkansas. Mr. Speaker, as this year draws to a close, I rise to commemorate the historic Abraham Accords.

After years of foreign policy experts saying it could not be done, President Trump and his team have now brokered peace between Israel and the Kingdom of Morocco, the fourth such agreement in just 4 months.

Because of these remarkable diplomatic accomplishments, we will seek continued cultural, diplomatic, and economic visits and exchanges between Israel and Bahrain, Israel and the Emirates, Israel and Sudan, and, now, Israel and Morocco.

I believe that this represents a historic paradigm shift in the region and gives momentum to ultimate peace between Israel and the Palestinians.

Mr. Speaker, it has been more than 20 years since Israel signed peace with the Kingdom of Jordan and more than 40 years since the historic Camp David Accords and peace between Egypt and Israel.

Since those historic agreements, the United States' efforts to further peace in the Middle East have stumbled and faltered, with little to no significant progress shown. In fact, the situation for Israelis has been more dangerous in recent years, with terrorist attacks and rocket bombardments becoming a near regular occurrence.

Expanding diplomatic relations between Israel and these other nations will be beneficial to pushing back against the Iranian mullahs, Hezbollah, and other extremists in the region.

I look forward to the United States working together with Israel and these new partners at the table to solve the crisis in Syria and to counter the mullahs in Iran.

Mr. Speaker, many of us in Congress encourage the incoming Biden administration to build on these historic positive developments and not fall back into the failed Middle East policies of the past.

□ 1245

HONORING THE LIFE OF THOMAS ALBERT PARRIS

Mr. HILL of Arkansas. Mr. Speaker, I rise today to honor the life of a great American, Thomas Albert Parris. He was 87 years old.

After joining the Air Force in 1948, at age 14, Mr. Parris was stationed in Germany for 2 years, where he drove an ambulance and became a medic. Mr. Parris continued to serve in that capacity at various Air Force bases in the U.S. and abroad.

While stationed in the Azores, Mr. Parris assisted in delivering 395 babies. After retiring from military service, Mr. Parris owned several gas stations, worked on nuclear submarines, became a private pilot, and trained racehorses.

Most recently, he was recognized by the Cherokee Nation of Oklahoma and awarded the Cherokee Warrior Medal of Patriotism by Chief Chuck Hoskin, Jr., and the Tribal council members.

I join Arkansans, Oklahomans, and all Americans in recognizing Mr. Parris' years of service and honoring his remarkable life. I pray he rests in peace.

HONORING THE LIFE AND LEGACY OF NICOLE INMAN

Mr. HILL of Arkansas. Mr. Speaker, today, I rise to recognize Nicole Inman and her great memory, who, over the past many months, was recognized by her friends, family, and colleagues as a warrior of hope. Nicole recently lost her courageous battle with cancer. Many across Arkansas are mourning her passing.

Nicole was the Bryant High School girls' soccer coach, who led the program to its second Class 6A state championship in May 2019, the same year she was awarded Coach of the Year by the United Soccer Coaches. She was more than a coach and a teacher; she was an inspiration on and off the field.

Nicole's faith was a cornerstone throughout her fight. With her strong faith in God, she used her illness as an opportunity to minister and inspire her players and students.

Nicole was also an incredible wife and mother. Her legacy will live on through her team and her husband, Scott, and their four children: Garrett, Ashton, Abbey, and Nathan.

She will be missed by her community. I offer prayers for comfort to her family and condolences. Thank you for sharing her with our community.

CELEBRATING ATLANTA-BASED BUSINESSES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. HALL) for 5 minutes.

Mr. HALL. Mr. Speaker, I rise today to celebrate several businesses and issues essential to Georgia's Fifth Congressional District and to greater metro Atlanta.

As many in this Chamber likely know, my district is home to Hartsfield-Jackson Atlanta International Airport. As many also know, the coronavirus pandemic has ravaged air travel, an industry critical to my district.

Which is why this morning I am proud to celebrate Delta Airlines and Hartsfield-Jackson for the inaugural quarantine-free, COVID-free flight from Atlanta to Rome, Italy.

As former chair of the international committee in the Atlanta City Council, I challenge the House Foreign Affairs Committee to facilitate measures that encourage more of this.

My responsibilities attendant to the Fifth Congressional District prevented me from joining this group on this delegation, but I hope to be on later flights.

I also rise to raise attention to the need for renewed support of the former OPIC-like activities via the DFC, the Development Finance Corporation. Attention to developing nations in Africa, like Nigeria, Ghana, and Ethiopia; the Caribbean; South and Latin American countries, such as Brazil and Colombia; Central Asia and Asia are in need of support.

This morning, I also want to celebrate Home Depot, the world's largest home improvement store, with more than 2,200 stores, employing 400,000 individuals. Under the vision of Arthur Blank, the Home Depot supports countless lives and families and continues their unwavering support of veterans.

We know that the COVID pandemic has affected many industries, including home improvement. Many employees in industries all across the country have been deeply affected by the economic toll caused by the pandemic, which is why the stimulus discussions occurring in the Capitol, if reports are to be believed, are still somewhat insufficient. We simply cannot be content with $600 payments. $600 per person is not enough. Frankly, my flights

here are about $300. So I am sure we can do better.

Mr. Speaker, as we enter the holiday season, I also want to spotlight other Atlanta organizations for their support of those in need. I want to celebrate Tyler Perry Studios for telling uplifting and inspiring stories and using their state-of-the-art facilities to support 5,000 families with food this past Thanksgiving.

I also want to acknowledge two nonprofit organizations—Caring for Others and Hosea Feed the Hungry—that are both helping to fill the gaps during this pandemic.

We, in Congress, also need to do our part. As I stated earlier, we can do better than the $600 being discussed in this stimulus proposal. It is a good start, but it is not enough.

There are other Atlanta-based companies that are doing notable work that merit recognition: UPS, which has been critical in the disbursement of the COVID vaccine; and other companies, like Global Payments and Equifax.

Later this week, I also plan to introduce legislation to advocate for the continuation of the John Lewis Loop and Campbellton Road. Also in need of inclusion is Old National Highway, Fulton Industrial Boulevard, Candler Road, Camp Creek, and Martin Luther King Drive. They all need relief now. They are critical to job creation in our community and need investment.

THE REPUBLICAN PARTY IS THE PARTY FOR ALL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX of North Carolina. Mr. Speaker, on December 4, Speaker PELOSI and Congressman CLYBURN announced the unveiling of a new exhibit in the Capitol that pays tribute to Joseph Rainey, the first Black Member of the House of Representatives.

He served from 1869 until 1879. He was the first African American to preside over the House, and he was the longest-serving Black lawmaker in Congress during Reconstruction. In fact, he was a founding member of the South Carolina Republican Party.

Two other Republicans, George White and Jefferson Long, made history as the first Black Members of Congress from North Carolina and Georgia during the same period. George White, from North Carolina, was a staunch advocate for other Black Republicans in the State and often took Democrats to task for not accepting the values that other Black Republicans held as well.

Their stories deserve due recognition, and they also serve as reminders that political affiliations of any type are based on the values that one espouses, not just the color of one's skin or sex.

It is unfortunate that more Black Republicans are not elected to the House of Representatives or to the Senate. That is because Black Republicans have been attacked repeatedly by the Democratic Party and their friends in the mainstream media.

Mr. Speaker, even now, Democrats are still peddling a facade of being the party of the people. However, their outright rejection of those who hold different beliefs just goes to show how contradictory the party truly is.

Meanwhile, the Republican Party welcomes members from all different backgrounds. Just look at the diverse new Republican representatives that the American people elected to Congress: women, veterans, and minorities. Those are the Republican candidates from across the country who have proven that Republican values are not the values of a few; they are the values of many.

If we look at the centennial of the 19th Amendment that happened this year, we see the same disinformation tactics at play. Democrats harp incessantly about how they were the ones that fought for the 19th Amendment, but history tells a different story. On May 21, 1919, 200 Republicans voted for the 19th Amendment in the House, while many Democrats objected.

Mr. Speaker, facts can't be forsaken as we look back at these historic events. However, flip through the pages of any classroom textbook and you do not see the Republican Party getting the credit it deserves for fighting for equality, women, and minority populations.

Americans are not consigned to one set of political ideologies based on immutable characteristics. Free societies are built by an open exchange of ideas, and that exchange must be respected.

The American people do not need to be told how to feel, how to think, and what values they should support. That is irresponsible. The American people are perfectly capable of coming to their own conclusions, but they need the facts presented to them.

The Republican Party is the party of equality, and the facts clearly show that.

RECOGNIZING LOCAL HEROES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Pennsylvania (Ms. SCANLON) for 5 minutes.

Ms. SCANLON. Mr. Speaker, over the last 10 months, the COVID–19 pandemic has had a devastating impact on our communities: from our frontline heroes working around the clock to families who have gone hungry, to the millions who have lost their jobs, and, heartbreakingly, the over 300,000 who have lost their lives.

While many of us believe that the Federal Government can and still should do much more to alleviate the impact of the pandemic, we all can be inspired by the compassion, innovation, and resilience of the people in our communities who have stepped up to serve and to try to fill the needs laid bare by this crisis. They are our local heroes.

A few weeks ago, my office launched a local heroes initiative to showcase the countless people in Pennsylvania's Fifth Congressional District who have gone above and beyond to help those in need throughout this crisis. In just the first few days, we received over 100 submissions, and it has grown since then.

From nurses on our front lines to children organizing food drives, we were overwhelmed by the stories of resilience, ingenuity, and absolute determination by members of our community whose stories we don't hear enough. So, today, I want to share a few of their stories.

I am talking about people like Nicole, an emergency manager, who is now serving our community by running two emergency rooms due to the overwhelming number of COVID–19 cases. Aunt Nee Nee, as she is known to her beloved nieces and nephews, has only been able to see her family for limited amounts of time, if at all, since the pandemic started.

People like Jillian, a mom of three, who regularly works 15-hour shifts in the ER, then comes home, disposes of her scrubs in a bin so she can hug her kids and help them do their schoolwork. She is a real-life superhero.

Young people like Emily, just 14 years old, who, when she realized that some children in our community would be without holiday gifts this year, organized a toy drive, contributing her babysitting money and recruiting her younger brother and sisters to help make cards and wrap the gifts.

People like Michelle, a nonprofit leader, who has ensured that our LGBTQ communities are not left behind during this crisis; working to secure housing, food, and medications for immunocompromised community members.

Teachers like Jimmy, from Upper Darby, who knows how hard this transition has been for both students and teachers. So he has gone above and beyond to share acts of kindness, like dropping off doughnuts for his fellow teachers or helping students get help to obtain the technology they need for virtual learning.

People like Ala Stanford and the Black Doctors COVID–19 Consortium, who organized free COVID testing for our most at-risk communities when it became apparent that they could not otherwise obtain testing.

County employees, like Ed and Gayle, who have reinvented and organized dozens of drive-thru food drives to help feed our neighbors and keep the donors safe.

These local heroes should inspire all of us, no matter what our party, to fight for more relief that the American people deserve.

Every day we delay getting relief to them means more businesses go under, people get sicker, more Americans die, and families are stretched even thinner financially. We have got to get this done. The American people cannot wait.

THANKS TO THE STAFF OF GEORGIA'S SEVENTH CONGRESSIONAL DISTRICT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 5 minutes.

Mr. WOODALL. Mr. Speaker, I rise today to thank the men and women that I have had the pleasure of working with over these 10 years in Congress.

When you announce that you are retiring, folks need to start looking for that next opportunity. So the people who stick it out with you are a special breed. So, too, are those men and women who come and join you, knowing that their service will be short.

Mr. Speaker, there are three such people: Sean Lerner, Emily Macdonald, and Tomas Rodriguez. Knowing I was going to retire, they came and joined the fight to serve the men and women of the Seventh District of Georgia and have done an amazing job for me over the past year.

Catherine Morvis, a name long known in Georgia circles, having served with Congressman Phil Gingrey, came back to the Hill to help keep things together for me and move us across the finish line. She is still serving even today.

Mr. Speaker, I have longtime staffers—Lauren Williams, Nicholas Scoufaras, Vesna Kurspahic, Naomi Pillsbury—men and women who have been doing extraordinary work, always under difficult circumstances, recently under incredibly difficult circumstances.

Mr. Speaker, I have got staffers who have been with me a decade or more, who have recently departed: Alex Poirot, Kelley Kurtz, Janet Rossi, and Elena Gabrysh.

Elena and I started working together in 1999, serving the people of Georgia. Now, more than 20 years later, she has gone into retirement, having served literally thousands of constituents.

Mr. Speaker, I want to call particular attention to two public servants that I have been incredibly honored to be able to know in my life: My State director, Debra Poirot; and my chief of staff, Derick Corbett.

Mr. Speaker, if you have not had an opportunity to meet Debra Poirot, she brightens up every room that she walks into with a genuine love for this country and a love for her community. She lives in Forsyth County, though she grew up as an Air Force child, calls Texas home from that time, but has claimed Georgia.

□ 1300

So committed is she, Mr. Speaker, I remember a World War II veteran, a widow, and she was losing her housing. Debra woke up on a Saturday morning and read about it in the newspaper. She spent the next week finding this family and spent the week after that solving that problem.

She made a difference in that life that can never be measured and did it not because a constituent called, not because someone knocked on the door, but simply because she lives a life of looking for opportunities to make other people's lives better.

She finds herself out in the community each and every day, not just serving us but fulfilling a true heartfelt mission to see what she can do that others could not. An amazing woman, an amazing mother, and certainly an amazing public servant, and I thank her for that.

Derick Corbett, Mr. Speaker, I had the pleasure of hiring him back in the year 2000. I didn't think he was going to amount to much at that time, but we needed somebody on the bottom rung of the ladder and he agreed to raise his hand and do it.

He could not be more of a rock, a rock for our office, a rock for our community. The common refrain I find when I go out into the district is: ''Hi, Rob, good to see you. Where is Derick?'' because he has such an impact on folks.

He won't take ''no'' for an answer when a Federal agency won't serve a constituent. He demands the service that each and every citizen knows that they deserve.

He is an even better husband and an even better father than he is a public servant.

But, Mr. Speaker, there would be no Congressman ROB WOODALL if there were not a Chief of Staff Derick Corbett, if there were not a District Director Debra Poirot. These two have changed countless lives, and among them has been mine.

Mr. Speaker, I want to thank all of my staff for the amazing work they have done over the years. They are great Americans. They love this country, and I love them.

HONORING THE LIFE AND LEGACY OF ROSIE LEE ATCHISON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DANNY K. DAVIS) for 5 minutes.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, to live to become 109 years old in this country, or any country, as a matter of fact, is quite a feat. Such has been the life and legacy of Mrs. Rosie Atchison, who was born on August 15, 1911, in Bolivar, Mississippi, and passed away on November 23, 2020.

Her birth mother passed away when Rosie was just 6 weeks old. She was taken into the care of her father, Mr. Henry Liner, who raised her as the second oldest of 27 children whom he fathered.

Rosie grew up in Clarksdale, Mississippi, where she lived a typical life of Blacks in that area. She worked the fields, went to church, got married, had two children, lost a child, got tired of the fields and a failed marriage, and took her two children and migrated to Chicago, looking for a better life. That is exactly what she found.

With faith in God, she joined the Greater Salem Missionary Baptist Church, where the renowned gospel singer Mahalia Jackson was a member, and she also sang in the choir.

She met and married her second husband, Mr. Andrew Atchison, who worked for the Diamond Glue Factory. She found a job cleaning railcars for the Pennsylvania Railroad and worked there until her retirement in 1970.

Mrs. Atchison and her husband became very productive citizens and developed a reputation for helping others less fortunate than themselves. She became known to many as Big Mama, not because of her stature, but because she embraced any and everyone who needed help that she could help.

She and her husband lived in the heart of the Bronzeville community until they were forced out to make room for the Illinois Institute of Technology. They protested and held marches around city hall but lost.

After her husband died, she purchased a two-flat building in the Englewood community and kept on helping people.

On November 23, 2020, after 109 years and 3 months, Rosie passed away, leaving 2 daughters; 15 grandchildren; 60 great-grandchildren; 95 great-great-grandchildren; 24 great-great-great-grandchildren; 1 sister, Ms. Josephine Liner Wilson; and a host of nieces, nephews, cousins, friends, and extended family.

What a life and what a legacy.

PAYING TRIBUTE TO LEE RAYBON

Mr. Speaker, I also pay tribute to Mr. Lee Raybon, a pioneer West Side of Chicago business and community leader.

Whereas the Almighty God has called to his eternal rest Mr. LEE Raybon, a skilled mechanic and business leader who became a legend on the West Side of Chicago in the automobile repair business, and whereas I met Mr. Raybon in the late 1960s when one of my staffers, Ms. Arlene Granderson, introduced me to Mr. Nate Irwin, who was her mechanic and working at Raybon's Automotive Repair shop, Mr. Irwin became my friend and my mechanic.

I had a reputation in my community for keeping cars a long time. I drove one car for 19 years, and everybody in the neighborhood knew the car. Mr. Raybon and his mechanics kept my cars running for more than 50 years. Whatever it was that I drove, they had it running.

Ultimately, he and his colleagues developed a little group of businesspeople: Garfield Major; Willie Barney; the Knox family at the hardware store; Cliff Duwel White at the fish market; Walker Harris, the iceman; Dave at the hotdog stand; and Reverend Murphy at the Rose of Sharon Cleaners. They were the heart of the business support group in that area.

After he no longer worked, Mr. Raybon would come to the shop, sit around, and give people advice. He loved his community. He loved his business. He loved what he did.

He will be greatly missed. I am sure I will never find another mechanic who can keep my cars running for 50 years.

DEFENDING COMMUNITY PHARMACIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. JOHN W. ROSE) for 5 minutes.

Mr. JOHN W. ROSE of Tennessee. Mr. Speaker, I rise today in support of community pharmacies not only in my district, the Sixth District of Tennessee, but across the country.

Late last week, I received this letter, notifying me that my community pharmacy would no longer be in-network and that if I had any future prescriptions filled at this pharmacy, I would have to pay personally in full. This change would take place almost immediately.

Like most Americans, I have a years-long relationship with my community pharmacy, Gordonsville Drugs, and my community pharmacist, Amy Dudney.

But I was not part of a select few individuals to receive this notification; there have been approximately 60 independent pharmacies throughout Tennessee that recently found themselves out-of-network for certain plans administered by the pharmacy benefit manager, CVS Caremark.

This is not happening just in Gordonsville, Tennessee. Many Americans have a community pharmacy like Gordonsville Drugs and a pharmacist like Amy Dudney in their community.

Thankfully, due to sustained lobbying efforts by the independent pharmacy community, CVS Caremark has reached out to many of these pharmacies and offered them contracts to remain in-network.

However, letters like the one I received remain extremely damaging to our independent pharmacies. In the specific case of Gordonsville Drugs, although CVS Caremark made the right choice to keep the independent pharmacy in-network, they have yet to send a letter with this updated change to customers like me. CVS Caremark must commit to sending new letters, notifying customers that they can continue to use their neighborhood independent pharmacy with whom they have long-term relationships.

We continue to let our community pharmacies be bullied by pharmacy benefit managers like CVS Caremark, but we can't let this continue. With winter upon us and the pandemic surging, there has never been a greater need to ensure the viability of our community pharmacies.

PROVIDING COVID–19 RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WATERS) for 5 minutes.

Ms. WATERS. Mr. Speaker, the COVID–19 pandemic crisis continues to have a terrible impact throughout the Nation.

Cases are surging, and thousands are dying from the virus every day. There have been over 16 million United States cases, and over 300,000 people have lost their lives in the United States.

Over 20 million people across the country are collecting unemployment and struggling to make ends meet. In California, more than 1.3 million people have become unemployed over the past year.

Hunger is growing across the Nation. One in five renters is behind on paying their rent, meaning that millions are on the brink of eviction as months of back rent are coming due.

The Federal Reserve estimates that renters in California will owe $1.7 billion in unpaid rent by the end of the year, representing almost a quarter of the total rental debt that will have accrued nationwide during the pandemic.

Small businesses are struggling. As many as one-third of small businesses, including more than 40 percent of Black-owned and Latinx-owned small businesses, say they will be forced to close their doors for good without immediate relief from Congress.

Families across the country desperately need relief.

So, it is absolutely essential that Congress finally come to a bipartisan agreement for a relief bill. As Democrats are nearing a compromise with our Republican colleagues, we must ensure that the legislation helps all of those who are struggling during this pandemic.

It is especially important that the relief bill contains another round of direct stimulus payments for individuals and families to help them make ends meet. We must also provide additional unemployment assistance to those who have lost their jobs as a result of the crisis.

As chairwoman of the House Financial Services Committee, I am working hard to secure the inclusion of much-needed emergency rental assistance in the bill and the extension of the eviction moratorium, as well as funding for community development financial institutions and minority depository institutions that support access to credit and investment in communities of color, which have been hit hard by this crisis.

As this pandemic continues to rage, it would be completely irresponsible and foolish to take away the Federal Reserve's and the Treasury's crisis management tools that can help address threats to jobs, small businesses, municipal government, and the economy.

Let me be clear that the compromise bill that is now being worked on, while important, will not be enough by itself. Families across the country will need more help. Congress must work with the incoming Biden administration to take additional action to support those who are struggling every day and put the country on a path to recovery.

□ 1315

DEMOCRATS COULD STEAL A HOUSE SEAT AGAIN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. RODNEY DAVIS) for 5 minutes.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I want to remind my colleagues that, in 1985, the Democrats in this House stole a seat, and they can do it again.

The day after the election in 1984, Republican Rick McIntyre was ahead of incumbent Frank McCloskey by 34 votes. After the State's recount, McIntyre's lead grew to 418 votes. In the weeks following the election, McIntyre was certified the winner of Indiana's Eighth Congressional District.

But come January 1985, House Democrats refused to seat the duly-elected Member of Congress, Rick McIntyre. Instead, they sent a partisan task force to Indiana which then determined ballots not valid under Indiana law should have been counted. They changed the rules. Under the Democrats' new rules, McCloskey was now ahead by four votes.

On May 1, 1985, the House voted to seat McCloskey. Ten Democrats joined every Republican in voting against seating him. This contest was dubbed the ''Bloody Eighth,'' and my Democrat colleagues are considering repeating this same battle this year in Iowa's Second District.

Just as in 1985, they are about to change the rules of the game after the game has already been played. Democrats have been trying to do this in States throughout the 2020 cycle.

After a thorough recount of votes in all 24 counties in Iowa's Second District, Mr. Speaker, and a unanimous bipartisan vote by Iowa's State Canvassing Board, Congresswoman-elect Dr. Mariannette Miller-Meeks was declared the winner.

Instead of challenging the certification that Dr. Miller-Meeks now has in her possession in court, the Democrat candidate has decided to skip that step and, instead, is going to ask Washington Democrats to overturn Iowa's voters. And the reason is because she couldn't win in court.

But if Washington Democrats change the rules, she can. She can disregard the people of Iowa.

Setting this precedent that you don't have to exhaust all of your options and prove your case in court, but that whatever party is in charge of the House can come in, change the rules, and determine the winner is a terrible precedent to set.

I am hoping that my colleagues on the other side of the aisle will think long and hard if they want a repeat of the Bloody Eighth, because there will come a time when the shoe is on the other foot.

The Federal contest of 1985 eroded public trust in our elections and undermined the integrity of our election

process. I hope my colleagues will come to the same conclusion and decide to stand by the people of Iowa's Second Congressional District and seat Congresswoman-elect Mariannette Miller-Meeks on January 3.

FAREWELL TO CONGRESSMAN CLAY

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I would be remiss if I didn't congratulate you on leaving this great institution and making this institution a much better place for you serving with all of us.

I have enjoyed our time together, flying back and forth from our districts, and I have enjoyed the friendship that you and I have been able to have over the last 8 years that we have served together.

Mr. Speaker, you have done a great job representing the district in Missouri right across the river from mine, and our partnership is one that is bound not just in politics and not just in legislating, but in friendship. I am going to miss being here with you.

This institution will be a better place, again, because of your service. We will all be at a loss without being able to go to you and ask you for your expertise, your guidance, and just having some fun.

I am going miss you, my friend, but our institution's loss is your personal time and your family's gain, and I look forward to working with you in whatever the next endeavor is on your horizon. May God continue to bless you.

FAREWELL TO CONGRESSMAN PHIL ROE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. BURCHETT) for 5 minutes.

Mr. BURCHETT. Mr. Speaker, I appreciate your friendship and your kindness to the 435th most powerful person in Congress—that would be me. I really do, brother, and I am going to miss you.

Mr. Speaker, after six terms representing Tennessee's First Congressional District, Dr. PHIL ROE is retiring at the end of this year. Dr. ROE has focused his career in the House of Representatives on fighting for our Nation's veterans and using his medical background to tackle those tough healthcare issues.

As a matter of fact, during one of the State of the Union addresses, someone dropped in the back. I turned back to Congressman ROE and I said, ''Somebody has dropped,'' and before I could get ''dropped'' out of my mouth, he was already out of the row providing medical care to him.

When I arrived in Washington almost 2 years ago, Dr. ROE was the first person to reach out and offer advice about serving in this Chamber. He was a mentor throughout my first term, and we bonded over our faith by attending weekly prayer breakfasts together. His mentorship has quickly turned into a friendship over the last 2 years—and he is an excellent guitar player, Mr. Speaker.

As a legislator, Dr. ROE has always looked out for America's brave servicemen and -women. He served as chairman and lead Republican on the Veterans' Affairs Committee, helping pass bipartisan bills to improve healthcare benefits for our brave veterans. Armed servicemembers deserve the very best for their sacrifices, and Dr. ROE was always in their corner.

Congress will be different next year without Dr. ROE, and I will miss working with him on the issues most important to east Tennesseans.

Mr. Speaker, I congratulate Dr. ROE on a strong career in Congress, and I wish him the very best in retirement.

CONGRATULATING COACH GARY RANKIN

Mr. BURCHETT. Mr. Speaker, I rise today to congratulate Coach Gary Rankin and the Alcoa High School football team on their sixth consecutive State championship title.

On Saturday, December 4, at the Tennessee Blue Cross Bowl, Alcoa defeated Milan High in an impressive 35–0 shutout. This win marks the Tornadoes' 19th State championship and Coach Rankin's 16th overall, both of which are high school football records in Tennessee. It is certainly a proud day to represent this team in the Halls of Congress.

Amid the ongoing COVID–19 pandemic, schools and their sports teams had to adjust and readjust. Coach Rankin and his players were faced with a season like none other, but they put in the hours, they persevered, and they came out on top. This championship is a remarkable achievement that I am sure this group of players will remember for the rest of their lives.

I know I speak for many in east Tennessee when I say: Congratulations, and go Tornadoes.

RECOGNIZING BISHOP RICHARD STIKA

Mr. BURCHETT. Mr. Speaker, I rise today in recognition of Bishop Richard Stika of the Knoxville Diocese. This week, Bishop Stika is celebrating his 35th year as an ordained priest of the Catholic Church, a remarkable career milestone.

Born in St. Louis, Missouri, Bishop Stika received a Catholic education from elementary school through college. He capped off his theological education by earning a master of divinity from Kenrick Seminary.

Bishop Stika was ordained a priest on December 14, 1985, and for nearly 24 years he served in several different parishes in the St. Louis area. One of his greatest achievements during this time was coordinating the visit of Pope John Paul II to St. Louis in 1999, Mr. Speaker.

On March 19, 2009, he became bishop of the Knoxville Diocese, and Bishop Stika has been making strong spiritual connections with east Tennesseans ever since. At 11 years in the Knoxville Diocese, Bishop Stika is the longest serving bishop in our diocese.

Bishop Stika and I share many values, including a strong belief in protecting the lives of the unborn. Bishop Stika has made a positive impact on many east Tennesseans throughout his tenure, and, Mr. Speaker, I am confident he will continue to be a leader in our community.

CELEBRATING A.G. HEINS COMPANY

Mr. BURCHETT. Mr. Speaker, the American entrepreneurial spirit is the bedrock of our Nation's economy, creating good-paying jobs, solving everyday problems, and providing the goods and services we rely on. I rise today to celebrate the A.G. Heins Company, which rode the entrepreneurial spirit from humble beginnings to 100 years of success in our community.

Currently in its fourth generation of family ownership, the A.G. Heins Company has long provided building materials to the east Tennessee region. The company provides necessary resources to complete projects of all sizes, from individual household repairs, to construction at the University of Tennessee.

Staying in business for 100 years is no easy accomplishment, and the A.G. Heins Company persevered through many challenging economic times, such as the Great Depression and the Second World War. The company's history is a reminder that small businesses can grow and innovate even in the face of adversity, Mr. Speaker.

I extend my congratulations to the Heins family as they celebrate their 100th year in business this month, and I wish them many more years of success.

CONCERNS WITH A NEW TREND

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. BARR) for 5 minutes.

Mr. BARR. Mr. Speaker, I rise today to express concern with a trend that could harm our financial system, crush jobs, and have lasting negative impacts on American competitiveness and economic exceptionalism.

Many on the other side of the aisle are calling for financial regulators to inject climate risk scenarios into bank supervision, and a new administration will likely prioritize weaponizing financial regulation to achieve unrelated climate goals.

Radical climate activists are incapable of passing the Green New Deal through Congress because most Americans understand it will destroy jobs, increase energy costs, and destabilize our economy at a time of immense fragility and volatility, so they will undoubtedly turn to financial regulation and supervision as a backdoor to implement their climate agenda.

Earlier this year, a group of Democrat Senators put these ideas to paper in a partisan report, calling on all Federal financial regulators to infuse ill-defined climate scenarios into their supervision of banks and to discourage financial firms from lending to industries that ''amplify climate risk,'' such as coal or oil and natural gas. Lost on

these Senators is the impact that this would have on American jobs and cost of living amid a pandemic or the fact that financial supervision should rely on risk-based metrics rather than pie-in-the-sky sustainability goals.

This week, the Federal Reserve announced that it joined the Network for Greening the Financial System, a consortium of central banks intent on weaving climate risk into bank supervision. To those of us closely tracking this issue, the decision by the Fed raises many red flags.

I take no issue with the Fed participating in multilateral deliberative bodies. My concern comes from some of the ideas being discussed by other members of the NGFS and whether the Fed plans to import them.

The NGFS has made a series of recommendations that are particularly troubling. First, it suggests supervisors elevate their regulated entities based on sustainability metrics in their portfolios. Unfortunately, there is no clear definition of what ''sustainability'' means, but you can bet that the climate activists will push it all the way to the brink.

We do not need European regulators to tell our banks how sustainable their portfolios should be. Portfolio strength should be measured objectively, based on credit risk, not on poorly defined sustainability goals.

Second, the NGFS urges regulators to integrate climate risks into financial stability monitoring. Unfortunately, climate stress scenarios are plagued with methodological challenges. Material impacts from changing weather patterns occur over the course of decades; whereas, current stress tests look at a period of nine quarters. It would be difficult for a bank to accurately forecast stresses over that length of time, and regulators can't account for a bank's dynamic operational and risk management practices over that period.

Further, there is a lack of historical data on the relationship between changing weather patterns and financial stress, and the available data may have gaps or a disqualifying level of subjectivity.

□ 1330

Last week, I led a group of 47 House Republicans in a letter to Federal Reserve Chairman Powell and Vice Chair Quarles requesting that they proceed cautiously in their deliberations on whether to incorporate climate change scenarios into financial stress tests. The letter highlights many of the methodological challenges I just raised and encourages them to consider the negative impact this would have on U.S. industry and American jobs.

As we mentioned in our letter, it is important that the Fed commit to not accepting any international climate standards that are not appropriately tailored to the U.S. financial system or that would adversely impact U.S. competitiveness. We expect U.S. regulators to make similar commitments when adopting other international standards, such as the Basel Accords and insurance standards from the International Association of Insurance Supervisors. This should be no different.

Mr. Speaker, this effort to pressure financial regulators to inject climate scenarios into bank stress tests is not about predicting financial stress. It is about causing financial stress, causing financial stress for an entire segment of the U.S. economy: the energy sector.

Far from promoting financial stability, this dangerous movement, right at a time of a global pandemic, to politicize access to capital would undermine economic stability by denying American families and businesses access to affordable and reliable energy.

Mr. Speaker, I call on the Federal Reserve to keep this in mind, to keep in mind the millions of jobs that are on the line, as Congress exercises oversight over the Federal Reserve's mandate to maximize employment.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 31 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. CASTOR of Florida) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Gracious God, thank You for giving us another day.

We thank You for the hard work and dedication of those among this assembly working directly toward the imminent completion of a long-elusive economic relief bill. Bless them with the strength and patience needed to bring this work to completion.

As the coronavirus continues to infect ever-increasing numbers of our citizens, and so many families lose loved ones, give comfort to Your people. Help us all to be mindful of those in need of encouragement and support through such difficult times.

Bless as well those who rush now to provide the vaccines for our healthcare workers and elders. We thank You for their excellent example of service to others.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 4(a) of House Resolution 967, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. ROSE) come forward and lead the House in the Pledge of Allegiance.

Mr. ROSE of New York 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

REMEMBERING DR. AHMAD JABER

(Mr. ROSE of New York asked and was given permission to address the House for 1 minute.)

Mr. ROSE of New York. Madam Speaker, I rise today in memory of Dr. Ahmad Jaber, who passed away last week after a lifetime spent building New York's thriving Muslim-American community.

Dr. Jaber was a towering figure who rose from humble origins. He was a proud Palestinian who won prestigious scholarships to study medicine in Iraq, Jordan, and later to do his residency in this great country.

As a young doctor, Dr. Jaber had done and seen more than most people do in a lifetime, but he did not stop there. He built his medical practice in Sunset Park into a thriving business, personally delivering more than 5,000 babies.

He attended to his community's spiritual needs, and he was a fixture at his mosque, providing financial support as well as translating sermons or offering medical assistance. Dr. Jaber helped found numerous organizations throughout his life, which now carry on his legacy of strengthening the Muslim-American community in New York and around the country.

We need more people like Dr. Jaber in this country, people who leave their mark on society through humble and dedicated work on behalf of their community.

We are forever grateful to have benefited from Dr. Jaber's presence, and he will be so deeply missed. Allah yerhamo.

MOURNING KEN HATTRUP

(Mr. WALDEN asked and was given permission to address the House for 1 minute.)

Mr. WALDEN. Madam Speaker, I rise today to mark the passing of a longtime friend and community leader, Ken Hattrup of Sherman County, and The Dalles, Oregon.

Ken was born in Keuterville, Idaho, on July 28, 1928. He was one of six children. About 7 years later, his family moved to The Dalles, Oregon, where he graduated from St. Mary's Academy High School in 1946.

Along the way, he met his future wife, Marie von Borstel. In the spring of 1951, Ken and Marie were married. Shortly thereafter, Uncle Sam came calling, and Ken was drafted into the U.S. Army, where he served during the war in Korea.

After he returned home and earned a degree in economics, they settled on a wheat ranch in Sherman County. Like most ranchers I know, Ken loved the land and practiced progressive conservation efforts. He enjoyed hunting, traveling, and playing cards with friends.

It is reported that he was a popular poker dealer at the veterans' home in The Dalles, bringing much joy to those who, like him, wore our Nation's uniform and preserved our freedom and way of life.

I always appreciated Ken's friendship and counsel over the years. Mylene and I extend our deepest sympathies to his family during this difficult time of loss.

CALLING FOR COVID RELIEF

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, it has been 9 months since Congress delivered a relief package for the American people. Since then, the pandemic has grown worse.

Every time Democrats tried to pass a new relief package, the Republicans who control the U.S. Senate have blocked it from reaching the American people.

This has gone on long enough. It is long past time to provide the relief that our folks who are living through this pandemic need.

We need to provide another round of stimulus payments to workers. We need to extend and expand unemployment insurance. We need to establish a national COVID testing program and make sure our hospitals and community health centers have the resources they need to provide lifesaving care.

We need to help small businesses that have already sacrificed so much in the face of this pandemic, and we need to provide funding so that we can get our population vaccinated against this disease and get our lives back to normal as soon as possible.

Leaving town without an agreement is not an option. It is critical that we get this done for the American people.

Madam Speaker, I urge all of my colleagues to work together to make this happen.

PAYING TRIBUTE TO NANCY EPOCH

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Madam Speaker, I rise today to acknowledge the life and work of the late Nancy Epoch.

This poster shows a picture of her on the left. On the right, is college professor Sally Glassman, probably the best tap dance teacher in Kansas, but that is another speech entirely.

Mrs. Epoch was beloved by all. She was a music teacher, a choral director, a Chiefs superfan, and a legitimate Broadway talent who then returned home.

What she really did was that she enabled young and old kids to find their voice, be bold, and share it with the world.

So, Mrs. Epoch, from the floor of the U.S. House of Representatives to you in Heaven, first, I thank you for that first Chiefs Super Bowl victory. I am pretty sure that that was you. We love you, and we miss you.

PROVIDE COVID RELIEF TO FAMILIES

(Ms. PRESSLEY asked and was given permission to address the House for 1 minute.)

Ms. PRESSLEY. Madam Speaker, I rise today on behalf of the people who are struggling and feel abandoned by their government during this crisis.

I rise in solidarity with every parent who has struggled to buy diapers and formula, every family behind on rent or crushed by the grief of an empty chair at the kitchen table.

Our people are crying out, sick, tired, hungry, and broken. The people we have taken an oath to serve and protect need direct cash to survive the winter. We must send them survival checks immediately.

Some of my colleagues are patting themselves on the back for sending corporations payouts—corporations, by the way, that have profited off of people during this pandemic—and shaming families on the edge. Shame on them for their theatrics and their callousness.

450 pennies a day for the last 9 months, that is what our government has sent the American people to weather this crisis, and nothing for the immigrant families who drive our essential workforce.

It didn't have to be this way. Our families deserve direct cash, real survival checks.

Madam Speaker, $600 is hardly sufficient. It is an insult. We must act to save lives now. The pandemic has not discriminated in its hardship, but it would seem compassion and empathy have.

COUNTERING CONFUCIUS INSTITUTES

(Ms. FOXX of North Carolina asked and was given permission to address the House for 1 minute.)

Ms. FOXX of North Carolina. Madam Speaker, there has been a lot of news coverage lately on coordinated efforts by the Chinese Communist Party to infiltrate America's institutions.

I am particularly troubled by reports revealing efforts by the CCP to exploit academic integrity on U.S. college campuses.

We know the CCP is using Confucius Institutes to further its agenda. Located on college campuses across the U.S., Confucius Institutes use their platform to spew Chinese Government propaganda.

While Democrats turn a blind eye to China's threat, I am proud my Republican colleagues and I joined forces on the China Task Force and made bipartisan recommendations to Congress on how best to counter threats from the CCP.

There is no place for Chinese censorship in America, especially not on college campuses where American ingenuity should take flight. Congress must deliver a strong message: CCP propaganda will be met with consequences.

EXPRESSING APPRECIATION FOR ESTHER PAGE

(Mr. RIGGLEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGLEMAN. Madam Speaker, I rise today to offer my gratitude and appreciation for Esther Page, my constituent services director.

Known as the Constituent Whisperer and Queen of Casework, Esther is retiring this January after 31 years of service.

She truly is the model of what a nonpartisan public servant should be, having shown the same care and devotion for Virginia's Fifth District even as the seat swapped back and forth between parties.

I will read a comment from one of my constituents who benefited from Ms. Page's service: ''I felt from her very first contact that she was committed to advocating for me and my best interests. Without Ms. Page, I truly believe that I would still be waiting, my case file deeply buried on someone's desk.''

Her devout faith was an example to me and all constituents she helped. She will be retiring to her home in Nelson County this January, and I wish her a long and fulfilling retirement.

Esther, I think I speak for all the Fifth District in offering my deepest appreciation for the service you have done.

This is not in the speech but know that we all love you.

HONORING CHUCK YEAGER

(Mrs. MILLER asked and was given permission to address the House for 1 minute.)

Mrs. MILLER. Madam Speaker, I rise today to honor the life and legacy of Chuck Yeager.

Mr. Yeager was a war hero, an incredible pilot, and a great West Virginian.

Born in Lincoln County in the small town of Myra, Chuck was a stellar athlete and a bright student who enlisted in the Air Force during World War II, answering the call to serve.

As a pilot, he was known for his outstanding leadership and flying skills, and his incredible vision. I am also proud to say that he never lost his steadfast West Virginia spirit.

Flying over 61 missions as an ace, he returned home from the war in 1945. He then became a test pilot who researched high-speed flight.

In 1947, Chuck was the first person to break the sound barrier, flying over the Mojave Desert, and went on to accomplish more in the field of flight while serving in the Air Force until 1971.

He was one of America's greatest pilots.

Chuck passed away this month at the age of 97. He lived a life of adventure, patriotism, service, and strength. He will always be remembered.

RECOGNIZING STEVE NELSON

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Madam Speaker, I rise today to recognize Steve Nelson, a corn and soybean farmer from Axtell, Nebraska, on his retirement as president of the Nebraska Farm Bureau.

The Nebraska Farm Bureau is a leading voice for Nebraska agriculture producers because of its hardworking members and leaders like Steve, whose hard work and leadership have made the Third District of Nebraska the top-producing agriculture district in America.

Steve has served as president through the completion of two farm bills, ensuring the needs of Nebraska producers are reflected and met throughout the process—no small task.

I have appreciated Steve's persistence in the face of many challenges we have faced in Nebraska recently, especially the historic floods, storms, the irrigation tunnel collapse, and certainly other uncertainties. Those affected, though, were always able to turn to the Nebraska Farm Bureau.

I would like to thank Steve for his great work, and I wish him well as he continues as a farm producer at home and advocating for our State's farmers and ranchers.

□ 1415

JOSEPH BULLOCK POST OFFICE BUILDING

(Mr. MAST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAST. ''Blessed are the peacemakers, for they will be called children of God.''

Madam Speaker, I rise today because the life and sacrifice of a true peacemaker, Trooper Joseph Bullock, will be honored by our passing of legislation to rename the postal facility in Port Salerno, Florida, as the Joseph Bullock Post Office Building.

Though he knew the risk, his story is not how a watch should end. And as we see his name each day in Port Salerno, we will be reminded of the valor within all of our law enforcement who, each day, commit to our communities the most significant thing that they have: their life.

Trooper Bullock, we salute you.

THE WRIGHT BROTHERS

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Madam Speaker, on this day in 1903, near Kitty Hawk, North Carolina, Orville and Wilbur Wright made the first successful aircraft flight in history.

In the years leading up to their first flight, they built and tested air gliders in their bicycle shop in their hometown of Dayton, Ohio. After making hundreds of successful flights in their glider, they designed a 12-horsepower engine to fit into the frame.

In the fall of 1903, the Wright brothers transported these pieces down to Kitty Hawk, assembled it, and made their first attempt at powered flight. Unfortunately, the engine stalled during takeoff and the engine was damaged. After making a few repairs, on December 17, Orville ran the aircraft down a track and into the air, flying 120 feet for 12 seconds.

Madam Speaker, of course, in the 117 years since, we have seen amazing leaps in aircraft ability and technology. Forty-four years after, Chuck Yeager broke the sound barrier, and now we have people landing on the Moon and satellite equipment going beyond the stretches of our solar system.

The Wright brothers' story is one of our most well-told tales of success in American modern innovation. Their drive and spirit is something that can inspire us all.

CONGRATULATIONS TOM MCCALL

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Madam Speaker, I rise today to congratulate Mr. Tom McCall of Elbert County, Georgia, for being elected president of Georgia's largest general farm organization, the Georgia Farm Bureau, on December 8. Tom replaces Gerald Long, who retired from the position after serving as GFB president since 2016.

He has been a dedicated Farm Bureau member since 1978, and Tom's first leadership role with the bureau was serving as the chairman of the Elbert County Farm Bureau Young Farmers and Ranchers Committee. Tom also represented Georgia Farm Bureau's second district on the GFB board of directors and served as Elbert County Farm Bureau's president for several years.

The foundation of his leadership skills was developed when he served in the Georgia House of Representatives for 26 years. I was blessed to serve alongside Tom for 5 years in the Georgia State House, so I can attest to his dedication to improving the lives of his constituents and his commitment to the State of Georgia.

His wealth of knowledge in agriculture contributed to his success while serving on the Georgia House Agriculture and Consumer Affairs Committee, and I know his continued commitment to improving agriculture in the State of Georgia will allow him to thrive as Georgia Farm Bureau's president.

I wish him the best as he steps up to lead farmers across Georgia, and I know he will do a great job.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 17, 2020.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 17, 2020, at 11:54 a.m.:

That the Senate agrees to the House amendment to the bill S. 914.

That the Senate agrees to the House amendment to the bill S. 1130.

That the Senate passed S. 1387.

That the Senate passed S. 2513.

That the Senate passed S. 3287.

That the Senate passed S. 5036.

That the Senate passed with an amendment H.R. 221.

That the Senate passed without amendment H.R. 8810.

Appointment: United States—China Economic and Security Review Commission.

With best wishes, I am,

Sincerely,

CHERYL L. JOHNSON,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

UNITED STATES SEMIQUINCENTENNIAL COMMISSION AMENDMENTS ACT OF 2020

Mr. KHANNA. Madam Speaker, I move to suspend the rules and pass the bill (S. 3989) to amend the United States Semiquincentennial Commission Act of 2016 to modify certain membership and other requirements of the United States Semiquincentennial Commission, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3989

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 ''United States Semiquincentennial Commission Amendments Act of 2020''.

SEC. 2. UNITED STATES SEMIQUINCENTENNIAL COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—Section 4 of the United States Semiquincentennial Commission Act of 2016 (Public Law 114–196; 130 Stat. 685) is amended—

(1) in subsection (b)(4), by striking subparagraph (I) and inserting the following:

''(I) The Chairperson of the National Endowment for the Arts.

''(J) The Chairperson of the National Endowment for the Humanities.

''(K) The Director of the Institute of Museum and Library Services.

''(L)(i) The Chief Justice of the United States; or

''(ii) an Associate Justice or former Associate Justice appointed by the Chief Justice of the United States.'';

(2) in subsection (c), by adding at the end the following:

''(3) REMOVAL OF MEMBERS WHO ARE PRIVATE CITIZENS.—Following notice and approval of the relevant appointing authority, on an affirmative vote of not less than ⅔ of the members of the Commission, the Commission may remove a member of the Commission appointed under subsection (b)(3).''; and

(3) in subsection (d)—

(A) by striking ''All meetings'' and inserting the following:

''(1) LOCATION OF FIRST MEETING.—The first meeting''; and

(B) by adding at the end the following:

''(2) LOCATION OF SUBSEQUENT MEETINGS.—At least 1 meeting of the Commission each year shall be held in Philadelphia, Pennsylvania.''.

(b) DUTIES.—Section 5(c)(1) of the United States Semiquincentennial Commission Act of 2016 (Public Law 114–196; 130 Stat. 687) is amended by striking ''2 years after the date of enactment of this Act'' and inserting ''March 31, 2020''.

(c) COORDINATION.—Section 6(b) of the United States Semiquincentennial Commission Act of 2016 (Public Law 114–196; 130 Stat. 689) is amended—

(1) in paragraph (3)(A), by striking ''presiding officer of the Federal Council on the Arts and the Humanities, the Chairperson of the National Endowment for the Arts, and the Chairperson of the National Endowment for the Humanities'' and inserting ''Chairperson of the National Endowment for the Arts, the Chairperson of the National Endowment for the Humanities, and the Director of the Institute of Museum and Library Services''; and

(2) in paragraph (4), in the matter preceding subparagraph (A), by inserting ''and other'' after ''founding''.

(d) EXPENDITURES OF COMMISSION.—Section 9 of the United States Semiquincentennial Commission Act of 2016 (Public Law 114–196; 130 Stat. 691) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—All expenditures of the Commission shall be made from donations, earned income, and any funds made available to carry out this Act under subsection (f).'';

(2) in subsection (d), by striking ''Once each year during the period beginning on the date of enactment of this Act'' and inserting ''Annually during the period beginning 1 year after the Commission submits the report to the President under section 5(c)(1)''; and

(3) by adding at the end the following:

''(e) INTELLECTUAL PROPERTY PROTECTIONS.—The Commission shall have the exclusive right to use, and to allow others to use, the official marks, imprimaturs, and logos of the Commission.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KHANNA) and the gentleman from Pennsylvania (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. KHANNA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KHANNA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, nearly 250 years ago, a group of visionaries met in Philadelphia for the Second Continental Congress. Out of this unusual meeting of daring patriots, a declaration was produced stating to the world that, for the first time in the modern world, 13 Colonies would join together to become one independent nation—the United States of America, the greatest experiment in democracy that the world has ever seen.

Madam Speaker, these leaders boldly declared that no more would Americans live under the tyranny of a nation 3,000 miles away. They acted with unity and decided that our Nation will not be built upon privilege inherited by birth, but natural rights that belonged to each and every person.

In 2026, the United States will celebrate 250 years of independence. While we have not always lived up to these lofty ideals, we have continued to work to make progress and right the wrongs.

To commemorate and celebrate the founding of our Republic in 2016, Congress established the United States Semiquincentennial Commission. The Commission's goal is to encourage Americans to remember our past, celebrate our present, and look forward to a promising future. The Commission works with public and private entities across the country to make celebrations of our 250th year of independence a time to remember for years to come.

Madam Speaker, while the Commission has done incredible work thus far, the Commission Amendments Act will make needed updates to ensure that the Commission has the resources and talent it needs to fulfill its mission of national importance.

This bill will expand the membership to include cultural and historical perspectives from individuals such as the chairperson of the National Endowment for the Arts and the National Endowment for the Humanities. In addition, the bill will provide necessary intellectual property protections for the materials created by the Commission.

This commonsense legislation will serve to further enable the Commission to carry on its important work. It has never been more important for us to come together or remember our past, acknowledge our present, and look forward to our future as one nation devoted to the ideals of liberty and justice for all.

As someone who was born in 1976, in Philadelphia, the year of our bicentenary, this has a particular meaning to me.

Madam Speaker, I thank Senator TOOMEY and others on the committee for advancing this. Our Nation will be the first multiracial, multiethnic democracy in the history of the world, and it is a credit to our founding vision.

Madam Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. KELLER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 3989, the United States Semiquincentennial Commission Amendments Act.

Our country's Declaration of Independence was courageously signed in 1776. This makes 2026 the 250th anniversary our great Republic and its founding.

An exposition marking the 150th anniversary was in Philadelphia in 1926, and bicentennial celebrations were held throughout the country in 1976. It is only fitting that we also celebrate the 250th anniversary, another milestone anniversary.

To do this, Congress passed and the President signed the United States Semiquincentennial Commission Act of 2016 in the 114th Congress. The bill before us today would amend the law authorizing the Commission, with necessary changes, to allow the planning work to continue. S. 3989 grants the Commission certain flexibilities, such as no longer requiring every meeting convene at Independence Hall in Philadelphia. The law would still recognize Philadelphia's importance and requires at least one meeting per year to be held in the City of Brotherly Love.

This bill, S. 3989, would add the directors of several Federal agencies focused

on the arts to assist with the planning. The bill would also grant the Commission exclusive rights over their official logo for commercial licensing purposes, which would help provide additional funding resources for the Commission's work. These changes will allow the Commission and the rest of the United States to better celebrate our country's 250th anniversary.

Madam Speaker, as the Commission noted in their 2020 report to the President, ''America 250,'' the central theme of the celebrations, will be ''educate, engage, and unite.'' Specifically, the Commission's primary goal with these celebrations is to inspire the American spirit; to deepen the understanding of our history and the democratic process through education; increase engagement in our communities and governing affairs; and foster unity, that includes the many Americans in our ''one Nation.''

Madam Speaker, I think my colleagues would agree that more than ever, Americans stand to benefit from a national celebration reflecting on our shared values which unite us as a country, a country uniquely founded on a set of ideals.

Every one of us owes a debt of gratitude to the framework of freedoms, rights, and government institutions our Founding Fathers established with such a discerning forethought. We look forward to the Commission's plans being finalized next year and for the forthcoming celebrations of America's founding, a country we all love so well.

Madam Speaker, we look forward to celebrating the 250th anniversary of America's founding. Madam Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. KHANNA. Madam Speaker, I reiterate my support for this legislation, and I urge my colleagues to support it.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KHANNA) that the House suspend the rules and pass the bill, S. 3989, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1430

DEEMING AN URBAN INDIAN ORGANIZATION AND EMPLOYEES A PART OF PUBLIC HEALTH SERVICE

Mr. GALLEGO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6535) to deem an urban Indian organization and employees thereof to be a part of the Public Health Service for the purposes of certain claims for personal injury, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6535

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

SECTION 1. DEEMING AN URBAN INDIAN ORGANIZATION AND EMPLOYEES THEREOF TO BE A PART OF THE PUBLIC HEALTH SERVICE FOR THE PURPOSES OF CERTAIN CLAIMS FOR PERSONAL INJURY.

Title V of the Indian Health Care Improvement Act (25 U.S.C. 1651) is amended by adding at the end the following:

''SEC. 519. DEEMING AN URBAN INDIAN ORGANIZATION AND EMPLOYEES THEREOF TO BE A PART OF THE PUBLIC HEALTH SERVICE FOR THE PURPOSES OF CERTAIN CLAIMS FOR PERSONAL INJURY.

''Section 102(d) of the Indian Self-Determination and Education Assistance Act shall apply—

''(1) to an Urban Indian organization to the same extent and in the same manner as such section applies to an Indian tribe, a tribal organization, and an Indian contractor; and

''(2) to the employees of an Urban Indian organization to the same extent and in the same manner as such section applies to employees of an Indian tribe, a tribal organization, or an Indian contractor.''.

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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GALLEGO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GALLEGO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GALLEGO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 6535, the Coverage for Urban Indian Health Providers Act, is a bipartisan bill authored by myself and Representative MARKWAYNE MULLIN of Oklahoma.

This bill would uphold our trust responsibility, provide long-overdue parity to the Indian Health System by extending Federal Tort Claims Act coverage to urban Indian organizations, and direct their scarce resources to saving lives instead of bureaucratic overhead.

This broadly supported policy change was also included in the President's fiscal year 2021 budget proposal.

As part of our trust and treaty responsibilities, the U.S. Government has a legal responsibility to provide healthcare to Native Americans and Alaska Natives. Congress created the Indian Health System to carry out this obligation.

The Indian Health System is made up of the Indian Health Service; Tribal health programs; and urban Indian organizations, known as UIOs.

UIOs play a pivotal role in upholding the trust responsibility by providing culturally competent care to the over 70 percent of American Indians and Alaska Natives who live in urban areas, like my district in Phoenix, Arizona.

However, despite the pivotal role they play, UIOs are the only branch of the Indian Health System that are not currently eligible for liability coverage under the Federal Tort Claims Act, known as FTCA.

As a result, each UIO is forced to spend up to $250,000 per year on individual medical liability policies. If we pass this bill today, that quarter of a million dollars will instead be spent directly on patient care and the resources these clinics need to fight COVID–19. That is why passing H.R. 6535 is especially critical now, in the midst of a pandemic that has hit Native populations the hardest, and UIOs have been disproportionately the ones servicing them and also hit hard.

This year, over 80 percent of UIOs have cut services due to the resource shortages they are experiencing, and at least three have had to shut their doors during the first wave of the pandemic. Cuts to services are devastating for the vulnerable Native communities and the UIOs that serve them. I know because I have heard from my constituents what a critical role UIOs, like Native Health of Phoenix, play in the daily lives of urban Indians.

From free food deliveries during the pandemic to seniors and low-income families, to COVID testing, primary care, and social services, UIOs and their staffs are pillars of the communities they serve and they save lives.

These heroic frontline staffs should not be singled out for exclusion from coverage under FTCA merely due to which part of the Indian Health System they serve in. Passing H.R. 6535 would immediately make these health providers eligible for FTCA coverage, and it would create a financial lifeline for these cash-strapped health clinics serving on the front lines of the pandemic.

I urge my colleagues to support frontline health workers, support Native communities, and support upholding our trust responsibilities by voting ''yes'' on this bill.

Madam Speaker, I reserve the balance of my time.

Mr. WITTMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 6535 would amend the Indian Health Care Improvement Act to extend Federal Tort Claims Act coverage to urban Indian

organizations, or UIOs. It would do so by deeming the UIOs and their employees part of the Public Health Service.

Currently, urban Indian health organizations need to purchase liability insurance with resources that could be better utilized to expand services to Native Americans. The rising costs of liability insurance and the general cost of providing healthcare services adversely impact the ability of UIOs to provide needed services. As a result, services are often substantially reduced or certain types of staff are eliminated.

The Indian Health Service deems UIOs an integral part of the Indian healthcare system. They provide high-quality, culturally relevant healthcare and are often the only healthcare providers readily accessible to urban American Indian and Alaska Native patients.

While there is general agreement and support that Federal Tort Claims Act protections should be extended to UIO health facilities, I am disappointed that the majority failed to consider technical amendments provided by the Department of Health and Human Services.

Requests to address these legitimate concerns were dismissed shortly after Chairman GRIJALVA of the Natural Resources Committee agreed to keep working on the legislation before it would be considered on the House floor. These technical changes would improve the legislation, which may now face an uncertain future in the Senate. That shortsightedness only hurts the very Native Americans that this bill is trying to help.

Madam Speaker, I yield back the balance of my time.

Mr. GALLEGO. Madam Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. CASE. Madam Speaker, I rise in support of H.R. 6585 with deep reservations.

I support the substance of the measure as addressing key concerns for American Indians and Alaska Natives. My grave concern is with the inexplicable omission of Native Hawaiians as indistinguishably indigenous peoples of this country to be treated and included the same.

I spelled out my concerns at length in a submission to the record of my Committee on Natural Resources on this measure and I include in the RECORD my statement:

U.S. House Committee on Natural Resources: July 29, 2020 Full Committee Markup on H.R. 6535:

Additional Remarks for the Record:

U.S. Congressman Ed Case:

Chairman Grijalva, Ranking Member Bishop and fellow Committee members, I respectfully submit these additional remarks for the record on H.R. 6535, introduced by my friend and colleague on the Committee, Mr. Gallego, also Chair of the Committee's Subcommittee on Indigenous Peoples of the United States on which I am also honored to serve.

H.R. 6535, considered and unanimously reported by this Committee on July 29, 2020, would extend federal tort claims coverage for certain personal injury claims to urban Indian organizations by deeming them part of the Public Health Service, similar to current coverage provided to Indian tribes, tribal organizations, Indian contractors and employees. I fully endorse this measure and was pleased to be able to support it in both Subcommittee and full Committee.

However, I must register my deep concern that Native Hawaiian Health Care Systems (NHHCS) have not also been extended the same coverage in this measure or otherwise. Although there are legitimate procedural and related non-substantive reasons for not including them in this specific vehicle, I wish to affirm for the record that this is clearly unfinished business that should and must be remedied by this Committee and Congress at the earliest opportunity.

The current federal tort claims coverage extends to many health care providers serving American Indian and Alaska Native individuals in the Indian Health Service (IHS) and tribal facilities as part of the undertakings and obligations of our country to our indigenous peoples. Whole segments of our indigenous populations depend on these providers for their health needs, in particular primary and preventive care. The practical effect of covering these critical organizations under the Federal Tort Claims Act (FTCA) is to simplify the processing and resolution of medical malpractice and other personal injury claims against the organization, which expedites settlement of legitimate claims and decreases administrative and related expense burdens, thus enabling providers to deliver more extensive and better service to their communities.

FTCA coverage has extended for decades to the IHS and tribal organizations including indigenous-focused federally qualified health centers (to include Native Hawaiian Community Health Centers (NHCHC).) However, for reasons that reflect simple omission rather than any other explanation, urban Indian organizations and NHHCS, first established under the Native Hawaiian Health Care Improvement Act of 1988, are not currently covered under the FTCA. This bill would correct that as to urban Indian organizations but not NHHCS.

There is no policy or functional differentiation among urban Indian organizations, NHHCS, tribal organizations and NHCHC in FTCA coverage, nor between NHHCS and urban Indian organizations. Both urban Indian organizations and NHHCS are devoted to the same needs for the same reasons as the others. In fact, in Hawai'i, where we have the largest population of Native Hawaiians of any state but relatively few Native Americans and Alaska Natives, our NHHCS actually contract with the IHS to provide our own and visiting Native Americans and Alaska Natives with reduced cost health care and payer of last resort services (and at actual costs that far exceed the contracted amounts).

Moreover, in the public health context, there is every reason for Native Hawaiians to seek the same benefits as afforded to other indigenous organizations under FTCA coverage. Even aside from COVID–19, Native Hawaiians suffer from the shortest life expectancy of the major ethnic groups in Hawai'i due to underlying medical conditions such as diabetes, coronary heart disease and asthma. With higher unemployment rates, Native Hawaiians are in particular need of the culturally relevant, lower cost health care options offered by Native Hawaiian-focused organizations like NHHCS. All this has been worsened by COVID–19, which has inflicted some of the highest infection and mortality rates on Native Hawaiian/Pacific Islander communities nationwide. The extension of FTCA to NHHCC is just one of many initiatives that can make a real difference in ensuring NHHCS can continue to serve their own populations in these times of great challenge and need.

During my Subcommittee on the Indigenous Peoples of the United States' July 19, 2020 hearing on H.R. 6535, I asked IHS Director RADM Michael D. Weahkee whether there was any policy reason to differentiate between NHHCS, urban Indian organizations and other tribal health care providers in FTCA coverage. Director Weahkee responded: ''In one of my roles as Indian Health Service Director, I serve as the Vice Chair of the Interdepartmental Council on Native American Affairs at the Department of Health and Human Services, and that responsibility extends not only to our American Indian and Alaska Native populations, but also to our Native Hawaiian and Pacific Islanders, and so in that chair I would see the same advantage toward Native Hawaiian programs as I discussed here today for our American Indian urban Indian organizations.'' Further, the Congressional Budget Office previously reviewed similar legislation, the Native Hawaiian Health Care Improvement Reauthorization Act of 2003, and determined there was no appreciable cost to the federal government.

Aside from these bill specifics, I ask this Committee to understand and appreciate my Native Hawaiian community's goal of extending FTCA coverage to NHHCS, and its great concern at being excluded from H.R. 6535, as not just a policy inconsistency but in a much broader context. To repeat, Native Hawaiians are the indigenous peoples of our country to the same degree and extent as other indigenous peoples. As such, the United States has undertaken a similar special trust responsibility to Native Hawaiians dating back to Hawaii's entry into the United States as a territory in 1900, and continuing through the seminal century-old Hawaiian Homes Commission Act of 1920 and some 150-plus more Native Hawaiian federal statutes and equally if not more numerous specific regulations, administrative actions and other initiative since including the Native Hawaiian Education Act and Native Hawaiian Health Care Improvement Act. This is not a new or questionable relationship in any way and has the same long and often difficult history as other indigenous peoples.

Notwithstanding, Native Hawaiians have faced decades of being overlooked, ignored and excluded in our federal initiatives to fulfill our country's trust responsibilities to our indigenous peoples. It has proven too easy to ask Native Hawaiians to just wait while we take care of another indigenous concern first, while too often the wait has not materialized into any later action. So please understand that when Native Hawaiians express great concern over exclusion from a seemingly straightforward bill like H.R. 6535, their skepticism, apprehension and distrust has deep roots that transcend this specific bill.

Chair, Ranking Member and Committee colleagues, I personally appreciate your consideration of my additional remarks on behalf of our country's vital Native Hawaiian community, and hope that I have provided you with some broader appreciation of why we believe that inclusion of NHHCS in FTCA coverage as is provided for virtually all other indigenous health care organizations is so important. I look forward to working with your and our like-minded colleagues to achieve such inclusion in other appropriate vehicles.

Mahalo nui loa (thank you very much).

I fully expect that further measures I am asked to support of benefit to American Indians and Alaska Natives will include Native Hawaiians.

Thank you.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Arizona (Mr. GALLEGO) that the House suspend the rules and pass the bill, H.R. 6535, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JULIUS ROSENWALD AND THE ROSENWALD SCHOOLS ACT OF 2020

Mr. GALLEGO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3250) to require the Secretary of the Interior to conduct a special resource study of the sites associated with the life and legacy of the noted American philanthropist and business executive Julius Rosenwald, with a special focus on the Rosenwald Schools, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3250

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 ''Julius Rosenwald and the Rosenwald Schools Act of 2020''.

SEC. 2. RESOURCE STUDY OF JULIUS ROSENWALD AND ROSENWALD SCHOOLS.

(a) DEFINITIONS.—In this section:

(1) ROSENWALD SCHOOL.—The term ''Rosenwald School'' means any of the 5,357 schools and related buildings constructed in 15 southern States during the period of 1912 through 1932 by the philanthropy of Julius Rosenwald.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STUDY AREA.—The term ''study area'' means the sites associated with the life and legacy of Julius Rosenwald.

(b) SPECIAL RESOURCE STUDY.—

(1) STUDY.—The Secretary shall conduct a special resource study of the study area, with a special emphasis on the following Rosenwald Schools and other sites associated with the life and legacy of Julius Rosenwald:

(A) Sears Administration Building at Homan Square in Chicago, Illinois.

(B) Rosenwald Court Apartments in Chicago, Illinois.

(C) Museum of Science & Industry in Chicago, Illinois.

(D) Rosenwald House (formerly the Lyon Home) at the Lincoln Home National Historic Site in Springfield, Illinois.

(E) Cairo Rosenwald School, a one-teacher school in Sumner County, Tennessee.

(F) Shady Grove School, a one-teacher school in Louisa County, Virginia.

(G) Noble Hill School, a two-teacher school in Bartow County, Georgia.

(H) Ridgeley School, a two-teacher school in Prince Georges County, Maryland.

(I) Bay Springs School, a two-teacher school in Forest County, Mississippi.

(J) Russell School, a two-teacher school in Durham County, North Carolina.

(K) Shiloh Rosenwald School, a three-teacher school in Macon County, Alabama.

(L) San Domingo School, a four-teacher school in Wicomico County, Maryland.

(M) Elmore County Training School, a seven-teacher school in Elmore County, Alabama.

(N) Dunbar Junior High, Senior High and Junior College in Little Rock, Arkansas.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System, including an interpretive center in or near Chicago, Illinois;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(c) APPLICABLE LAW.—The study under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(d) RESULTS.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary relating to the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GALLEGO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GALLEGO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GALLEGO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3250, the Julius Rosenwald and Rosenwald Schools Act, introduced by Representative DANNY DAVIS.

This bill directs the National Park Service to conduct a study of sites associated with the life and legacy of Julius Rosenwald.

Julius Rosenwald was an American businessman and philanthropist, who is well known for his role as part owner and president of Sears, Roebuck and Company.

In the early 20th century, Rosenwald used his wealth to fund Progressive Era projects and causes, particularly those with a focus on enhancing the lives of African Americans.

Rosenwald was instrumental in the construction of 25 YMCAs across the country, including Chicago's historic Wabash Avenue YMCA, which provided African Americans with housing and job training during the Great Migration.

Through his efforts with the YMCA, Rosenwald developed a relationship with Booker T. Washington and was invited to serve on the board of directors of the Tuskegee Institute.

At Tuskegee, Rosenwald funded a pilot program that helped build six schools for African-American children in rural Alabama. This partnership ultimately sparked the creation of the Rosenwald Fund, which constructed more than 5,300 Rosenwald Schools and related buildings across the South.

By 1928, one in every five rural schools in the South was a Rosenwald School, providing education to one-third of all African-American children in the South through the 1940s.

Many Americans are unaware of the tremendous contributions that Julius Rosenwald and the Rosenwald Schools made to our country. I would like to thank Representative DAVIS for this effort to elevate this incredible part of our Nation's history.

Madam Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. WITTMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3250 would require the Secretary of the Interior to conduct a special resource study of the sites associated with the legacy of Julius Rosenwald, with special focus on the Rosenwald Schools.

Julius Rosenwald was born in 1862, while Abraham Lincoln was President, in a house just a block away from Lincoln in Springfield, Illinois. He would eventually play his own major role in helping to elevate our Nation's African-American citizenry.

A child of German immigrants, Rosenwald dropped out of high school after two years to apprentice with his uncles, who were major clothing manufacturers in New York City. He was active in the wholesale clothing business from 1879, until he joined Sears and Roebuck in 1895. Rosenwald became vice president and part owner of the company. Sears was the Amazon of its day, and Rosenwald went to extraordinary lengths to keep up with its growth.

After stepping down as president of Sears in 1924, Mr. ROSEnwald devoted most of his time to philanthropy. Over the course of his life, he donated millions of dollars to public schools, colleges and universities, museums, Jewish charities, and African-American institutions.

Of all of his philanthropic efforts, Rosenwald was most famous for the more than 5,000 Rosenwald Schools he established throughout the South for poor, rural African-American youth, and the 4,000 libraries he added to existing schools. These schools were cooperatively built with the assistance from the local African-American communities. Donations of land and labor by the local community were matched by financial contributions of the Rosenwald Fund.

In fact, the great legacy is the number of leaders in the African-American community that would come back and

actually teach in the Rosenwald Schools. It was this effort, along with Julius Rosenwald, that highlighted the disparities in the United States educational system and highlighted the objectionable nature of separate but equal tenets that predominated the school system under the law.

In fact, it was these efforts that helped Thurgood Marshall, when he argued the case in 1954 before the Supreme Court, Brown v. Board of Education, to successfully overturn these separate but equal tenets of U.S. law at the time and found that separate but equal was indeed unconstitutional.

It was the efforts of Julius Rosenwald, plus the tireless efforts of African-American communities across the United States, that finally got to a place that said, No, this is not the way our school system should operate; we should, in fact, take up the cause of African-American communities; they should, indeed, have equal school systems that are not separate but that have all the assets and all the efforts and all the focus that other schools had at the time.

This was the foundation of that.

Rosenwald, through his funding of these schools, actually was able to elevate that issue to national prominence. I believe, and many others believe, too, that it was one of the underlying principles and arguments that Thurgood Marshall made before the Supreme Court in 1954.

In recent years, the National Trust for Historic Preservation, in several State historic offices, have initiated programs to survey the surviving Rosenwald Schools. In fact, in the First Congressional District of Virginia, there are a number of remaining Rosenwald School buildings that are, incredibly, in very good shape.

In fact, many of the community organizations have purchased the buildings, have raised money to renovate the buildings, and put them back into their original condition so that people can actually see how education took place at that time.

They highlight, too, leaders in the African-American community who actually went there and taught at those schools. Remember, these teachers did everything. They came in, they stoked the fires in the stove, and they prepared lunches for the students. They did everything to keep these schools running. This is a tremendous story that needs to continue to be told across the Nation.

As I said, these are indispensable parts of our community. This bill would authorize a study to evaluate the national significance of selected Rosenwald School sites and determine the suitability and feasibility of designating these sites as a unit of the National Park System.

Madam Speaker, I urge adoption of the measure, and I yield back the balance of my time.

Mr. GALLEGO. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GALLEGO) that the House suspend the rules and pass the bill, H.R. 3250, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GALLEGO. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

Mr. COHEN. Madam Speaker, I rise in strong support of the Julius Rosenwald and Rosenwald Schools Study Act, a bill I introduced with Representative DANNY DAVIS and Senator DICK DURBIN from Illinois. It is also cosponsored by 43 of our colleagues in the House of Representatives and nine Senators.

This bill would begin the process to establish a Julius Rosenwald & Rosenwald Schools National Historical Park to focus on the incredible impact of Julius Rosenwald, a successful entrepreneur and renowned philanthropist who made lasting contributions to the advancement of African American education during the twentieth century.

Mr. Rosenwald was the President of Sears, Roebuck & Company who used his fortune to enhance the lives of others—establishing museums, community centers, and housing as well as helping Jews in Europe and new immigrants to the U.S. Moved by Booker T. Washington's autobiography Up from Slavery, Mr. Rosenwald committed his time and finances to improving the lives of African Americans. Notably, he established the Julius Rosenwald Fund that partnered with local communities to create over 5,300 schools in the south to address the lack of education for African Americans. During the 1920s, 1930s, and 1940s, one-third of all African American children in the south were educated in Rosenwald schools. A 2011 study by two Federal Reserve economists concluded that the schools played a significant role in narrowing the education gap between black and white students in the south.

In addition, Mr. Rosenwald provided matching funds to communities for construction of YMCA's for African Americans during the Jim Crow era. The Rosenwald Fund supported the early NAACP cases that eventually led to the Brown v. Board of Education of Topeka, provided fellowship to African Americans in the arts and sciences, and supported a number of Historically Black Colleges and Universities, including Fisk, Dillard, and Howard. Mr. Rosenwald improved the lives of those in Chicago as well, creating the Jewish United Fund of Metropolitan Chicago and the Museum of Science and Industry among many other local initiatives. When I was seven years old, our first family vacation was to my mother's hometown of Chicago. During that trip, we went to the Museum of Science and Industry, which my mother and others referred to as ''the Rosenwald.'' That memory led me to dig into the life of Julius Rosenwald as an adult. My dear and late friend, Julian Bond, told me about the Rosenwald schools and that furthered my appreciation of this man's farsightedness, empathy and wisdom.

The esteemed contralto singer Marian Anderson, discriminated against in the Jim Crow South, won a prestigious Julius Rosenwald Fellowship that allowed her to tour Europe, entertaining heads of state, making headlines in American newspapers and creating ''Marian Mania'' around the world. Returning to the United States, she was invited by President Franklin Roosevelt and First Lady Eleanor Roosevelt to play the White House in 1936 and, famously, sang ''My Country 'Tis of Thee'' from the steps of the Lincoln Memorial on Easter Sunday 1939 after being denied the stage of the Daughters of the American Revolution Constitution Hall by segregationists.

The documentary, ''Rosenwald,'' by Aviva Kempner was a fitting tribute to Julius Rosenwald. I was privileged to be present for a showing at the White House East Wing when Barack Obama was president and Valerie Jarrett was his senior advisor. Ms. Jarrett's maternal grandfather, Robert Rochon Taylor, was involved in carrying on the legacy of Julius Rosenwald by helping to plan, build and manage what became known as Rosenwald Courts, a multiunit housing complex in Bonzeville.

Julius Rosenwald was a visionary philanthropist whose altruism—and philosophy of giving embodied the Jewish concept of tzedakah—social justice and charity. It's past time to ensure his legacy receives its due place in history. I urge my colleagues to support the swift passage of the Julius Rosenwald and Rosenwald Schools Study Act.

□ 1445

PEACE CORPS COMMEMORATIVE WORK EXTENSION ACT

Mr. GALLEGO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 7460) to extend the authority for the establishment by the Peace Corps Commemorative Foundation of a commemorative work to commemorate the mission of the Peace Corps and the ideals on which the Peace Corps was founded, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7460

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 ''Peace Corps Commemorative Work Extension Act''.

SEC. 2. EXTENSION OF AUTHORITY FOR ESTABLISHMENT OF COMMEMORATIVE WORK TO COMMEMORATE THE MISSION OF THE PEACE CORPS AND THE IDEALS ON WHICH THE PEACE CORPS WAS FOUNDED.

Notwithstanding section 8903(e) of title 40, United States Code, the authority to establish the commemorative work under section 1(a) of Public Law 113–78 (40 U.S.C. 8903 note; 128 Stat. 647) shall continue to apply through January 24, 2028.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GALLEGO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GALLEGO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to

revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GALLEGO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 7460, the Peace Corps Commemorative Work Extension Act, introduced by Representative JOE KENNEDY.

Representative KENNEDY served as a Peace Corps volunteer in the Dominican Republic from 2004 to 2006. Unfortunately, he is not able to be here for today's vote, but I know how much this means to him and the entire Returned Peace Corps Volunteers community.

In 2014, the bipartisan Peace Corps Commemorative Act was signed into law to establish a commemorative work to celebrate the Peace Corps and its founding ideals. That legislation authorized the Peace Corps Commemorative Foundation to establish the memorial in Washington, D.C., but the authorization for the project is set to expire in January 2021.

The Peace Corps' roots and mission date back to the 1960s. Since then, more than 240,000 Peace Corps volunteers have served in 142 host countries to train local communities across the world in technologies and skills such as agricultural protection, environmental protection, and basic education.

Since its establishment, the Peace Corps has helped promote world peace and friendship by improving the lives of countless individuals across the world.

Madam Speaker, I would like to thank Representative KENNEDY for his efforts to honor these incredible volunteers.

The planned memorial will be a lasting tribute to the legacy of the Peace Corps and its mission. This bill simply provides the foundation with more time to raise money and pick an appropriate design.

Madam Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. WITTMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 7460, the Peace Corps Commemorative Work Extension Act, extends through January 24, 2028, the authority of the Peace Corps Commemorative Foundation to establish a commemorative work on Federal land in the District of Columbia or its environs to honor and commemorate the mission and ideals of the Peace Corps.

Since President John F. Kennedy established the Peace Corps in 1961, over 235,000 Americans have served as grassroots volunteers in villages and towns in 141 countries worldwide. Peace Corps volunteers seek to promote world peace and friendship by improving the lives of those they serve by helping others understand American culture and by bringing their experience back home to America.

It is fitting that this bill to extend the Commemorative Works Act authorization for a Peace Corps Memorial is sponsored by President John F. Kennedy's grandnephew, Representative JOE KENNEDY III.

I am grateful to the thousands of Americans who have served our Nation honorably in the Peace Corps.

Madam Speaker, I urge adoption of the measure, and I reserve the balance of my time.

Mr. GALLEGO. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DANNY K. DAVIS).

Mr. DANNY K. DAVIS of Illinois. Madam Speaker, I rise in strong support of the Julius Rosenwald and the Rosenwald Schools Act, and I thank leadership for putting it on the suspension calendar.

This bill starts the process to establish a Julius Rosenwald and Rosenwald Schools national historical park to focus on the incredible impact of Julius Rosenwald, a successful entrepreneur and renowned philanthropist who made a lasting contribution to the advancement of African-American education during the 20th century.

Mr. Rosenwald was the president of Sears, Roebuck and Company during its heyday. He used his fortune to enhance the lives of others, establishing museums, community centers, and housing, as well as helping Jews in Europe and new immigrants coming to the United States. One-third of all African-American children in the South during the 1920s, 1930s, and 1940s were educated in Rosenwald schools.

Although I did not attend a Rosenwald school, I grew up in rural America, rural Arkansas, and actually attended a one-room school where one teacher, Ms. Beadie King, taught eight grades plus what we call the little primer and the big primer all by herself.

In many of the rural towns where African Americans lived during that time, there were no schools. If there were, they only went to the sixth grade and sometimes to the eighth grade. So the impact of these 5,300 schools that Julius Rosenwald helped to build—he was a friend of Booker Washington, and Booker Washington helped him understand that it was great for people to get to Tuskegee, but there were thousands of African Americans in these rural areas who never had a first grade, second grade, third grade to get to.

Madam Speaker, I am delighted that leadership put this bill on the calendar today. I thank the gentleman for yielding. And as you can tell, I am very passionate about this bill.

I also live in the area where the international headquarters for Sears, Roebuck and Company existed at that time. So the name ''Julius Rosenwald'' is an entity that our country should never, ever forget, and we ought to have as many ways of expressing it as we possibly can.

Mr. WITTMAN. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. GALLEGO. Madam Speaker, it is an honor and a privilege to be able to yield time to someone who I grew up in his district as his constituent. It is a great honor to be here and to hear more about, obviously, Sears, Roebuck and Company and an area that I grew up in and know very well.

Madam Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GALLEGO) that the House suspend the rules and pass the bill, H.R. 7460.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JIMMY CARTER NATIONAL HISTORICAL PARK REDESIGNATION ACT

Mr. GALLEGO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5472) to redesignate the Jimmy Carter National Historic Site as the ''Jimmy Carter National Historical Park''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5472

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 ''Jimmy Carter National Historical Park Redesignation Act''.

SEC. 2. DESIGNATION OF JIMMY CARTER NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Jimmy Carter National Historic Site shall be known and designated as the ''Jimmy Carter National Historical Park''.

(b) AMENDMENTS TO PUBLIC LAW 100–206.—Public Law 100–206 (54 U.S.C. 320101 note; 101 Stat. 1434) is amended—

(1) in section 1(a), in the matter preceding paragraph (1), by striking ''National Historic Site'' and inserting ''National Historical Park'';

(2) in section 3—

(A) in subsection (a), by striking ''provisions of law generally applicable to national historic sites'' and inserting ''provisions of law generally applicable to units of the National Park System''; and

(B) in subsection (d), in the second sentence, by striking ''National Historic Site'' and inserting ''National Historical Park'';

(3) in section 6(2), by striking ''National Historic Site'' and inserting ''National Historical Park'';

(4) by striking ''historic site'' each place it appears and inserting ''historical park'';

(5) by striking ''historic site'' each place it appears and inserting ''historical park''; and

(6) by striking ''Historic Site'' each place it appears and inserting ''Historical Park''.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the

Jimmy Carter National Historic Site shall be considered to be a reference to the ''Jimmy Carter National Historical Park''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GALLEGO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GALLEGO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GALLEGO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 5472, the Jimmy Carter National Historical Park Redesignation Act, introduced by Representative SANFORD BISHOP from Georgia.

Established by Congress in 1987, the Jimmy Carter National Historic Site and Preservation District protects and shares the stories of key sites associated with the life of President Jimmy Carter.

Today, the site consists of President Carter's boyhood farm; Plains High School, which the Carters attended; the Carter home and compound where the Carters currently live; and the Plains Railroad Depot, which served as Carter's campaign headquarters during the 1976 Presidential campaign.

H.R. 5472 would redesignate the National Historic Site as the Jimmy Carter National Historical Park to conform with the Park Service's standard pattern of nomenclature and to help promote increased visitation to the area.

Madam Speaker, I would like to thank Representative BISHOP for his efforts to elevate the life of Jimmy Carter, and I urge my colleagues to support this bill. Madam Speaker, I reserve the balance of my time.

Mr. WITTMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 5472 redesignates the Jimmy Carter National Historic Site as Jimmy Carter National Historical Park. This site includes President Carter's resident and boyhood home. Plains High School serves as the site's visitor center. And the railroad depot, which served as campaign headquarters during the 1976 Presidential election, and also houses additional exhibits. Redesignation of the site does not affect the laws or policies that govern the area, and the primary impact of the passage of this legislation would be changing signs, maps, and handouts.

Redesignation of the Jimmy Carter National Historic Site as a national historical park does not affect the laws or policies that govern the area, and I urge adoption of this measure.

Madam Speaker, I reserve the balance of my time.

Mr. GALLEGO. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Madam Speaker, I rise today in support of H.R. 5472, the Jimmy Carter National Historical Park Redesignation Act.

The legislation would change the name of the Jimmy Carter National Historic Site in Plains, Georgia, to the Jimmy Carter National Historical Park, thereby ensuring that its nomenclature conforms to other noncontiguous sites within the National Park System.

It would also honor the wishes of our Nation's 39th President, who is a dear friend of mine, as well as my constituent.

On March 22, 2019, President Carter also became our Nation's longest-living President, surpassing the lifespan of George H.W. Bush. In October, he celebrated his 96th birthday.

As many of you are aware, President Carter has had a number of health challenges recently, which has created a sense of urgency around this legislation and the rich legacy that he and Mrs. Rosalynn Carter want to leave for their longtime home in Plains, Georgia.

After the Carters left the White House, the Carters and Plains community took the initiative to preserve and protect the history of this small, rural, agricultural community.

In 1987, Congress established the Jimmy Carter National Historic Site. As you have heard, it consists of the Plains Railroad Depot, which served as Jimmy Carter's campaign headquarters during the 1976 Presidential campaign; Jimmy Carter's boyhood farm; Plains High School, which the Carters both attended, and which now serves as the visitor center and museum; and the Carter home and compound, where the Carters currently live, which is now closed to the public.

In fact, the Jimmy Carter National Historic Site is the only site in the National Park System, aside from the White House, that is still an active Presidential home. I have taken my entire staff there on a number of occasions so that they could get a better feel and understanding of the values that shaped this great Georgian.

Madam Speaker, H.R. 5472 enjoys the bipartisan support of the entire Georgia congressional delegation, as well as the Plains community.

Madam Speaker, I want to thank Chairman GRIJALVA and Ranking Member BISHOP on the full committee, and Chairwoman HAALAND and Ranking Member YOUNG on the National Park Subcommittee. I thank Mr. GALLEGO and his able staff members, Brandon Bragato and Lily Wang, for all of their help in bringing this legislation to the House today under suspension of the rules.

Madam Speaker, I urge my colleagues to support this measure.

Mr. WITTMAN. Madam Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. GALLEGO. Madam Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

Ms. JACKSON LEE. Madam Speaker, as a senior member of the Judiciary Committee, and a representative from the New South that President Jimmy Carter symbolized, I rise in strong support of H.R. 5472, the ''Jimmy Carter National Historical Park Redesignation Act,'' bipartisan legislation that elevates the designation of the Jimmy Carter National Historical Site to accurately reflect its status in the National Park System and accord with a standard pattern of nomenclature.

National historical parks are typically areas of greater physical extent and complexity than national historic sites; often they contain multiple discontiguous sites.

According to the National Park Service, the Jimmy Carter National Historic Site, which was established by Congress in 1987, is comprised of facilities at several sites in and around the town of Plains, Georgia and has the characteristics that make the designation of ''national historical park'' a more appropriate title than ''national historic site.''

Congress passed the legislation in 1987 to preserve the key sites and structures associated with President Jimmy Carter during his life, provide for the interpretation of the life and presidency of Jimmy Carter, and present the history of a small rural southern town.

The historic site consists of President Carter's boyhood home in the community of Archery; Plains High School, now used for a visitor center and headquarters for the historic site; the Plains depot, which was used as a headquarters for Jimmy Carter's presidential campaign; and the Carter compound, where President and Mrs. Carter have resided since 1981.

It is therefore fitting and proper that we pass this bipartisan legislation, supported unanimously by the Georgia congressional delegation, designating this complex of historically significant places as the ''Jimmy Carter National Historical Park,'' in honor of the 39th President of the United States, whose postpresidency is universally regarded as the greatest and most consequential in history.

Madam Speaker, Jimmy Carter was little known outside the South before he became president and I vividly recall his acceptance speech in July 1976 at Madison Square Garden in New York City, which he began by saying simply: ''My name is Jimmy Carter and I'm running for president.''

It was at that convention that the great Congresswoman Barbara Jordan, who held the seat I now hold, made history by being the first African American woman to give the keynote address at a major political party nominating convention.

Madam Speaker, it is perhaps a failing of all us that we do not acknowledge nearly enough the enormous achievements and contributions to our country of the Carter Administration.

Let me list briefly some of the enormous positive changes wrought by President Carter, this most moral of public men was awarded the Medal of Freedom in addition to being the 2002 recipient of the Nobel Peace Prize.

During his administration, President Carter signed into law many legislative proposals that have changed our lives for the better and made living in America safer, more affordable, fairer, and better.

For example, President Carter signed into law the Comprehensive Environmental Response, Compensation, and Liability Act, known as the Superfund Act (Pub. L. 96–510).

The U.S. Department of Energy was created in 1977 with the enactment of Department of Energy Organization Act, signed into law as Pub. L. 95–91.

The U.S. Department of Education was created in 1979 with the enactment of Department of Education Organization Act, signed into law as Pub. L. 96–88.

Airline travel was deregulated, making it affordable for millions of Americans to travel by air for the first time with the passage of the Airline Deregulation Act, Pub. L. 95–504.

Under President Carter, both the trucking and rail industry were deregulated leading to reduced shipping costs and lower prices for consumers with the signing of the Motor Carrier Act, Pub. L. 96–296, and the Staggers Rail Act, Pub. L. 96–448.

Madam Speaker, a little recalled fact is that under the Carter Administration, 9.8 million jobs were created, more than any president from Nixon until Clinton, thanks to economic legislation like the Humphrey-Hawkins Full Employment Act, signed into law as the Full Employment and Balanced Growth Act (Pub. L. 95–523) and Comprehensive Employment and Training Act Amendments (Pub. L. 95–524.

A full listing of the important laws signed by President Carter would take more time than we have available but includes the Civil Service Reform Act, Pub. L. 95–454, which created the Office of the Inspector General, and the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, which designated certain public lands in Alaska as units of the National Park, National Wildlife Refuge, Wild and Scenic Rivers, National Wilderness Preservation and National Forest Systems, resulting in 79.54 million acres of refuge land in Alaska, of which 27.47 million acres were designated as wilderness.

President Carter was the first president to express to the nation the interrelation between national security and energy independence and to take action to enhance both, with the passage of the:

1. National Energy Act, Pub. L. 95–617 through 621,
2. Emergency Natural Gas Act, Pub. L. 95–2,
3. Reorganization Act of 1977, Pub. L. 95–17,
4. Crude Oil Windfall Profit Tax Act, Pub. L. 96–223, and
5. Energy Security Act, Pub. L. 96–294.

Other major legislation signed into law by President Carter were the Depository Institutions Deregulation and Monetary Control Act, Pub. L. 96–221; the Trade Agreements Act, Pub. L. 96–39, and the Panama Canal Treaties.

In the areas of foreign affairs and national security, President Carter deescalated and normalized diplomatic relations with China, brokered the historic Camp David Accord between Israel and Egypt, and hastened the collapse of the Soviet Union by supporting the mujahideen as it fought to repel and defeat the invading forces of the Soviet Union.

President Carter proudly and firmly made promotion and protection of human rights a cornerstone of American foreign policy and made clear that the United States would not overlook or tolerate human rights abuses, whether committed by adversary or ally, which helped hasten the end of apartheid in South Africa and authoritarian governments in South and Latin America.

President Carter appointed the first woman of color to a cabinet position when he chose the Hon. Patricia Roberts Harris as his Secretary of Housing and Urban Development and then as Secretary of Health and Human Services.

It was President Carter who appointed Ruth Bader Ginsburg to the federal judiciary when he nominated her to be a judge of the U.S. Court of Appeals for the District of Columbia Circuit in 1980.

It was President Carter who appointed Stephen Breyer to the federal judiciary when he nominated him for a seat on the U.S. Court of Appeals for the First Circuit in 1980.

In fact, when President Carter took office, just eight women had ever been appointed to one of the 500 federal judgeships in the country, he doubled that number and appointed 40 women, including eight women and 33 men of color.

President Carter changed the face of the federal judiciary to make it more representative of the American people and set the example which Presidents Clinton and Obama followed.

After leaving office, President Carter embarked on an energetic and tireless post-presidency, founding in 1982 the Carter Presidential Center at Emory University in Atlanta, Georgia, which is devoted to issues relating to democracy and human rights.

Most everyone has seen Jimmy and Rosalyn Carter working with Habitat for Humanity International building housing and helping underprivileged persons realize the dream of home ownership.

President Carter has served as a freelance ambassador for a variety of international missions, including mediating disputes between countries, observing elections in nations with histories of fraudulent voting processes, and advising presidents on Middle East issues.

He has also made time to be a prolific author, writing more than 30 books, including Keeping Faith: Memoirs of a President (1983), Turning Point (1992), and An Hour Before Daylight (2001).

The United States and the world are better off because Jimmy Carter emerged from humble origins to become the 39th President of the United States.

Not bad for a Georgia peanut farmer, Annapolis graduate, and nuclear submariner, not bad at all.

I strongly support this bipartisan legislation and urge all Members to join me in voting to pass H.R 5472, the ''Jimmy Carter National Historical Park Redesignation Act.''

God bless President Carter, and the United States of America.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GALLEGO) that the House suspend the rules and pass the bill, H.R. 5472.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WEIR FARM NATIONAL HISTORICAL PARK REDESIGNATION ACT

Mr. GALLEGO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5852) to redesignate the Weir Farm National Historic Site in the State of Connecticut as the ''Weir Farm National Historical Park''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5852

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 ''Weir Farm National Historical Park Redesignation Act''.

SEC. 2. WEIR FARM NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Weir Farm National Historic Site shall be known and designated as the ''Weir Farm National Historical Park''.

(b) AMENDMENTS TO THE WEIR FARM NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 1990.—The Weir Farm National Historic Site Establishment Act of 1990 (54 U.S.C. 320101 note; Public Law 101–485; 104 Stat. 1171; 108 Stat. 4756; 112 Stat. 3296; 123 Stat. 1190) is amended—

(1) in section 2(2)—

(A) by striking ''historic site'' and inserting ''historical park''; and

(B) by striking ''National Historic Site'' and inserting ''National Historical Park'';

(2) in section 4—

(A) in the heading, by striking ''historic site'' and inserting ''historical park'';

(B) in subsection (a), by striking ''Historic Site'' and inserting ''Historical Park''; and

(C) by striking ''historic site'' each place it appears and inserting ''historical park'';

(3) in section 5, by striking ''historic site'' each place it appears and inserting ''historical park''; and

(4) in section 6—

(A) in the heading, by striking ''historic site'' and inserting ''historical park''; and

(B) by striking ''historic site'' each place it appears and inserting ''historical park''.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the Weir Farm National Historic Site shall be considered to be a reference to the ''Weir Farm National Historical Park''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GALLEGO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GALLEGO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

□ 1500

Mr. GALLEGO. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5852, the Weir Farm National Historical Park Redesignation Act, introduced by Representative JIM HIMES.

In 1882, American artist Julian Alden Weir traded a still life painting he had acquired in Europe for a 153-acre farm in Branchville, Connecticut. Inspired by the farm's rural setting, Weir spent the next 36 years developing a new approach to landscape painting and gained a reputation as a leader of the American Impressionists.

In 1990, Congress established the Weir Farm National Historic Site to preserve the structures and rural landscape that inspired Weir's transition into American Impressionism. Today, the 68-acre site includes more than a dozen structures, as well as historic gardens, orchards, fields, and hundreds of historic painting sites. The National Historic Site also maintains a museum collection containing more than 200,000 archives and objects, including original paintings, sculptures, and prints.

H.R. 5852 would redesignate the Weir Farm National Historic Site as the Weir Farm National Historical Park to conform with the National Park Service's standard pattern of nomenclature and to help promote increased visitation to the area.

Madam Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. WITTMAN. Madam Speaker, I yield myself such time as I may consume.

H.R. 5852 would redesignate Weir Farm National Historic Site in Connecticut as a National Historical Park.

This 68-acre historic site is the only National Park System unit dedicated to American painting and was established as a unit of the system in 1990. It preserves the home, studio, and grounds of American artist Julian Alden Weir.

Weir spent nearly four decades painting, and his artist friends Childe Hassam, John Twachtman, Emil Carlsen, John Singer Sargent, and Albert Pinkham Ryder often joined him there. Together, they created masterpieces of light and color on canvas that came to define American Impressionism.

Following his death, Weir's daughter, Dorothy Weir Young, an artist in her own right, and her sculptor husband carried on the artistic legacy at the farm. They were followed by New England painters Sperry and Doris Andrews.

Madam Speaker, redesignation of Weir Farm as a national historic park does not affect the laws or policies that govern the area. I urge adoption of this measure, and I reserve the balance of my time.

Mr. GALLEGO. Madam Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. Madam Speaker, I thank my friend, Mr. GALLEGO, for yielding.

I rise in strong support of H.R. 5852. Weir Farm is a magnificent jewel that resides in the middle of my district.

I should say at the outset, my district is actually smaller than a great number of the national park assets in this country, and so much of the agriculture that used to characterize southwestern Connecticut, of course, has given way to urban environments and to suburban environments. As a consequence, this 70 acres of land is truly a jewel inside Connecticut's Fourth District and inside Fairfield County, Connecticut.

The Weir Farm National Historic Site stretches across just 70 acres of land, but in those 70 acres, there are any number of historical buildings, a vast collection of American art, orchards and landscapes, trails, gardens, miles of stone walls, and Weir Pond, as well as over 250 historic painting sites.

Sometimes people don't remember—though I appreciate my colleagues today reminding everyone—that southwestern Connecticut has a long tradition of the production of American art, including Childe Hassam, who resided in my own town of Cos Cob, Connecticut.

But this particular national historical site, soon to become a national historical park, offers an opportunity, in particular, to the children who live in Stamford, Connecticut; Norwalk, Connecticut; and Bridgeport, Connecticut, cities that actually do have some meaningful poverty and in which children don't have a lot of opportunities to come face-to-face with their history, face-to-face with art, and face-to-face with our agricultural heritage, to actually see and touch these things.

It is a really wonderful location in the middle of Fairfield County, Connecticut, and this redesignation will capture the full breadth and the full comprehensive set of offerings that the Weir Farm National Historical Park will continue to offer the people of Connecticut and, quite frankly, the people of the United States.

The park's designation today fails to represent everything that the farm offers, including the remarkable youth programs that I referred to earlier, where organizations like Groundwork Bridgeport have partnered with Weir Farm to provide young people with opportunities that they might not otherwise have.

Before I close, Madam Speaker, I would like to thank Chairwoman HAALAND, Chairman GRIJALVA of the subcommittee, Ranking Member BISHOP, and Representative YOUNG for working on this piece of legislation.

I thank the Friends of Weir Farm, including Elizabeth Castagna and Judy Wander, who have pushed this very hard, and the hardworking men and women at Weir Farm, including Linda Cook, the superintendent.

Finally, I thank my colleague, Senator MURPHY, who will be seeing that this bill moves expeditiously through the United States Senate.

I also thank, again, my friend, Mr. GALLEGO.

Mr. WITTMAN. Madam Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. GALLEGO. Madam Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GALLEGO) that the House suspend the rules and pass the bill, H.R. 5852.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3:30 p.m. today.

Accordingly (at 3 o'clock and 6 minutes p.m.), the House stood in recess.

□ 1530

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. CASTOR of Florida) at 3 o'clock and 30 minutes p.m.

JULIUS ROSENWALD AND THE ROSENWALD SCHOOLS ACT OF 2020

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3250) to require the Secretary of the Interior to conduct a special resource study of the sites associated with the life and legacy of the noted American philanthropist and business executive Julius Rosenwald, with a special focus on the Rosenwald Schools, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GALLEGO) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 387, nays 5, not voting 37, as follows:

[Roll No. 245]

YEAS—387

Adams	Balderson	Blumenauer
Aderholt	Banks	Blunt Rochester
Aguilar	Barr	Bonamici
Allen	Barragán	Bost
Allred	Bass	Boyle, Brendan F.
Amodei	Beatty	Brindisi
Armstrong	Bera	Brooks (AL)
Arrington	Bergman	Brooks (IN)
Axne	Beyer	Brown (MD)
Babin	Bilirakis	Brownley (CA)
Bacon	Bishop (GA)	Buchanan
Baird	Bishop (NC)	

Buck
Bucshon
Budd
Burchett
Burgess
Bustos
Butterfield
Calvert
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chabot
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Cline
Clyburn
Cohen
Cole
Comer
Conaway
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crawford
Crenshaw
Crist
Crow
Cuellar
Cunningham
Curtis
Davids (KS)
Davidson (OH)
Davis (CA)
Davis, Danny K.
Davis, Rodney
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Doyle, Michael F.
Emmer
Engel
Escobar
Eshoo
Espaillat
Estes
Evans
Ferguson
Finkenauer
Fitzpatrick
Fleischmann
Fletcher
Fortenberry
Foster
Foxx (NC)
Frankel
Fulcher
Gabbard
Gaetz
Gallagher
Gallego
Garamendi
Garcia (CA)
García (IL)
Garcia (TX)
Gibbs
Golden
Gomez
Gonzalez (OH)
Gonzalez (TX)
Gooden
Gosar
Gottheimer
Granger
Graves (MO)
Green, Al (TX)
Griffith
Grijalva
Grothman
Guthrie
Haaland
Hagedorn
Hall
Harder (CA)
Harris
Hartzler
Hastings
Hayes
Heck
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Higgins (NY)
Hill (AR)
Himes
Hollingsworth
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Hudson
Huffman
Huizenga
Hurd (TX)
Jackson Lee
Jacobs
Jayapal
Jeffries
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Johnson (TX)
Jordan
Joyce (OH)
Joyce (PA)
Kaptur
Katko
Keating
Keller
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
King (NY)
Kinzinger
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
LaHood
LaMalfa
Lamb
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Luján
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Marshall
Mast
Matsui
McAdams
McBath
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McKinley
McNerney
Meeks
Meng
Meuser
Mfume
Miller
Moolenaar
Mooney (WV)
Moore
Morelle
Moulton
Mucarsel-Powell
Mullin
Murphy (FL)
Murphy (NC)
Nadler
Napolitano
Neal
Neguse
Newhouse
Norcross
Norman
Nunes
O'Halleran
Ocasio-Cortez
Olson
Omar
Palazzo
Pallone
Palmer
Panetta
Pappas
Pascrell
Payne
Pence
Perlmutter
Perry
Peters
Peterson
Phillips
Pingree
Pocan
Porter
Posey
Pressley
Price (NC)
Quigley
Raskin
Reed
Reschenthaler
Rice (NY)
Richmond
Riggleman
Rodgers (WA)
Roe, David P.
Rogers (KY)
Rose (NY)
Rose, John W.
Rouda
Rouzer
Roybal-Allard
Ruiz
Ruppersberger
Rush
Rutherford
Sánchez
Sarbanes
Scalise
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Shimkus
Simpson
Sires
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
Soto
Spanberger
Speier
Stanton
Stauber
Stefanik
Steil
Steube
Stevens
Stewart
Stivers
Suozzi
Swalwell (CA)
Takano
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiffany
Timmons
Tipton
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Turner
Underwood
Upton
Van Drew
Vargas
Veasey
Vela
Velázquez
Visclosky
Walberg
Walden
Walorski
Waltz
Wasserman Schultz
Waters
Watkins
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Wexton
Wild
Wilson (FL)
Wittman
Womack
Woodall
Yarmuth
Young
Zeldin

NAYS—5

Amash
Biggs
Massie
Rice (SC)
Roy

NOT VOTING—37

Abraham
Bishop (UT)
Brady
Byrne
Carter (TX)
Cheney
Cloud
Collins (GA)
Duncan
Dunn
Flores
Fudge
Gianforte
Gohmert
Graves (LA)
Green (TN)
Guest
Holding
King (IA)
Lesko
Loudermilk
Marchant
McHenry
Mitchell
Roby
Rogers (AL)
Rooney (FL)
Ryan
Sensenbrenner
Spano
Trone
Wagner
Walker
Williams
Wilson (SC)
Wright
Yoho

□ 1701

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 965, 116TH CONGRESS

Allred (Wexton)
Axne (Davids (KS))
Barragán (Beyer)
Bera (Aguilar)
Blumenauer (Beyer)
Bonamici (Clark (MA))
Brownley (CA) (Clark (MA))
Cárdenas (Cisneros)
Case (Cartwright)
Cleaver (Davids (KS))
Cohen (Beyer)
Costa (Correa)
Craig (McCollum)
Davis (CA) (Scanlon)
Dean (Scanlon)
DeFazio (Davids (KS))
DeGette (Blunt Rochester)
DelBene (Cicilline)
DeSaulnier (Matsui)
Deutch (Rice (NY))
Doggett (Raskin)
Doyle, Michael F. (Cartwright)
Escobar (Garcia (TX))
Eshoo (Thompson (CA))
Finkenauer (Underwood)
Fletcher (Raskin)
Frankel (Clark (MA))
Garamendi (Sherman)
Gottheimer (Panetta)
Grijalva (García (IL))
Haaland (Davids (KS))
Hastings (Wasserman Schultz)
Heck (Kildee)
Jayapal (Raskin)
Johnson (TX) (Jeffries)
Kennedy (McGovern)
Kilmer (Kildee)
Kim (Davids (KS))
Kind (Beyer)
Kirkpatrick (Stanton)
Kuster (NH) (Bustos)
Lamb (Panetta)
Langevin (Lynch)
Lawrence (Kildee)
Lawson (FL) (Demings)
Lieu, Ted (Beyer)
Lipinski (Schrader)
Lofgren (Jeffries)
Lowenthal (Beyer)
Lowey (Tonko)
McEachin (Wexton)
McNerney (Raskin)
Meng (Clark (MA))
Moore (Beyer)
Mucarsel-Powell (Wasserman Schultz)
Nadler (Jeffries)
Napolitano (Correa)
Neguse (Perlmutter)
Pascrell (Pallone)
Payne (Wasserman Schultz)
Peters (Kildee)
Peterson (McCollum)
Pingree (Cicilline)
Pocan (Raskin)
Porter (Wexton)
Price (NC) (Butterfield)
Richmond (Butterfield)
Roybal-Allard (Garcia (TX))
Ruiz (Dingell)
Rush (Underwood)
Schakowsky (Kelly (IL))
Schneider (Casten (IL))
Schrier (Spanberger)
Serrano (Jeffries)
Sewell (AL) (Cicilline)
Sires (Pallone)
Smith (WA) (Courtney)
Speier (Scanlon)
Titus (Connolly)
Vargas (Correa)
Veasey (Beyer)
Watson Coleman (Pallone)
Welch (McGovern)
Wild (Scanlon)
Wilson (FL) (Hayes)

STAND UP FOR AMERICANS WHO ARE TRYING TO SURVIVE THE COVID–19 PANDEMIC

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE. Madam Speaker, I thought about every day I would rise to emphasize the number of Americans who have died in the last 24 hours because of COVID–19, some 3,000-plus; 300,000 Americans have already died, a half a million are expected to lose their life by the beginning of the year.

It is crucial that we, without ceasing, pass a COVID–19 package that includes a lifeline for families that are trying to survive: cash payment; unemployment; more money for vaccines; more testing; more money to stop evictions; more money for small businesses, restaurants, and our transportation community.

But more importantly, children are losing parents. And the holiday season is coming, and many are not even thinking about another surge like we had from Thanksgiving.

Madam Speaker, I beg of America to prayerfully commemorate, celebrate, love this holiday season, but it should be a skinny season to save lives.

Save lives.

And we must pass a COVID–19 package, not leave until we get it done.

Americans are dying, and that means that we have to stand up, and stand up for them, and I am here on the floor to stand up for them.

FAREWELL TO CONGRESS

The SPEAKER pro tempore (Ms. SHERRILL). Under the Speaker's announced policy of January 3, 2019, the gentleman from New York (Mr. ENGEL) is recognized for 60 minutes as the designee of the majority leader.

Mr. ENGEL. Madam Speaker, I would hope that anyone who has ever had the privilege to serve as a Member of Congress leaves this place with a heart full of gratitude. After 32 years as a Member of this body, I certainly feel that way.

It is hard to believe that I have been elected for 16 terms, 32 years. I came here at age 41, not knowing exactly what to expect, and I have learned a great deal in these 32 years.

I send gratitude, first and foremost, to the people of the 16th District of New York for sending me here 16 times. It has been an honor to have your trust and to be your voice here in the House.

Gratitude to thousands of people: the Capitol Police; the Sergeant at Arms; the Congressional Research Service; the Architect of the Capitol; the Office of the Attending Physician, Dr. Brian Monahan; and so many others. It takes

a small army to keep Congress running, and you seldom get the recognition you have earned.

Gratitude to my staff over the years, and let me acknowledge a few who have been with me for a long while: the staff director on the Foreign Affairs Committee, Jason Steinbaum; my chief of staff, Bill Weitz; and my administrative assistant here in Washington, Ned Michalek.

Madam Speaker, I will include in the RECORD a full roster of my staff in the office of the 16th District and on the Committee on Foreign Affairs, with my profound thanks. And, of course, Madam Speaker, I send gratitude to my fellow Representatives.

When I came here, I never could have imagined that I would get to be chairman of the House Foreign Affairs Committee. It is a committee that I followed for many years. It is a committee that I have always thought was prestigious. It is a committee that I thought was very important, and to be on that committee was a wonder for me, but to be the chair of that committee is just unbelievable.

I especially want to thank the members of the New York delegation, past and present. We are a group as richly diverse as the great State we come from. I am proud of the way we have stood together and stood up for New Yorkers, particularly in times of crisis and tragedy: the pandemic we are enduring now; Superstorm Sandy; the Great Recession; and, of course, in the aftermath of the attacks of September 11, 2001.

I am grateful to our leadership on both sides, and it has been a unique honor to serve alongside our distinguished Speaker, Ms. PELOSI from California. I have served alongside her for the entire length of my time in the House, and let me tell you—let me tell everybody—she is certainly one of a kind. I am privileged to call her my friend.

We work very hard here, and sometimes we are so busy working, we don't get to know some of our fellow Congress Members, particularly those on the other side of the aisle. As people are coming up to me and wishing me the best as I leave Congress, it is people from both parties who are doing it. My Republican colleagues are doing it and my Democratic colleagues as well, wishing me the best. It has been just an honor to serve with them.

We have to get to know each other better. I think we have lost some of that.

If you have a colleague and you don't serve on their committee and you are not from their State and you are from the opposite political party, you don't really get to know them. That is a shame, because I have learned that we have so much talent on both sides of the aisle, people who are coming up to me and wishing me well, Republicans as well as Democrats, and that is really the way it should be.

Again, if you don't see somebody in the gym, if you don't travel with them to some countries on the other side of the globe, if you don't have much interaction with them, you won't get to know them, and that is one thing I hope changes, and changes soon.

People have been stopping me here and wishing me well upon my retirement from Congress, and many, again, are from the other party, and I want to thank them, because it means a lot to me.

I have tried to be bipartisan, not giving up what I believe and not pulling back from what I feel, but being bipartisan in that you can respect each other even if you don't agree on some of the issues.

We are all here trying to do the same thing. We are all here trying to bring things home to our districts. We are here because we love America, and we are here because we are here with people who also love America.

My greatest honor here has been to serve during this Congress as the chairman of the House Committee on Foreign Affairs.

□ 1715

When I was sworn in for my first term back in 1989, the then-majority leader, who soon became Speaker, Tom Foley of Washington State, asked me my top three choices for committee assignments. I had to write it down, one, two, and three. For one, I wrote foreign affairs. For two, I wrote foreign affairs. And for three, I wrote foreign affairs.

I did it because I wanted to emphasize the fact that I had hoped to be on the committee, even though people asked me: Why do you want to be on foreign affairs?

It is not a committee that is back home. It is not something that you can meet people on. It is foreign affairs. It is all over the world.

I haven't regretted being a member of the committee and being the chairman of the Committee on Foreign Affairs for one day. To me, what is going on in the world, what is going on in the world now, what went on in the world before, what is going on in the world in the future is so important, and this Congress needs to be engaged and this Congress needs to be very much listening to what is going on, and help move this country to the direction that we all know the United States can do.

I said foreign affairs because, you know, since I was a kid, growing up in Bronx, New York, in public housing, since that time, I have been fascinated with America's leadership role in the world.

All four of my grandparents were Jewish immigrants from what is now Ukraine, who fled the pogroms of the early 20th century, looking for safe haven and opportunity. And guess what? They found it in America. They came here before World War I. If they hadn't come here, they almost certainly would have perished in the Holocaust.

This country has been a refuge to people who are hurting for many, many years, and I am grateful for it.

As a child of the Cold War, I remember learning about America as a beacon of freedom and democracy, standing opposed to an oppressive, totalitarian ideology. My entire life has been an education in what a force for good America can be when we are at our best, in the American values that support human rights and human dignity, and America's character of compassion and generosity.

So, of course, as a public servant, I wanted to leave my mark on the way the United States conducts itself on the global stage. There are a few areas where I like to think I made a difference.

I have always had a special place in my heart for the Balkans and, in particular, a country called Kosovo. There are many Kosovar Albanians in New York, and that is how I first got to know the community. A good friend of mine, Harry Bajraktari, is the one who introduced me to the community, and we have been doing work with the community and with the country of Kosovo ever since.

I strongly supported the Clinton administration's intervention in the Balkans in 1999. We stopped genocide from happening again in Europe by doing that. That was NATO at its best, that was America at its best, stopping genocide. A million people were being thrown out of Kosovo, and we stopped it. That was one of my proudest moments as a Member of Congress.

I remember talking with President Clinton and saying, We have got to help these people; we have got to help these people.

And we did. We know in hindsight that it stopped a genocide. And since then, I have been a champion for Kosovo's sovereignty and independence. That country has made tremendous strides and is recognized by the United States, the UK, France, Germany, Japan, and so many other important nations.

The people there are very, very pro-American; and when you go there as an American, you can't help but feel how much they love this country and how grateful they are that we helped them with their independence.

I have been honored by that country to have had a highway and a road named after me. And they even put me on a postage stamp. I was joking with my wife. I said, You know, it is not a cheap postage stamp they put me on. It is a 2 pound postage stamp—two euro, I should say, a two euro postage stamp. What an honor for me.

I served for a time as chairman and ranking member of the Western Hemisphere, Civilian Security, and Trade Subcommittee, and I have always pushed for a foreign policy that focuses on prioritizing what is going on in our own neighborhood.

One of the last bills President Obama signed into law was my bill, the Western Hemisphere Drug Policy Commission Act, which required our government to take stock of what has worked

and what has failed in our drug policy over the last few decades. The commission recently submitted its report to Congress with recommendations that I hope will improve U.S. drug policy and save lives.

I have also been a strong advocate for closer ties to our Caribbean neighbors. I wrote the United States-Caribbean Strategic Engagement Act to push for a new strategy to engage Caribbean countries that seek out the expertise of the vibrant Caribbean diaspora living right here in the United States.

And when the Trump administration cut off assistance to Central America, I was proud to lead a bipartisan effort to restore those resources that are helping to reduce crime and violence and root out corruption.

Thanks to my partner and friend, MICHAEL MCCAUL of Texas, who was right there on the trip with me, right by my side fighting with me, fighting with me for what is right. Michael is a Republican from Texas. I am a Democrat from New York. We have become really, really good friends, and I wish there would be more of that in Congress. When you get to know someone, again, in the other party, and you don't serve on a committee with them, but then you get to know them, you see how marvelous they are. We have such good people here from all over the country doing their best, working hard and representing their districts well, and Michael is certainly in that league.

So I was proud to lead a bipartisan effort to restore those resources that are helping to reduce crime and violence and to root out corruption.

I have also long focused on American policy toward Syria. In 2003, I wrote the Syria Accountability and Lebanese Sovereignty Restoration Act, which helped end the Syrian occupation of Lebanon. It pushed the Syrians out of Lebanon.

In 2012, I sponsored the first bill to arm the Free Syrian Army in its fight against the Assad regime. And just a year ago, my legislation, the Caesar Syria Civilian Protection Act, finally became law, providing the toughest sanctions to date on Assad, who has killed so many people, and his enablers.

I encourage the incoming Biden administration to take full advantage of these tools, dial up pressure on the regime, and try to stop the violence.

I said at the start of my time here, when I spoke to some people back home, that Israel would not have a better friend in Congress than ELIOT ENGEL. And no matter where you stand on U.S. policy toward Israel, it would be tough to argue that I haven't lived up to that commitment. I have been proud to stand with our ally, Israel, our closest friend in the Middle East and, I would argue, in the world, throughout my career.

I believe that the United States and Israel share an incredibly important partnership, and the cornerstone of this relationship is the support it receives from both sides of the aisle. Congress should continue to give this partnership its full support in the future. No one should play partisan politics with America's relationship with Israel.

The Constitution gives Congress broad oversight authority to make sure the executive branch is serving the American people. As chairman, I have worked hard to demand accountability from the administration. It hasn't always been easy, but during this Congress, the committee has succeeded in shining a light on some pretty troubling developments at the State Department.

It is important that this work continue into the next Congress, even as the Trump administration ends and President-elect Biden takes office. After all, we don't conduct oversight just for the sake of conducting oversight. It shouldn't be used as a political tool. If existing laws and regulations aren't up to the task of preventing abuses and mismanagement, then we need to remedy these weaknesses. It is up to Congress to bend back the crooked branch.

I am confident that my successor, my friend from New York City, just like me, GREGORY MEEKS, will carry the committee's work forward with distinction. I am glad that he is replacing me as chairman of the Foreign Affairs Committee, and I know that he will do a wonderful job.

It is on that point, the Foreign Affairs Committee's work, that I take the most pride. I have said for a long time that the Foreign Affairs Committee is the most bipartisan committee in Congress. Even at a time when our politics are so polarized, the members of our committee have worked together to advance American interests, values, and leadership around the world.

We don't always agree. We have had heated debates in this Chamber over war powers, weapons sales, and more. But when we debate, we debate on the merits of the policy. Then we cast our votes. Immediately after, we get back to working together toward policies that leave politics at the water's edge.

We have always said that the Foreign Affairs Committee is the most bipartisan committee in Congress, and it is. We have always said that politics should stop at the water's edge when Members of Congress are leaving our country and going to other countries because when we are there, Democrats and Republicans, traveling together, we represent the United States of America, and so partisanship should stop at the water's edge. We have worked very hard to do that.

MICHAEL MCCAUL has worked very hard to do that, and I wish that we would have more of that in Congress, realizing that we are all representing our districts back home, our districts and constituencies are different, and we are all trying to do the best we can.

And I respect my colleagues on both sides of the aisle who work hard. People coming up to me and wishing me congratulations come from both parties, and for that I am deeply, deeply grateful.

So as I said, we don't always agree. We have had heated debates in this Chamber over war powers, weapons sales, and more. But when we debate, we debate on the merits of the policy. Then we cast our votes. Immediately after, we get back to working together towards policies that leaves politics at the water's edge. That has always been the culture of the Foreign Affairs Committee.

As I said before, I am grateful to my partner in maintaining that tradition, our ranking member, my friend from Texas, MICHAEL MCCAUL. We have become good friends. We have represented our country together overseas and we have wrapped up a lot of legislative victories. I certainly will miss working with him.

You know, Members generally don't get to know each other. I said it before, if you are not on the same committee as someone, you will not know that person. If that person is not from your State, you probably won't know that person. And if you haven't traveled with that American, or done other things, you won't know that person.

We have got to change that. We have got to know each other. We have got to work with each other. We have got to accept each other. We are all here because we love the United States of America.

So with so much left on the Foreign Affairs Committee to do, I know GREGORY MEEKS will do a fine job of leading the committee. In the 117th Congress, I hope the Foreign Affairs Committee continues to take on these challenges. Congress needs to reclaim its authority in foreign policy that has been chipped away year after year, in deference to the executive branch, no matter who is in the executive branch.

We need to make the State Department authorization act a regular part of Congress' work. And Congress needs to reassert its authority over war powers. I am confident that the committee can do big things, that Congress still has the capacity to do big things, to govern.

We are here to govern. We come to Washington from 441 different communities, each with its unique character and concerns and priorities. That is 441 elected officials whose job it is to stand up for our constituents to make their voices heard. But we cannot lose sight of the fact that the House of Representatives—not 441 individuals, but the body we constitute—has a responsibility to govern.

When I came here 32 years ago, the two parties looked very different from the way they look now: Southern Democrats and Rockefeller Republicans. The diffusion of political ideologies across the aisle made it necessary for the two sides to seek out compromise if the House was going to get its work done.

□ 1730

As the parties have realigned over the years, it has become harder and harder for the House to advance anything that stands a chance at becoming law except noncontroversial measures or must-pass legislation like the defense authorization and spending bills.

Frankly, again, as I said, it has become harder and harder just to get to know one another. I am a pretty progressive Democrat by most measures, but I always thought it was important to cultivate relationships with my Republican colleagues. We need to try to build cross-party bonds. We need to work together with all Members of the House.

I may disagree with someone on 95 percent of policy questions, but if you don't know a person, Mr. Speaker, then you don't stand a chance of finding the 5 percent in common and trying to build on it. If you don't know a person, Mr. Speaker, it is so much easier to dismiss his or her motives, and that is really where things start to fall apart.

No Member of this body doesn't love America. We share wildly different visions of the best way for America to meet its full potential, of the best way to improve the lives of the American people, but we all love our country. And I worry that more and more Members are mired in mistrust on the other side or saddled with purity tests, making it difficult to build relationships and seek common ground.

We have to resist the urge to let the perfect be the enemy of the good. This doesn't mean abandoning our principles or losing sight of our goals. It means acknowledging the progress in our political system takes time and perseverance. It means understanding that, as convinced as I might be that my view is the correct one, a big chunk of this body and of this country is likely to disagree. It means taking wins where we can get them, even if they are modest. Because when we accomplish even a little bit of good here, we haven't done so in service of an idea or our party. We have done it for the American people. That is what it means to govern, and we are here to govern.

For example, I am a proud member of the Medicare for All Caucus. Going all the way back to my time in the State house in Albany, I have supported single-payer healthcare. I hope to see Medicare for All in my lifetime. But that hasn't stopped me, over the last three decades, from voting for legislation that I thought would move the needle in the right direction.

I was never under the illusion that we would get there with one swing. But we did get the Children's Health Insurance Program, and we did get the Affordable Care Act, which has made a difference in the lives of millions of Americans. It was real progress, which we are defending even today.

It was also more than a decade ago, and our country still faces massive challenges when it comes to healthcare and a range of other issues. We owe it to the American people to try to govern, to try to work together, not to reflexively reject what the other side says, not root our entire agenda in trying to make political gains in the next election, not to ignore facts and science and reality because political allegiances demand it.

And, yes, that means acknowledging the results of last month's election and supporting the smooth transfer of power next month when President-elect Biden takes office as President of the United States.

The Constitution has given the American people this body, the House of Representatives. In turn, the House has given our country the 13th Amendment, suffrage for women, Social Security and Medicare, the Civil Rights Act, and the Voting Rights Act. They weren't easy victories, but if our predecessors in Congress hadn't tried, then they would never have been victories at all.

As we enter the dark winter of this pandemic, we know there is light at the end of the tunnel. Today in the United Kingdom and soon the United States, the most vulnerable are being vaccinated against this deadly disease. That will soon happen here. But so much work remains before we can get back to normal.

People are out of work, out of money, and out of food. The American people will look to this body to govern. I know in my heart that we can put the American people first and answer the call at this pivotal moment in our country's history.

The future success of the American people depends on the success of the House in meeting this challenge. So, I will be rooting for all of you.

It has been a pleasure being your colleague. It has been a pleasure working with you. It has been a pleasure watching how hard you work and what we do for the American people. Thank you for letting me be your colleague. Thank you for being so kind to me and my family.

When my son, who is now 34, my middle child, came to the House when I was first elected, he was 2 years old. My daughter was 7, and my other son wasn't born yet. He used to point to the Capitol, and he used to say: ''Capitol. Daddy works there.'' We would all kind of laugh and think he was really, really cute. Well, today, he is 34 years old, and my three children have grown up with Congress, with the House, and they know how much it means to me to be a Member of this House and how much it means to them to learn all the things that we have been doing for the past several years.

I will never forget this place. I hope to come back and visit several times. I will never forget my colleagues and my friends. I will never forget that I am fortunate and we are fortunate to be Americans, to love this country, to help move the country to policies that we think are best for the country and for the world.

So, I won't be a Member here, but I certainly will continue to have many friends here and will watch and see what this Congress does. We have some tremendously talented people.

Again, I want to thank the Speaker, NANCY PELOSI; the majority leader, STENY HOYER; and others as well who really have helped me and have been part and parcel of what I have done. JIM CLYBURN, thank you as well.

My colleagues, life is bittersweet, and there are happy and sad things that sometimes come together. I am happy because I have had the privilege of serving here. I am happy because I like to think that I have done good for people in this country. But I am sad to be leaving this body.

To my colleagues, I will be watching you; I will be proud; I will see what goes on; and I will stand by the TV or any other place and say: These are my colleagues, and they are very, very good. They care.

It has been an honor and a privilege to be a Member of Congress in the United States of America. I am so grateful to have had that privilege.

Thank you to all my colleagues. Best wishes, and God bless America.

Mr. Speaker, I yield back the balance of my time.

WARNING OF MARXISM IN AMERICA

The SPEAKER pro tempore (Mr. ROSE of New York). Under the Speaker's announced policy of January 3, 2019, the gentleman from Wisconsin (Mr. GROTHMAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. GROTHMAN. Mr. Speaker, in addition to addressing the Chair, I also want to address any history or civics teachers dealing with America and make some requests to them tonight.

In order to understand the current events and understand why I and some other people are so concerned about the outcome of this election, we must have a discussion of Marxism.

All American schoolchildren should have an understanding of Marxism. To understand why over 30,000 American troops died in Korea, we must know a little bit about Marxism. To understand why over 50,000 American troops died in the Vietnam war, we must know a little bit about Marxism.

When I think of Marxism, I think of three things. I think of their hatred of God and hatred of religion. I think of Karl Marx's thesis when he was back in college. It was in part titled ''I Hate All Gods.'' And, of course, I think when China bragged about getting rid of the last churches, so I always associate Marxism with the end of Christianity.

Secondly, I associate Marxism with the elimination of the family as a social unit. As a matter of fact, the elimination of the family as a social unit was one of the original goals of Karl Marx. I believe he was already teaming up with Engels by that time.

Finally, the desire to get rid of private property—by ''private property,'' it means: Do individuals have the right to own their own house, to form their own business, to buy whatever they want?

Those are the three things I think of when I think of Marxism.

I hope all American children are familiar with Communist China, Soviet Russia, Cuba, Vietnam, and Cambodia. Once you learn about the horrible things that have happened to these people and the places, Mr. Speaker, I want you to think about a quote.

Now, we spend a great deal on military expenditures here, and we are going to wrap things up some time in the next week around here, spending more money, again, on troops, ships, and airplanes. But Nikita Khrushchev warned us—actually bragged about—we will take America without firing a shot.

Now, think of that. Here we spent all this money on nuclear weapons, airplanes, ships, troops, and tanks—some made in my district—but Nikita Khrushchev said: That is not how we are going to defeat you. We are going to defeat you internally.

I would assume if they are going to defeat us, it is because we don't understand what Marxism is.

Things that concern me right now is the elevation of Black Lives Matter. Two of the three founders of Black Lives Matter made no qualms about it: We are Marxists.

To drive it home, on their website, which they took down when it became a little embarrassing going into the election: We disrupt the Western-prescribed family.

I recently ran into a woman in my district who complained that her children were driven into debt because she and her husband worked hard and had a good middle-class family. She felt other parents who did not get married and did not form nuclear families were given preference as far as getting university grants. Of course, they are given preferences as far as healthcare, as well.

So, I think we should be concerned when we have a group that, as far as I can see, almost nobody has publicly disassociated themselves from that makes no bones about the fact that they are Marxists.

It is one of the reasons why I am concerned when I see one of my colleagues from California having a relationship of some sort with someone who was apparently working for Marxist Communist China. That is why I am scared when I see that the mayor of New York, our greatest city, gets elected after he apparently went on a honeymoon to Cuba and apparently idealized something like Cuba. He didn't go there because he thought it was a horrible place.

When we look at this, we have to say: Are we in danger?

I think we are very much in danger when we look at those three things.

Americans do not know what Marxism is. Someday, I would like to have a museum to Marxism just as we have a museum to the Holocaust because all Americans should know about the tens of millions of people who died, the promises the Marxists made to those people, and how it worked out.

I do think, as I said, that as young people are educated about what is going on in the world in the last 100 years, they should learn about Marxism and all the people who died and all the people whose freedoms have been taken away and realize that there are genuinely people out there who want to get rid of the old-fashioned nuclear family.

I should interrupt myself for just one second here. The people who wrote on the website for Black Lives Matter described it as a Western patriarchic family. The idea of having a mom and dad at home and a dad being part of a child growing up is not just an American or Western thing. It is an African thing, and it is an Asian thing. It has happened all the time, and it is a little bit of a slam on these other cultures to imply that they do not have an old-fashioned nuclear family in other cultures as well.

Nevertheless, when I look at that many people without firing a shot who apparently don't have a big problem with Marxism, it does scare me.

So, tonight, I will ask my colleagues to do what they can as they get out and about and as they give speeches to tell particularly young people what Marxism is. I hope all teachers of our young people educate them as to what type of government a lot of very powerful people around this world wish we had and how things worked out for other countries when they adopted that Marxism model.

Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 4(b) of House Resolution 967, the House stands adjourned until 10 a.m. tomorrow for morning-hour debate and noon for legislative business.

Thereupon (at 5 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, December 18, 2020, at 10 a.m. for morning-hour debate.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 6535, a bill to deem an urban Indian organization and employees thereof to be a part of the Public Health Service for the purposes of certain claims for personal injury, and for other purposes, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 6535

	By fiscal year, in millions of dollars—												
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2020–2025	2020–2030
Statutory Pay-As-You-Go Impact	0	0	0	1	2	3	3	3	3	3	3	6	22

Components may not sum to totals because of rounding.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NEAL: Committee on Ways and Means. H.R. 5821. A bill to amend title XVIII of the Social Security Act to establish hospice program survey and enforcement procedures under the Medicare program, and for other purposes, with an amendment (Rept. 116–660 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 5120. A bill to amend title 49, United States Code, to provide enhanced safety and environmental protection in pipeline transportation, and for other purposes, with an amendment (Rept. 116–661 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 4347. A bill to enhance the Federal Government's planning and preparation for extreme weather and the Federal Government's dissemination of best practices to respond to extreme weather, thereby increasing resilience, improving regional coordination, and mitigating the financial risk to the Federal Government from such extreme weather, and for other purposes (Rept. 116–662 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Ms. WATERS: Committee on Financial Services. H.R. 123. A bill to authorize a pilot program under section 258 of the National

Housing Act to establish an automated process for providing additional credit rating information for mortgagors and prospective mortgagors under certain mortgages, with an amendment (Rept. 116–663). Referred to the Committee of the Whole House on the state of the Union.

Ms. WATERS: Committee on Financial Services. H.R. 149. A bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes, with an amendment (Rept. 116–664). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committees on Oversight and Reform and Science, Space, and Technology discharged from further consideration. H.R. 4347 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. H.R. 5120 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. H.R. 5821 referred to the Committee of the Whole House on the state of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 4347. A bill to enhance the Federal Government's planning and preparation for extreme weather and the Federal Government's dissemination of best practices to respond to extreme weather, thereby increasing resilience, improving regional coordination, and mitigating the financial risk to the Federal Government from such extreme weather, and for other purposes (Rept. 116–662, Pt. 1); referred to the Committee on Science, Space, and Technology for a period not later than December 17, 2020, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(p) of rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. AMASH:

H.R. 8996. A bill to amend title 46, United States Code, to repeal provisions relating to transportation by water that are popularly known as the Jones Act, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. AMASH:

H.R. 8997. A bill to eliminate civil asset forfeiture, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEYER:

H.R. 8999. A bill to require the speeches and schedules of the heads of executive agencies to be made publicly available, and for other purposes; to the Committee on Oversight and Reform.

By Mr. CROW (for himself and Mrs. TRAHAN):

H.R. 9000. A bill to amend title 10, United States Code, to expand and codify matters covered by diversity training in the Department of Defense; to the Committee on Armed Services.

By Mr. CROW (for himself, Ms. STEFANIK, and Ms. SPEIER):

H.R. 9001. A bill to amend title 5, United States Code, to provide that a Member of Congress convicted of certain felony offenses relating to sexual abuse shall not be eligible for retirement benefits based on that individual's Member service, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself and Mr. MCCAUL):

H.R. 9002. A bill to amend title XIX of the Social Security Act to provide States an option to cover a children's program of all-inclusive coordinated care (ChiPACC) under Medicaid program; to the Committee on Energy and Commerce.

By Mr. DEUTCH (for himself, Mr. KEATING, Mr. PETERS, and Ms. CASTOR of Florida):

H.R. 9003. A bill to require the Secretary of State to submit to Congress a strategy of the Department of State and the United States Agency for International Development to address the global climate change crisis, improve the energy and resource efficiency of the Department, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARCÍA of Illinois:

H.R. 9004. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to repeal provisions relating to the denial of benefits under the supplemental nutrition assistance program, and for other purposes; to the Committee on Agriculture.

By Mr. GARCÍA of Illinois:

H.R. 9005. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to award grants to Hispanic-serving institutions, historically Black colleges and universities, Asian American and Native American Pacific Islander-serving institutions, Tribal Colleges or Universities, regional community-based organizations, and national minority medical associations, for counseling, mentoring and providing information on financial assistance to prepare underrepresented minority individuals to enroll in and graduate from health professional schools and to increase services for underrepresented minority students, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARCÍA of Illinois:

H.R. 9006. A bill to amend title XIX of the Social Security Act to provide for coverage under the Medicaid program under such title of routine patient costs associated with participation in certain clinical trials, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARCÍA of Illinois:

H.R. 9007. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to conduct and support research and public health activities with respect to diabetes in minority populations, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARCÍA of Illinois:

H.R. 9008. A bill to remove barriers to health care and nutrition assistance for children, pregnant persons, and lawfully present individuals, under the Medicaid program under title XIX of the Social Security Act, the Children's Health Insurance Program under title XXI of such Act, and under the supplemental nutrition assistance program under the Food and Nutrition Act of 2008, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSAR:

H.R. 9009. A bill to amend the Public Health Service Act to increase the transparency of the process of the National Library of Medicine in listing and delisting journals in MEDLINE (or any other current or successor databases or indices), and for other purposes; to the Committee on Energy and Commerce.

By Mr. HALL:

H.R. 9010. A bill to direct the Secretary of Transportation to carry out a study on the feasibility of certain transit options in the Campbellton Road transportation corridor in Atlanta, Georgia, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HIGGINS of New York:

H.R. 9011. A bill to provide funds to the Centers for Medicare & Medicaid Services to provide grants to entities to establish lung cancer screening registries approved by the Centers for Medicare & Medicaid Services for submission of certain data required for reimbursement under the Medicare program for certain screening services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUIZENGA (for himself and Mr. BROOKS of Alabama):

H.R. 9012. A bill to amend title 18, United States Code, to eliminate Federal Prison Industries advantages over the private sector and small business in the procurement of commercially available goods and services; to the Committee on the Judiciary.

By Mr. JOHNSON of Georgia:

H.R. 9013. A bill to amend title 11 of the United States Code to dispense with the requirement of providing assurance of payment for utility services under certain circumstances; to the Committee on the Judiciary.

By Mr. KHANNA:

H.R. 9014. A bill to amend the United States Semiquincentennial Commission Act of 2016 to modify certain membership and other requirements of the United States Semiquincentennial Commission, and for other purposes; to the Committee on Oversight and Reform.

By Mr. KINZINGER (for himself and Mr. MICHAEL F. DOYLE of Pennsylvania):

H.R. 9015. A bill to direct the Administrator of the Environmental Protection Agency to establish an emissions avoidance program for certain nuclear reactors, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker,

in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LAWRENCE (for herself, Mrs. LESKO, Ms. DEAN, and Miss GONZÁLEZ-COLÓN of Puerto Rico):

H.R. 9016. A bill to require the Secretary of Veterans Affairs to establish a pilot program to furnish doula services to veterans; to the Committee on Veterans' Affairs.

By Mr. MORELLE:

H.R. 9017. A bill to temporarily allow a deduction for the trade or business expenses of employees; to the Committee on Ways and Means.

By Mr. NADLER (for himself and Ms. SCANLON):

H.R. 9018. A bill to provide for the establishment of the Office for Access to Justice in the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. NEGUSE:

H.R. 9019. A bill to amend the Helium Act to ensure continued access to helium for holders of Federal research grants, and for other purposes; to the Committee on Natural Resources.

By Mr. PANETTA (for himself, Mr. HIGGINS of Louisiana, Miss RICE of New York, Mrs. AXNE, Mr. STEUBE, and Ms. SHERRILL):

H.R. 9020. A bill to direct the Secretary of Veterans Affairs to expedite the processing of claims for disability compensation by veterans affected by major disasters; to the Committee on Veterans' Affairs.

By Mr. PASCRELL (for himself, Mr. KELLY of Pennsylvania, Ms. ESHOO, and Mr. MCKINLEY):

H.R. 9021. A bill to amend titles XVIII and XIX of the Social Security Act to modernize Federal nursing home protections and to enhance care quality and transparency for nursing home residents and their families; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUIGLEY:

H.R. 9022. A bill to amend chapter 22 of title 44, United States Code, to ensure Presidential records are preserved, duly created when non-official electronic messaging accounts are used, and made available to the public and the next administration in a timely fashion to advance national security and accountability, and for other purposes; to the Committee on Oversight and Reform.

By Mr. RICE of South Carolina:

H.R. 9023. A bill to amend the Internal Revenue Code of 1986 to modify the automatic extension of certain deadlines in the case of taxpayers affected by Federally declared disasters, and for other purposes; to the Committee on Ways and Means.

By Ms. SPEIER:

H.R. 9024. A bill to direct the Secretary of Homeland Security to provide for an option under which a person to whom a document is sent may elect to use the United States Postal Service's Signature Confirmation service or Priority Mail Signature Confirmation Restricted Delivery service to send secure identity documents, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GABBARD:

H. Res. 1267. A resolution expressing the sense of the House of Representatives that Congress must pass a pandemic excess profits tax on large corporations who have achieved windfall profits due to the COVID-19 public health crisis; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RESCHENTHALER (for himself, Mr. DIAZ-BALART, and Mr. CHABOT):

H. Res. 1268. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a free trade agreement with Taiwan; to the Committee on Ways and Means.

By Ms. PRESSLEY (for herself, Ms. OMAR, Ms. ADAMS, Ms. WATERS, Ms. DEAN, Ms. LEE of California, Ms. JAYAPAL, and Mrs. HAYES):

H. Res. 1269. A resolution calling on the President of the United States to take Executive action to broadly cancel Federal student loan debt; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. AMASH:

H.R. 8996.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. AMASH:

H.R. 8997.

Congress has the power to enact this legislation pursuant to the following:

Fifth Amendment; Fourteenth Amendment, Section 5.

By Mr. BEYER:

H.R. 8999.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. CROW:

H.R. 9000.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officers thereof.

By Mr. CROW:

H.R. 9001.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 6 of the United States Constitution

By Ms. DEGETTE:

H.R. 9002.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. DEUTCH:

H.R. 9003.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the U.S. Constitution and Clause 18 of Section 8 of Article I of the U.S. Constitution.

By Mr. GARCfA of Illinois:

H.R. 9004.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. GARCÍA of Illinois:

H.R. 9005.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. GARCÍA of Illinois:

H.R. 9006.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. GARCÍA of Illinois:

H.R. 9007.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. GARCÍA of Illinois:

H.R. 9008.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. GOSAR:

H.R. 9009.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 18 (the Necessary and Proper Clause) which gives Congress the power make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. HALL:

H.R. 9010.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. HIGGINS of New York:

H.R. 9011.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. HUIZENGA:

H.R. 9012.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3—To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Amendment X—Nothing in the Constitution authorizes the Federal government to do anything other than those things enumerated (coin money, enter into treaties, conduct a Census—which are inherently governmental). Thus, under Amendment X, the right to carry out commercial activities is reserved to the States, respectively, or to the people.

By Mr. JOHNSON of Georgia:

H.R. 9013.

Congress has the power to enact this legislation pursuant to the following:

United States Constitution, Article 1, Section 8.

By Mr. KHANNA:

H.R. 9014.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. KINZINGER:

H.R. 9015.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18

By Mrs. LAWRENCE:
H.R. 9016.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution
By Mr. MORELLE:
H.R. 9017.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, of the United States Constitution
By Mr. NADLER:
H.R. 9018.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, clauses I and 18 of the Constitution of the United States.
By Mr. NEGUSE:
H.R. 9019.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8
By Mr. PANETTA:
H.R. 9020.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, clause 18
By Mr. PASCRELL:
H.R. 9021.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.
By Mr. QUIGLEY:
H.R. 9022.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 3 of the U.S. Constitution
By Mr. RICE of South Carolina:
H.R. 9023.
Congress has the power to enact this legislation pursuant to the following:
SECTION 8. Clause 1. The Congress shall have Power to lay and collect Taxes. Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties,
By Ms. SPEIER:
H.R. 9024.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 763: Mrs. BEATTY.
H.R. 1511: Ms. SCHAKOWSKY.
H.R. 1610: Mrs. AXNE.
H.R. 1873: Mr. CLINE.
H.R. 1954: Mr. DUNCAN.
H.R. 2350: Mr. SHERMAN.
H.R. 2442: Mr. RUIZ.
H.R. 2731: Ms. SPANBERGER.
H.R. 2862: Mr. WENSTRUP.
H.R. 3117: Ms. JUDY CHU of California, Mr. CONNOLLY, Mrs. HAYES, Mr. GRIJALVA, and Ms. HAALAND.
H.R. 3229: Mr. VARGAS, Mr. TAKANO, and Ms. DELAURO.
H.R. 3711: Ms. SHERRILL and Ms. ROYBAL-ALLARD.
H.R. 3826: Mr. WENSTRUP.
H.R. 4098: Mr. TIFFANY.
H.R. 4681: Ms. ADAMS.
H.R. 5141: Mrs. CAROLYN B. MALONEY of New York.
H.R. 5829: Mr. CROW.
H.R. 6144: Mrs. LAWRENCE, Ms. ROYBAL-ALLARD, Mrs. HAYES, and Ms. BLUNT ROCHESTER.
H.R. 6420: Ms. ADAMS.
H.R. 6578: Mr. COSTA.
H.R. 6614: Mr. CROW.
H.R. 6968: Ms. WEXTON.
H.R. 7073: Ms. KELLY of Illinois.
H.R. 7197: Ms. STEFANIK.
H.R. 7255: Ms. JUDY CHU of California.
H.R. 7312: Mr. RASKIN.
H.R. 7499: Mr. CASTRO of Texas, Mr. RASKIN, Mr. GONZALEZ of Texas, Ms. JAYAPAL, Mr. WELCH, Ms. BONAMICI, and Ms. LEE of California.
H.R. 7618: Mr. KHANNA, Mr. CONNOLLY, Mrs. HAYES, Ms. SCANLON, and Ms. HAALAND.
H.R. 7642: Ms. PLASKETT.
H.R. 7806: Mr. RUSH and Mr. TURNER.
H.R. 8046: Mr. CROW.
H.R. 8125: Mr. SIRES.
H.R. 8254: Mr. TRONE, Mr. CHABOT, Mr. DEFAZIO, and Mr. VEASEY.
H.R. 8525: Ms. ROYBAL-ALLARD.
H.R. 8540: Mr. CROW.
H.R. 8591: Mr. NEGUSE and Mr. FITZPATRICK.
H.R. 8662: Mr. SHERMAN and Mr. HIGGINS of New York.
H.R. 8702: Mr. DEFAZIO and Mr. PETERSON.
H.R. 8744: Mr. BLUMENAUER.
H.R. 8753: Mr. CLINE.
H.R. 8772: Mr. WEBER of Texas.
H.R. 8782: Ms. BONAMICI.
H.R. 8797: Mr. FOSTER.
H.R. 8801: Mr. LARSEN of Washington and Mr. JOHNSON of Georgia.
H.R. 8809: Mrs. WATSON COLEMAN and Mr. HUFFMAN.
H.R. 8812: Ms. NORTON.
H.R. 8828: Ms. NORTON and Mrs. NAPOLITANO.
H.R. 8885: Mr. TONKO.
H.R. 8889: Mr. RASKIN, Mr. COHEN, Ms. KELLY of Illinois, and Mr. BRENDAN F. BOYLE of Pennsylvania.
H.R. 8896: Mr. GIBBS.
H.R. 8911: Mr. BLUMENAUER.
H.R. 8912: Mr. SIRES.
H.R. 8924: Mr. RYAN.
H.R. 8932: Mr. MULLIN, Mr. JOHNSON of Ohio, and Mr. FLORES.
H. Con. Res. 123: Mrs. NAPOLITANO, Ms. TLAIB, and Mr. NADLER.
H. Res. 114: Mr. LAMALFA, Mr. MICHAEL F. DOYLE of Pennsylvania, and Ms. ADAMS.
H. Res. 1165: Ms. ESCOBAR, Ms. WILD, and Mr. GARCÍA of Illinois.
H. Res. 1227: Mr. BISHOP of Georgia and Ms. KELLY of Illinois.
H. Res. 1261: Mr. JOHNSON of Ohio, Mrs. HARTZLER, Mr. ROUZER, Mr. BUDD, Mr. GRIFFITH, Mr. GUEST, Mr. GARCIA of California, and Mr. HICE of Georgia.

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PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, SECOND SESSION

Vol. 166 WASHINGTON, THURSDAY, DECEMBER 17, 2020 *No. 214*

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, our hearts are steadfast toward You. Lead us faithfully to the refuge of Your choosing, for You desire to give us a future and a hope.

Today, give our Senators the power to do Your will as they realize more fully that they are servants of Heaven and stewards of Your mysteries. Lord, inspire them to seek Your best for our Nation, repeatedly requesting Your guidance and following Your leading. May they help people maximize possibilities for Your glory.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The Senator from Iowa.

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

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

NOMINATIONS

Mr. GRASSLEY. Madam President, we are getting, perhaps, close to a new Presidency. So there is a lot of talk about how the Senate might handle new Cabinet people. Democrats are always lecturing Republican Senators about approving future Biden Cabinet nominees, even if we don't agree with them.

Now, that is pretty darn rich. In other words, they are saying something like this: Don't follow our example from the past four years.

Or another way to put that is: Don't treat Biden nominees to the Cabinet like we treated Trump nominees to the Cabinet.

So they seem to want two sets of rules for Republican and Democratic Cabinet nominees, just like they want with judicial nominees.

President Obama had six Cabinet Secretaries approved by the Senate on his Inauguration Day, without even needing a rollcall vote, so that President Obama could hit the ground running.

President Trump had none by voice vote, and only two were approved by rollcall votes before the President took over. Trump Cabinet and sub-Cabinet nominees, even ones who had been easily confirmed in previous Republican administrations, faced obstruction and partisan ''nay'' votes. Many Democrat Senators who aspired to be President voted against virtually every single Trump nominee, no matter how well qualified.

My position has always been that a President should have the ability to choose his own Cabinet people whom he gets along with and whom he gets along with on policy, provided, of course, that they are qualified and will follow the law.

That is the way it should be. It is how I have approached nominees to date. But can Senate Republicans be sure that if we employ that standard, Democrats will play fair with the next Republican President?

I don't want retaliation for its own sake, but the threat of holding Democratic Senators to their own standards has been our only means of deterrence of obstruction. I want to hear from Democrats why we should not now adopt their standards and vote down nominees based on politics.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. 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 Charles Edward Atchley, Jr., of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

The PRESIDING OFFICER. The assistant Democratic leader.

NOMINATIONS

Mr. DURBIN. Madam President, I am sorry that the Senator from Iowa, who spoke before me, left the floor before I could get his attention.

Senator GRASSLEY is my friend. We have served together for many years. We have worked on a lot of things together, and I bet we will in the future. I like working with him. He shoots from the hip and tells you exactly what he thinks. He has—I know this sounds a little vain—a midwestern approach to him that I like a lot.

He just gave us a little reminder here about the difficulties that faced some

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

of the Trump nominees on the floor of the U.S. Senate. I remember that. There were some that were delayed because of very basic things. They had not filed their financial disclosure forms and the ethics reports, which were expected of all Cabinet nominees.

I don't expect President-Elect Biden to cut any corners. I expect his nominees to follow the rules and the law, and I am hoping that they will have bipartisan support when it comes to the Senate. I want to give this President a chance to get off to a good, solid start, and he is going to need it.

We are in the midst of this pandemic. The numbers that roll in every single day are frightening. Even in my home State of Illinois, where Governor Pritzker and Mayor Lightfoot and so many others have worked hard to establish standards of conduct that will keep people safe, we know that the numbers are just unacceptable in terms of infections and hospitalizations and, sadly, deaths as well. Over 300,000 Americans have died.

We want to make sure that President Biden and Vice President Harris have the team and the wherewithal and the resources to respond quickly when they take office on January 20.

I hope my Republican friends will join me in that effort. They have every right to expect these nominees to answer the very basic questions that are required, but I hope that they will also do their best to expedite that process so that those going into critical positions to keep our country safe from this pandemic are in place, as well as those who are going to serve our Nation in critical capacities, whether it is Secretary of State or Attorney General or Department of Homeland Security.

But I look forward to working with my friend from Iowa. I take heed of his warning that we will hold these nominees to the same standards as we held President Trump's nominees.

GOVERNMENT FUNDING

Madam President, we are at the eleventh hour before a funding deadline where the budget of the United States is at stake. Tomorrow, the continuing resolution expires, and we are facing the prospect of another continuing resolution. I pray that we don't do that.

This has been a very disappointing year for the Appropriations process. Historically, the process begins with the President's budget, and then comes a budget resolution passed by the House and the Senate for the spending priorities in the next fiscal year. We didn't do that.

Then there is an allocation, usually, after the passage of a budget resolution of how much each subcommittee of the Appropriations Committee can work with, the total amounts of dollars. We didn't do that.

Then the subcommittees have hearings, and some of these subcommittees of Appropriations have many hearings, to explore whether the dollar amounts that are allocated for a certain purpose really are well spent and serve their purpose. We didn't do that.

Then the subcommittee is supposed to meet and vote out an appropriations bill at the end of that process, reporting it to the full committee. And we didn't do that.

Then the Appropriations Committee is supposed to take up the subcommittee's product, debate it, subject to amendment, and pass it out for a consideration by the full body. We never did that as well.

The matter is supposed to come to the floor of the Senate, be debated, as well, perhaps amended, and pass the Senate, if it has the right, the necessary votes. We didn't do that.

Then it is supposed to go to the House of Representatives to see how it matches up with their similar work product. We didn't do that either.

Ultimately, it may result in a conference report, according to the rules, between the House and the Senate, and that never happened.

So the entire budget appropriations process was completely avoided, and we find ourselves extending a continuing resolution for the spending of the U.S. Government for weeks at a time until after the election.

So now we face the prospect, at the eleventh hour, of a decision to finish the work we were elected to do or to simply delay the situation again.

Well, we need to do our job, and we need to do it now. We need to pass our annual appropriations bills to keep the government running. I cannot imagine the unforgivable and embarrassing tragedy it would be if the government is shut down for our failure to reach a decision.

CORONAVIRUS

Madam President, we need to pass a COVID relief bill.

I was happy to join a group of 10 Senators—5 Democrats and 5 Republicans—3 weeks ago. We met for dinner one night—safe social distancing—in one of the Member's houses and spent several hours talking about our frustration that we hadn't passed a COVID relief bill since March, when we passed the CARES Act. And we know that things have gotten worse in this country, not only with the pandemic but also with the state of the economy. For some reason, we just couldn't reach an agreement—the two parties.

Well, this mixed group of Senators of both political parties had a bold idea: Let's try to do it ourselves. So we sat down, and in the course of 3 weeks, I cannot tell you how many hours we spent on the phone—zoom calls, other conference calls, and calls were even taking place on Thanksgiving Day—talking about what a COVID relief bill might look like. Some of the items we debated long and hard. Most of them we agreed on.

This last Tuesday, this week, we reported our bill to the U.S. Senate, to the floor of the Senate, and to the leaders. And we didn't just give them a memo with concepts. We gave them an actual bill that could be introduced today.

The bill itself is significant in that it has $748 billion in spending.

The areas of spending are fairly predictable: extending unemployment insurance benefits with a $300-a-week Federal supplement; $300 billion for business loans for those that are struggling to survive; an additional $13 billion for the food stamp program, now known as SNAP, so that people who are relying on that, perhaps in the midst of unemployment, will have enough to eat; $13 billion for our farmers; $25 billion for emergency rental assistance to avoid evictions; $34 billion to hospitals and clinics for help as well, with a portion of that set aside for rural hospitals; $16 billion for testing and tracing and the logistics of delivering the vaccine across America; $12 billion for a CDFI project for minority businesses.

There is $5 billion for additional help with mental health counseling, and we know that this pandemic and the economy have taken their toll on the mental health of America.

There is $82 billion for education, $20 billion of that for higher education, school districts and schools—universities too. They have to spend a lot of money because of COVID–19, and we want to help them get back on their feet.

There is $10 billion for childcare, a critical element for many families. If they can't find childcare, many people can't go back to work. We want to give them help.

There is $10 billion for broadband. Expanding broadband became critically important when kids relied on it to continue their education on remote learning.

There is $45 billion for transportation, everything from the airline industry to Amtrak, to transit, to buses. They have all been hit hard, and we need them to come back with our economy.

There is $10 billion for our Postal Service, and, boy, have they worked hard during this pandemic to keep up with the demands.

And there are extensions of opportunities to use CARES money into the next fiscal year—the next calendar year, I should say.

There were more. We reached agreement on all of these and came up with a bill that we presented to the leadership of both the House and the Senate, both parties. The good news is they didn't ignore it; they embraced it and started their own negotiations at the very highest levels of leadership in the Congress.

Fingers crossed, we may come up with a bill today, a COVID relief bill. So from the time of our press conference on Tuesday to the delivery of a product as soon as today is an amazing accomplishment when you consider all the time that we have spent waiting in hopes that we could find that solution.

We have made significant progress. Funding the government is basic to our work in Congress, and this COVID relief bill is essential as well.

Now, I am disappointed in our work product. There is pride and disappointment. The disappointment is the fact that we didn't reach an agreement on State and local government assistance. I favor that strongly, and I hope we turn to that issue as soon as we return in January.

Also, there was a question of liability and lawsuits during the time of COVID–19. We offered several alternatives. The Republicans countered with theirs. We never had a meeting of the minds on that issue. I hope that we do return to it at some point soon.

We need to put government spending on a course that makes sense for the next year that we are going to be tackling as soon as January. From the military and the FBI, public housing and transportation, to medical research and cybersecurity, in any way that we approach it, governing by CR is the worst possible way to do business.

Continuing resolutions impede our government's ability to operate efficiently and, frankly, waste money. Taxpayers deserve better. The continuing resolution would leave us operating under funding levels before we faced this national emergency, which affects every part of America today.

It would restrict agencies from shifting dollars around to meet the challenges, and it would hurt their ability to plan ahead, hire and train new employees, start new projects.

Continuing resolutions cause delays in contracts and grants when we need them the most. There are many examples of these, such as funding for medical research. I don't think there is an American alive today who doesn't value medical research today more than they did a year ago.

The Warp Speed project appears to be a dramatic success. I pray that it will be. Although I have been a frequent critic of this administration, I want to give them credit for organizing this effectively and delivering a vaccine in a timely way—an almost amazing timely way—in this pandemic that we face. I thank all who were involved in it, especially the scientists and researchers who didn't give up until they found these vaccines.

We know that FEMA would be prohibited from awarding Homeland Security grants to State and local governments unless we do our business of passing a budget. Safety and efficiency improvements in our transportation programs, such as bridge repairs, need to be timely and implemented. States and cities would not receive their community development block grants, which they desperately need. The list goes on and on.

Our constituents elected us to do a job, and part of that job is to create a budget for this government. Months of bipartisan committee work and weeks of bipartisan negotiations should not be cast aside. I am hopeful that we will finalize a deal today and vote on it as early as today or tomorrow at the latest.

We can't expect people to wait with any patience. We have waited too long ourselves.

CYBER SECURITY

Madam President, let me close on a topic that is related to this. The press reports of Russian hacking into the security systems of the United States are as troubling as can be. This is nothing short of a virtual invasion by the Russians into critical accounts of our Federal Government.

It is possible that they have compromised some of the most important and sensitive information that this government owns, information that we rely on to keep America safe. Of course, Vladimir Putin denies it, but we know better. It is not the first time, but I hope it is one of the last times.

We need to make it clear to Mr. Putin, to China, to Iran, to North Korea, and to any nation that would compromise and breach our security that there is a price to pay. No, I am not calling for an invasion myself or all-out war. I don't want to see that happen, but it is no longer a buddy-buddy arrangement between the United States and Vladimir Putin. We have to take this man very seriously because he is a serious threat to the United States when he captures this kind of information, which we use so that our troops are safe in the field and we are safe in our homes.

We thought we had a defense mechanism established. It turns out that it failed and compromised the integrity of our security in the cyber world. We need to do better and, through the Department of Homeland Security and the Department of Defense, dedicate the resources and say to Mr. Putin and others like him around the world: We are not going to stand by and let you take advantage of us. There will be a price to pay for this.

Frankly, if we do anything less than that, it is hard to imagine we are doing our best to protect this great Nation. There will be more. I am sure there will be security briefings for Members of Congress going into detail here, but the news that is coming out in the media is very troubling.

We need to do all that we can to keep America safe. And when adversaries such as Russia torment us, tempt us, breach the security of our Nation, we need to respond in kind.

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

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

CORONAVIRUS

Mr. THUNE. Madam President, I am encouraged that we are making progress on coronavirus relief legislation, but we need to finish up and get this bill out the door. The virus is surging around the country, and we need to get help to struggling Americans as soon as possible. The time for debate is over. Let's get this done.

We started this week out with a tremendously hopeful moment in our COVID fight—the first vaccinations against this virus. It is incredible that barely a year since we first learned about the virus, we have a vaccine, with more vaccines likely on the way. I have been thinking a lot this week about the people who volunteered for vaccine trials.

We have gained a new appreciation this year for a lot of people whose work we might have taken for granted in the past—the farmers and grocery store workers and truckdrivers who kept food on our grocery store shelves; the delivery drivers, whom we have relied on so heavily this year, who have brought our packages to us so we can minimize our time at the store; all the workers whose jobs can't be done from home—from electrical workers, to trashmen, to pharmacists—who get up every day and put on their masks and go out and keep our country running; and, of course, our Nation's medical professionals, who have faced down this virus with courage and determination and with great compassion.

There have been a lot of quiet heroes this year, and the people who volunteered for vaccine trials should be high on that list. A lot of courageous people stepped forward when we needed them, and we would not have a COVID vaccine today without their willingness to help.

Monday was the beginning of what will hopefully be a decisive victory in our COVID battle. We owe that to the hard work and persistence of medical researchers, but we owe it also to the vaccine trial volunteers, who enabled researchers to complete the process of developing a safe and effective vaccine.

It is no exaggeration to say that the bravery of vaccine volunteers could end up saving hundreds of thousands or even millions of lives. I doubt we will ever know most of the volunteers' names, but they are heroes of this battle just the same, and I am very grateful for the opportunity they have given us to defeat this virus.

TRIBUTE TO JOHANNA JABLONSKI

Madam President, before I close, I would like to take a moment to pay tribute to one of my staffers, Johanna Jablonski. Johanna is originally from the small town of Ethan, SD, and is a graduate of and former basketball star at Mount Marty College.

She first joined our team as a summer intern, working in Sioux Falls. A little over 6 years ago, she moved to Washington, DC, and became a permanent member of the office. She started out as a staff assistant and eventually worked her way up to become my scheduler—and our starting pitcher, I might add—here in DC.

When Johanna first came to my office, she intended to move back home after a year or two, but God had plans

for her here in DC. About 3 years ago, she met her husband Anthony at a Boy Scouts fish fry at St. Peter's Church right here on Capitol Hill. I know Johanna regards that as a blessing for her, but it was a blessing for our office, too, because we got to keep her around a little longer than she had originally anticipated. But now, in a couple of weeks, Johanna will move back to South Dakota. We are all very excited for her, but she will be sorely missed.

Madam President, I know I don't have to tell you or any other Senator here just how important the role of a scheduler is in any office. The days here on Capitol Hill are busy. Our schedulers are the ones who bring some semblance of organization to an otherwise chaotic day, making sure we get to connect with our constituents in town, make it to committee hearings and votes on time, get the briefings we need on legislation, and much more.

Johanna is not only a good scheduler, she is a great one. I will miss her patience, her professionalism, and her unparalleled ability to keep trains running on time. But what I and I think the rest of my staff will miss the most about Johanna is her kindness. Johanna has had a positive impact on pretty much every staffer who has worked with me during her time here, taking the time to get to know each of them on a personal level. Whether she is interacting with an agency head, constituent, or a fellow staffer, she is always the same—unfailingly gracious, patient, and kind.

No matter how busy or chaotic the day, Johanna can be counted on to bring a steady hand and a positive attitude. She is a woman of deep faith, and it shows. I am sad to see her go, but I want to wish her the very best of everything as she embarks on this new chapter in life.

Johanna, thank you for all your hard work on behalf of South Dakota. You will be missed.

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 (Mr. SCOTT of Florida). Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

GOVERNMENT FUNDING

Mr. MCCONNELL. Mr. President, well, we in Congress are no strangers to December funding deadlines or the occasional pre-Christmas cliffhanger.

In that respect, the situation we face now is familiar. Funding for the Federal Government is hanging in the balance. In the next few days, Congress will either succeed or fail at providing secure and stable funding for our military commanders, our Federal Departments, and key investments for our future.

Fortunately, our colleagues on the Appropriations Committee and their House counterparts have been on the case. Bipartisan, bicameral committee work has full-year government funding legislation on the 1-yard line.

I am optimistic that if we can close out our other parallel business, we should be able to fund the government and move forward together.

But that brings me to the way in which this year is unlike anything we have seen before. It has been more than 9 months since our Nation began to feel the full force of the COVID–19 pandemic. The American people have done what Americans do when crises come knocking.

Essential workers have kept our Nation running. Healthcare professionals have worked day and night to care for strangers. Heroic American businesses have adapted, reinvented, and obeyed the advice of medical experts.

Now we can see the light at the end of the tunnel. Operation Warp Speed has given us safe and effective vaccines in record time, but the American people need another bridge to those better days that are not so far off. The country needs Congress to come through with another targeted rescue package. They have waited months. They have waited and suffered, and some have died while needless political games have played out. The American people's wait for more emergency assistance ought to be over.

For months, I have called for a targeted, bipartisan package that would put hundreds of billions of dollars into payroll support, testing, vaccine distribution, extended unemployment aid, safe schools, and other essential priorities.

So I am encouraged that our Democratic colleagues have now embraced this framework that has been the right solution for our country all this time. And a bipartisan, bicameral agreement appears to be close at hand.

The outline that I have been discussing with the Democratic leader, Speaker PELOSI, and Leader MCCARTHY would get another huge dose of bipartisan support out the door as fast as possible.

We have yet to nail down every detail, but in broad strokes, we have been discussing the targeted second round of the job-saving Paycheck Protection Program that Republicans have sought since last summer.

We are discussing many tens of billions of dollars for distributing vaccines, COVID testing, and equipping safe schools to get our kids' educations back on track. We are discussing extending important unemployment programs.

At the particular urging of President Trump and Secretary Mnuchin, who continue to be the champions of cash relief for American families, we are discussing more direct impact payments for individuals, plus the bonus for families with children.

These are just some of the major pillars. And equally important, we are agreeing to be smart about financing these extraordinary policies.

Now listen to this. We intend to repurpose more than $400 billion in unspent funds which we have already allocated in the CARES Act. It turned out these funds did not need to be tapped to restore basic stability to our economy. It is time we put that money to urgent use.

Like I said at the time yesterday, I am heartened by our discussions and our progress. I believe all sides are working in good faith for our shared goal of getting an outcome.

But I will say this. In my judgment, we are very close to a point that arises in every major negotiation. It is the point where each side faces a fork in the road.

Do we want to lapse into politics as usual and let negotiations lose steam? Do we want to haggle and spar like this were an ordinary political exercise, get wrapped around the axle of language or policy riders that we know are controversial, or, on the other hand, after months of inaction, do we want to move swiftly and with unusual bipartisanship to close out our issues, seal the deal, and write text that can quickly pass into law?

In short, we are near the point in this process where we decide if we are going to stay on the fast track or drift back toward business as usual.

I say the answer should be obvious. After all these months, struggling Americans don't just need action; they need action fast—fast.

So I continue to appreciate our productive discussions, but I hope we also remember just how urgent the situation is for millions and millions of our fellow citizens.

So for the information of all Senators, we are going to stay right here—right here—until we are finished, even if that means working through the weekend, which is highly likely.

And if we need to further extend the Friday funding deadline before final legislation can pass in both Chambers, I hope we will extend it for a very, very short—short—window of time.

Our citizens can't afford for us to get bogged down in the back-and-forth. Let's finish up our bipartisan framework. Let's make law as soon as possible. That is what our people deserve.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CORONAVIRUS

Mr. SCHUMER. Mr. President, we continue to move closer to a final

agreement on an omnibus appropriations bill and a package of emergency Federal aid to provide the country relief from the continuing impact from the COVID–19 pandemic.

Yesterday, House and Senate leadership worked well into the night. We resumed first thing this morning. While many, if not all, of the difficult topics are behind us, a few final issues must be hammered out. We are very close to an agreement, but the details really matter. When it comes to unemployment benefits, stimulus checks, aid to small businesses, and so much else, we have a responsibility to get this right. People's lives depend upon it.

I would note that had the Republican majority joined in negotiations anytime in the last 6 months, as we had requested, we would not be in the unfortunate position of negotiating against the government funding deadline. Leader MCCONNELL kept calling for a pause, and here we are. I also note that we would have a much larger bill that met crucial needs of so many Americans if Republicans had not been so intransigent.

But we are all eager to conclude our work and deliver the relief that the American people have been waiting for. Everyone wants to see this get done, and soon. It is not an easy feat or process. We are talking about providing relief to a country that is hurting from coast to coast; a country with tens of millions of unemployed workers and more slipping into poverty every day; a country with businesses of all sizes and varieties struggling in different ways and more in danger of closing for good every week; a country that just yesterday suffered the worst day of the entire pandemic—the most cases, the most hospitalizations, the most deaths, more than 3,600 American lives.

Already, we know that the size of this emergency relief bill would be the largest stimulus in the history of our country if not for the other COVID relief bill, the CARES bill, which I negotiated with Secretary Mnuchin and we passed earlier this year.

Let me say that again. We are putting the final touches on what would be the largest stimulus in the history of the country with the exception of the CARES Act—larger even than ARRA, the stimulus bill Congress passed in the wake of the financial crisis in 2009.

None of the remaining hurdles cannot be overcome. Everyone is committed to achieving a result, and we will not leave until we get the job done.

I yield the floor.

VOTE ON ATCHLEY NOMINATION

The PRESIDING OFFICER. All postcloture time has expired.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI), the Senator from Nebraska (Mrs. FISCHER), the Senator from Georgia (Mrs. LOEFFLER), and the Senator from Georgia (Mr. PERDUE).

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

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

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 272 Ex.]

YEAS—54

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

NAYS—41

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

NOT VOTING—5

Enzi	Harris	Perdue
Fischer	Loeffler	

The nomination was confirmed.

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

The Senator from North Dakota.

Mr. CRAMER. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

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

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 nomination of Zachary N. Somers, of the District of Columbia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Mitch McConnell, James E. Risch, Mike Crapo, Roy Blunt, Shelley Moore Capito, Tom Cotton, John Cornyn, Chuck Grassley, Thom Tillis, Richard Burr, Pat Roberts, Cory Gardner, Lindsey Graham, Todd Young, Marco Rubio, John Boozman, John Barrasso.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Zachary N. Somers, of the District of Columbia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI), the Senator from Nebraska (Mrs. FISCHER), the Senator from Georgia (Mrs. LOEFFLER), and the Senator from Georgia (Mr. PERDUE).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) and the Senator from Alabama (Mr. JONES) are necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 42, as follows:

[Rollcall Vote No. 273 Ex.]

YEAS—52

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

NAYS—42

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

NOT VOTING—6

Enzi	Harris	Loeffler
Fischer	Jones	Perdue

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 42.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Zachary N. Somers, of the District of Columbia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

The PRESIDING OFFICER. The Senator from Iowa.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 5045 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRASSLEY. 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.

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

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

CHINA

Mrs. BLACKBURN. Mr. President, I have to tell you, when I am back home, I am struck by one of the things I am hearing in Tennessee, and it is this odd mix of optimism and also of concern.

And Tennesseans are very concerned that we are not going to pass another round of COVID relief in time to help save their businesses and in time to help people who lost their job through no fault of their own. And, on the other hand, they are excited about the fact that we finally have vaccines that are going through the process, that are getting to communities, and there are vaccinations taking place. And I have thought, you know, this is really an interesting mix of emotions, especially with Christmas right around the corner.

And Sunday, after I had visited with some folks, I thought, you know, this, I think, is where people are going to be for a while. Some are very optimistic. Some are incredibly worried. But there is one thing that is a constant—and I have really watched this grow over the last several months. It is the confusion and the anger that is directed at the Chinese Communist Party. And, quite frankly, this is something that I fully believe has reached a boiling point with Tennesseans and with the American public.

Tennesseans were familiar with the tense relationship between China and the United States well before they found themselves in the middle of this pandemic. Here is a good example. At this point, most everyone is familiar with China's notorious disregard for intellectual property rights, but when I first started working on this issue in the House with songwriters back in Tennessee—and it was in the early 2000s—we felt like we were fighting that battle all alone. We had to fight with Chinese officials and eventually were able to establish some initial royalty rates payable to U.S. copyright owners whose sound recordings are broadcast in China. That was a solid win, but the fact that we had to fight so hard for something so simple really was frustrating, and people in Tennessee have not forgotten that frustration.

Before this year, they were painfully familiar with the Chinese Government's abysmal human rights record. That initial footage of massive protests in Hong Kong had resurrected memories of Tiananmen Square and reminded everyone that the Chinese Government still uses political violence, speech suppression, and torture to silence dissent.

The people I talked to had read about diplomatic tensions and trade deals, and they could sense that in spite of all those optimistic perspectives on the nightly news, our biggest rival in Asia had become our adversary.

So they weren't at all shocked when news reports started rolling in that the Chinese Communist Party officials in Hebei Province and Beijing had done nothing—not one thing—to stop the spread of the novel coronavirus.

Since then, Tennesseans and, indeed, most Americans have received a valuable education, courtesy of Xi Jinping and the Chinese Communist Party. We learned that the Chinese Government's failure to sound the alarm wasn't an anomaly. It was intentional. Neither was there strong-arming of the World Health Organization or the incarceration and torture of doctors and journalists who defied gag orders to blast out warnings to anyone who would listen. They tried to tell us this was reaching a pandemic, and they were punished.

And as they look around at the economic ruin in their communities, as small businesses are shuttered and independent music venues are boarded up for the long haul, all those puzzle pieces are falling into place, and, quite frankly, they are justifiably upset. I would venture to say many of them are absolutely furious with what the Chinese Government has done.

By now, we understand this is what the Chinese Communist Party does as a government, as an all-powerful political organization, and as a group of rabid ideologues from whom acts of genocide flow as easily as the propaganda posted to their many official Twitter accounts. This is all a part of their quest for global dominance, and their success depends on gaining complete control over speech, thought, resources, and their relationships with other nations.

This is the Chinese Communist Party's master plan.

When Xi Jinping took power in 2012, there were a lot of optimistic pundits out there who thought that he would embrace transparency and liberal economic policies, but oh my goodness, have they ever been wrong. In fact, he styled himself in the image of Mao, creating a personality cult that equates attacks on Xi with challenges to the legitimacy of party rule. It is all about him.

Anyone who has opened a history book knows this doesn't bode well for diplomatic efforts to rebalance power. This isn't my political opinion; this is the reality that diplomats, members of the defense community, and policy experts accept as a matter of fact. The Senate Armed Services Committee accepted this reality when we drafted the bipartisan 2021 NDAA. This year's bill contains the most substantial action we have ever taken to counter Chinese aggression and great power competition. It establishes the Pacific Deterrence Initiative, which will help the military enhance defense capabilities in the region and reaffirms our commitments to Taiwan, India, Vietnam, Japan, and other allies and partners geographically near China.

We drafted numerous provisions to keep U.S. intellectual property, technology, and data out of Beijing's grasp by limiting funding for universities that host Confucius Institutes and restricting defense industrial base employees from working for Chinese-owned companies. Why did we do this? Because we have learned that not only is this part of China's propaganda, this is where they are embedding their spies.

In 2021, we will take major steps to secure our supply chain and invest in American innovation to maintain our technological advantage. We paid particular attention to accelerating the development of 5G networks that are needed by our troops in the field and, to complement that expansion, enhancing our Nation's cyber security strategy.

The Chinese Communist Party isn't just playing politics on Twitter; their tactics pose a very real threat to our Nation's security and that of our allies and our partners.

I have spoken at length about how badly we need to unravel our relationship with China. I have examined problems related to our medical supply chains, security issues in the building blocks of popular technology, and sourcing for rare earth elements. Reclaiming these critical resources will take time and investment, but it can be done, and I will continue to fight for this as we move into the next Congress. But I want to consider just for a moment a few examples of this entanglement that hit particularly close to home and really give a sense of how much private companies and organizations compromise just to maintain access to the Chinese marketplace.

Earlier this year, the PR professionals at the NBA worked some serious overtime after an investigative report published by ESPN showed that the Chinese Communist Party-affiliated coaches at the league's training facilities in Xinjiang were abusing players. That is correct—abusing players. Initial reports of this abuse were ignored by NBA officials.

Keep in mind that these training facilities existed in the same region as those concentration camps used to imprison the Uighur Muslims and others guilty of thought crimes against the

Chinese Communist Party. So what was the NBA doing there in the first place? How could something like this actually happen? Here is the reason: Communist China plays host to an estimated $4 billion NBA market. They say that China is ''basketball obsessed,'' and NBA execs have used every avenue they can to take advantage of that $4 billion market. They jealously protect those relationships even if it means using skyrocketing sales numbers to explain away the blind eye they have turned to the CCP's crimes against humanity.

They are not alone. This fall, Walt Disney released their live-action version of ''Mulan'' and caught some well-deserved hell after sharp-eyed rights activists combed through the credits and discovered that filmmakers chose to shoot scenes for the movie—where? Xinjiang, knowing that they would have to cooperate—with whom? The Chinese Communist Party's propaganda flacks to get the kind of footage they wanted to play to their desired Chinese audience.

Netflix also ran afoul of human rights activists when they inked an adaptation deal with an author who parrots Chinese Communist Party propaganda and made racist comments about the persecuted Uighur Muslims in Xinjiang.

None—none of these scenarios involved high-stakes diplomatic negotiations. No one involved was on a mission to balance the geopolitical scales at all cost. They did, however, stand to net a tidy profit by maintaining friendly relations with the Chinese Communist Party. But did they ever stand up and defend the Uighur Muslim minority? No, they did not.

When faced with such manipulation on a global scale, Tennesseans expect accountability. They want news reports and hearings and absolute condemnation. But that is not what they get. Instead, they get regurgitated propaganda transmitted directly from the CCP, peppered with media buzz words and distilled into sound bites.

Our attempts to hold the Chinese Communist Party accountable for covering up the origins of the pandemic were met with baseless accusations of xenophobia and of racism. I have met similar resistance when speaking truth to power about the CCP's aggression in Tibet, Mongolia, the concentration camps in Xinjiang, and the arbitrary detention of the Hong Kong freedom fighters. Prominent members of the press, pundits, and even Members of Congress who have access to more than enough information to know better—all provide cover for the Chinese Communist Party at the expense of American lives and livelihoods. It is all there in black and white. They are failing an open-book test because they are refusing—refusing to admit that their coziness with China does not serve the American people or our allies well.

This situation will not evaporate with the start of the new Congress. Vaccines and defense funding and new technology will solve some immediate problems, but they are not a strategy. Those are action items.

We must all commit right now to an aggressive strategy that leads a whole-of-government approach to protecting American intellectual property, securing our critical supply chains, and bringing our manufacturing back home.

We must assert our role as a leader on the global stage and stand between the Chinese Government and leadership roles in international organizations. How is it that China could have a seat on the Human Rights Council of the United Nations? Look at what they are doing to the Tibetans, to the Taiwanese, to the Hong Kong freedom fighters, and to the Uighur Muslims.

We should continue to provide support for Hong Kong and for Taiwan, build a strong network of allies and partners across the Indo-Pacific, and we should increase our defense investment in the Indo-Pacific Command.

I laid out more items in a white paper I released earlier this year. It is online at Blackburn.Senate.gov. It is time to pay attention to everything the CCP is doing.

In today's New York Post, I have an op-ed that lays out how they are using Twitter to troll and intimidate the rest of the world into staying silent. Do you know what? They are, unfortunately, having some success with that. World leaders, powerful corporations, and celebrities are all scared into silence by online propaganda campaigns.

Mr. President, I ask unanimous consent that a copy of my op-ed be printed in the RECORD with these remarks.

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

[From the New York Post, Dec. 16, 2020]

HOW CHINA USES INTERNET TROLLS TO HELP COVER UP ITS ATROCITIES

(By Marsha Blackburn)

The greatest benefit to Big Tech's otherwise dubious influence over our lives is that it's impossible for the world's human-rights violators to hide their crimes. Information that years ago would have been filtered by official, sanitized sources now flows from anyone with the guts to tweet about it.

But social media's power to disseminate ideas means the tyrants themselves are better equipped than ever to obfuscate, lie and troll their way out of crises—capitalizing on the moral confusion and greed of the modern West.

Last December, freedom fighters a world away were busy tweeting about the Chinese Communist Party's aggression in Hong Kong. Much to the chagrin of party bosses in Beijing, guerrilla coverage of mass protests spread rapidly, prompting digital activists worldwide to condemn the CCP's latest horror show.

Civil-society groups seized the moment to spotlight the CCP's colonialism in Tibet and Inner Mongolia, the regime's cruelty—toward Uighur Muslims in Xinjiang and the horrifying plight of Falun Gong practitioners. Shock turned into revulsion that manifested in demands for change. It was a shining moment of international unity that vowed an end to totalitarianism in Asia.

Today, hundreds of dissenters, including Hong Kong activists Joshua Wong and Jimmy Lai, sit in jail for the sin of criticizing their government. Tibetan language, culture and religion are so repressed that more than 150 Tibetans have self-immolated since 2009. Communist officials terrorize Uighurs under the guise of cultural re-education, locking dissenters in concentration camps and perpetrating mass violence on a scale that has prompted many lawmakers like me to support legislation labeling the violence in Xinjiang a genocide.

Yet fashionable concern soon gave way to a parade of appalling statements from world leaders, multinational corporations and celebrities desperate to preserve their interests in China's economy. Beijing breathed a sigh of relief and ramped up its own disinformation campaign—about the origins of COVID–19 and the Hong Kong crisis—by taking a page from the freedom fighters' playbook.

Between March and September, the CCP violated its own ban against Twitter and amassed nearly 1.5 million followers stretched across dozens of official accounts. Using a mix of typical viral content, weird propaganda and COVID–19 misinformation to attract attention, diplomats and other political leaders used their mainstream clout to lob insults at Western leaders and dismiss the global outcry over Beijing's atrocities as the product of ''racism.''

Beijing's propaganda doesn't generally pass even a minimal smell test, of course. Its play at ''wolf-warrior diplomacy,'' named after a patriotic film franchise, is a trollish p.r. campaign that relies on sheer numbers and whataboutism to intimidate critics.

The Chinese diplomats have even learned to tap into the rhetoric of wokeness. And sadly, it's working. China's ''wolf warriors'' can sink their teeth into the impressionable, the contrarian and, terrifyingly, the complicit among Western influencers and audiences.

The CCP is counting on our fear of retaliation, not to mention the undying tendency of our own elites to first blame America and the West, to mislead us.

We have no excuse for ignoring reality, however. If you need proof, it's sitting in your hand. Google phrases like ''Uighur forced sterilization'' and ''Mongol ethnic assimilation,'' then brace yourself.

Millions of victims of Xi Jinping's ''China Dream''—a nightmarish blend of ideological conformity and behavior controls—regularly risk their lives speaking truth to power. Meanwhile, in the safe confines of the West, powerhouse personalities and companies agonize over the financial risks of criticizing Beijing.

In 50 or 100 years, when historians ask how such things could have happened, I hope someone invokes the cowardice inherent in that cost-benefit analysis as the answer to their question.

Mrs. BLACKBURN. If they can do that with a hashtag—all of that suppression, all of that intimidation—then think about what they will do in the real world.

If we stand down, the Chinese Government is going to keep pushing to stand up. They will fill a power vacuum because their determination is to be the leader, the global dominator. They want the 21st century to be the China century. It is their strategy. It is what they do. So now is the time to act. I would encourage my colleagues to remember this as we begin a new Congress.

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

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

AMERICAN WORKERS

Mr. BROWN. Mr. President, this spring, I was talking with a grocery store worker in Ohio, who told me: ''They call me essential, but I feel expendable.'' That grocery store worker and thousands of others who are on the frontlines of this pandemic risk their lives so that Americans can keep food on their tables and get their packages delivered. They change linen in hospitals. They drive city buses or rural buses. They stock shelves in supermarkets.

When these workers go home at night, having been exposed to the public pretty much their whole workday, they worry they are going to bring the virus home and infect their families.

It is essential workers keeping our society going. A number of American corporations claim to recognize this. They have run feel-good ads—at least they did early in the pandemic—saying ''thank you'' to essential workers, claiming these workers are the heart of their companies.

But saying ''thank you'' is not nearly enough. Workers don't need a PR campaign. They need fair pay and protections on the job. These corporations get positive press off their workers while too often paying them poverty wages and, in too many cases, failing to protect their safety in the workplace.

I wrote an open letter this summer to corporate executives, published in their paper of record, the Wall Street Journal. I said to these corporations: You say your workers are essential. Then treat them that way. Our economy is supposed to reward people whose talents are in high demand. That is what we are all taught. That is what you always tell us; right? These workers' skills keep our economy going. Their paychecks should reflect that.

It has been 6 months since that letter was published. It may surprise no one to learn that my phone has not been ringing off the hook with calls from CEOs who want to discuss renewed efforts to invest in their workers.

All that has changed is that corporate profits have gone up, hazard pay has disappeared, and more workers have died. Profits are up at most of the biggest companies, especially the largest retail companies.

The Brookings Institution studied the 13 biggest retailers in this country and found that their earnings have shot up 39 percent compared with last year, and stock prices are up 33 percent. Guess how much wages have gone up. One dollar an hour.

The Washington Post looked at the 50 biggest corporations. Between April and September, these companies handed out more than $240 billion—240,000 million, $240 billion—to their stockholders through stock buybacks and dividends.

It is workers making these companies successful. It is workers risking their lives on the job, but shareholders got nearly 8 percent of the profits workers created.

Look at Amazon. The company's quarterly profits increased by a staggering 200 percent. But that same Amazon rolled back its tiny $2-an-hour raise in June and announced a bonus of just $300 per worker. You heard that correctly—not $3,000 but $300, from a company that brought in $280 billion in revenue last year.

If even a global pandemic, where American workers have been on the frontlines—if even that—will not get corporations to rethink their business model that treats workers as expendable, then, frankly, it is time—and my colleagues should hear this—to stop letting them run this economy.

They had their chance. They failed. Just look around us. If corporate America won't deliver for its workers, it is time we step in and create a better system, centered on the dignity of work.

The American people have made it clear that they want a government that is on the side of workers. Eighty-one million voters gave Joe Biden a decisive victory of more than 7 million votes. That is a mandate for change.

In June, I laid out actions that corporations could take on their own, like raising base pay to $15 an hour. Since they mostly refused, we should raise the Federal minimum wage to $15 an hour.

Workers are still not safe on the job. So President Biden can immediately issue an OSHA, or Occupational Safety and Health Administration, emergency temporary standard forcing corporations to protect their workers.

Many companies still deny their employees paid sick leave, even during a pandemic. So we have to pass a national paid family leave plan.

Corporations are expanding rather than ending their exploitive ''independent contractor'' business model. So we are going to have to use the law to make them treat their workers as true employees. You know how they do it: Particularly large corporations will contract out custodial work, security work, and food service work in their company cafeteria, for instance. They contract it out to a private company that pays much less than the corporation pays, often wages barely above the minimum wage. Those workers should have to be treated like workers living under American labor law.

Corporations continue to coerce workers out of forming unions. So we need to pass the PRO Act—Protecting Our Right to Organize Act—to empower workers with a voice in their workplace.

The economy isn't physics. It is not governed by a scientific law outside our control. It is made up of people making choices about our values and in what kind of society we want to live.

That is the reason we have an Occupational Safety and Health Administration. It is why we have these agencies: to make sure that workers are treated fairly to begin with.

We have the power to change how the economy works so that it rewards work instead of greed. We can create more jobs at middle-class wages. We can give people power over their lives and schedules. We can expand economic security and opportunity for everyone.

Americans voted for this change. Americans aren't going to wait for corporations to reform themselves on their own. That is for sure. They never have. They never will. It is up to the rest of us to deliver for the people whom we serve and create a country where all work has dignity.

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. MARKEY. 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 CORY GARDNER

Mr. MARKEY. Mr. President, it is my pleasure to honor my good friend and my colleague Senator CORY GARDNER. CORY and I were friends in the House of Representatives. Our friendship deepened in the Senate, especially after he took the reins as chair and I as the ranking member of the Subcommittee on East Asia of the Senate Foreign Relations Committee in the 115th Congress.

We were unlikely partners in a lot of ways. He is a conservative Republican and I am a liberal Democrat. I know that Tom Brady is the best quarterback ever. He just might say that it is John Elway.

But like me, CORY is a pragmatist, and we did find common ground. In fact, we were a two-man legislative wrecking crew, with several credits to our names.

GARDNER-MARKEY collaborated on such hits as the Asia Reassurance Initiative Act, ARIA, sweeping Asia-focused legislation to reorient our Indo-Pacific strategy around alliances, common values, and mutual security; the Cambodia Democracy Act, to stand up for civil society the rights of a political opposition; the Taiwan International Participation Act of 2018, to signal both our commitment to the island nation and our displeasure with China's efforts to shut it out of international organizations; and the Leverage to Enhance Effective Diplomacy Act, to build the conditions for a future North Korea that no longer threatens its neighbors and the world with nuclear weapons.

With CORY as chair and myself as ranking member, we convened hearings, drafted broad legislation, hosted

foreign leaders. As the foreign policy gravitational pull rightly moved to the Indo-Pacific in recent years, CORY brought the top policymakers, human rights defenders, and government witnesses to the fourth floor of the Dirksen Senate Office Building—not exactly the Diplomatic Room of the White House.

In the 115th Congress, we held 11 hearings. It was a constant beat of meetings and hearings that CORY would be leading. I was always honored to be partnered with him in organizing those efforts.

CORY grew up on a farm, so it is no wonder that he is a workhorse. Each time he gaveled in a hearing, he was professional, prepared, good-humored. And he, on more than a few occasions, allowed particularly verbose Senators to blow past their allotted time.

Nowhere did I enjoy our work together more than in the drafting and the ultimate passage of the landmark Asia Reassurance Initiative Act. Our bill, which is now the law of the land, adopts a long-term U.S. strategy for the most consequential region in the world, the Indo-Pacific. It was a credit to our foreign policy staffs—led by Igor in CORY'S staff and Zack in mine—that we were able to get it past the finish line.

A fully resourced ARIA will ensure that the United States will remain a Pacific power. Investments through ARIA offer a critical counterweight to China by helping our partners in the region build defenses and defend democracy and the rule of law.

But CORY understood passage of a law alone does not equate to the implementation of policy. When ARIA was signed into law, he and I convened a series of hearings to ensure the Departments of Defense and State and the USAID were putting resources to the challenge.

The Asia-Pacific is home to 60 percent of the world's population. This fact and the wide geographic scope of the region means that we need to respond nimbly to the latest international crisis of the day.

When North Korea policy vacillated between ''fire and fury'' and detente, he used the subcommittee to provide critical oversight.

When China and Hong Kong authorities turned to batons and tear gas in a futile attempt to end democratic protests, he hosted one of the architects of the student-powered Umbrella Movement, Nathan Law.

When just this past year, some wished to shake down our Japanese and South Korean allies, we partnered on two resolutions, which reaffirmed our ironclad relationships to both allies.

In his farewell address, CORY said that the pillars of the Senate Chamber are principles shared by all Americans. They are immutable. CORY, it was a pleasure to work with you these past years to also strengthen the pillars of U.S. foreign policy, standing up for human rights, our allies, and the rule of law around the world.

I hope that this son of Yuma, CO, is not finished with public service yet. I am grateful for what we accomplished together on the Asia Subcommittee and even more grateful for our friendship.

My best to Jaime and your wonderful family and to you, my friend.

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

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

PREVENT GOVERNMENT SHUTDOWNS ACT

Mr. LANKFORD. Mr. President, this all feels strangely familiar. It is the middle of December. We are facing a government shutdown, arguing behind the scenes over the final details, discussing whether we are going to do a short-term CR, wondering what is going to happen. Everyone has this sense that if we don't get the bill done by tomorrow, then we are going to end up in shutdown and all the problems that causes.

Senator HASSAN and I stand in the back and hold up our hands and say: In February of last year, we proposed a solution to this that fits this exact scenario to keep us from holding Federal workers and all of our agencies in harm's way.

The ending government shutdowns bill is designed for this moment. For whatever reason, we have not been able to agree to pass it. It is a process document. It doesn't solve all of the policy issues we have. We have real policy differences, but we should not have process differences at moments like this. It is not good for the American people. It is not good for the U.S. Senate or the U.S. Congress to stand at the precipice of a shutdown and to say: Maybe we go over; maybe we don't. Maybe we have a short-term continuing resolution; maybe we pass the 12 appropriations bills. We shouldn't ever get to that moment.

Our simple idea is not a partisan idea. Senator HASSAN and I released a simple, straightforward idea. You get to the end of the fiscal year, whenever that may be, and if we have not finished all the appropriations work, we continue working until it gets done. An automatic continuing resolution kicks in so that no Federal worker is worried that they are going to have furloughs right before Christmas; no agency is panicked about what happens next and who do I have to furlough and who do I have to keep and who is essential and who is nonessential. None of that happens. None of that waste occurs. We continue debating until we resolve the issue. That is all that it is.

We have 12 appropriations bills that are not done. Painfully, in this year of COVID, there have been only 22 total appropriations hearings in 12 months—22. That is 12 appropriations committees, 12 months, only 22 hearings total for all of them.

We have not completed the appropriations work on time, so now we are struggling with the what-ifs. Senator HASSAN and I have a straightforward idea. Let's pass the end government shutdowns bill. Let's continue our negotiations so we don't have to be in the shadow of a shutdown again next year.

It is doable. It shouldn't be controversial. It should be obvious. When we get to a time period like this, if we are not complete, we keep working until it is done. In the meantime, we don't leave. It is the exact statement I have heard from everybody in the Chamber so far today. We need to stay until it is done. I agree. That should be the process every time we get to this moment. We stay until the work gets done. Our bill just mandates that, and it keeps us from ever having to say the word ''shutdown'' again.

So I would encourage this body again, as I did all of last year, as I did all of this year: Let's end government shutdowns. Let's keep debating the policy. We have differences. We know that. But let's end the thought of government shutdowns.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

CORONAVIRUS

Mr. PETERS. Mr. President, 2020 has been a year of immense challenges. We are in the middle of an unprecedented economic and public health crisis. Small businesses have been forced to shutter or are barely staying afloat. Workers are out of jobs through no fault of their own, and folks are stressed about feeding their families and keeping a roof over their heads. Healthcare workers are exhausted—pressed to their breaking points from treating patients with COVID.

But, thankfully, there is light at the end of the tunnel. With the recent FDA vaccine emergency use authorization, Michiganians and Americans are finally starting to receive much needed reinforcements to combat and to control this virus.

Although there is light at the end of the tunnel, we know the next 2 or 3 months or more are going to be difficult. We cannot let our guard down. We must continue to wear a mask, practice social distancing, and wash our hands. We all can—and we must—play an important role in defeating this virus, and we can do that if we work together.

Working together is the key to get through this pandemic. We know what happens when we work together here in this Chamber. Early on in this pandemic, we worked together to pass the CARES Act, which provided vital resources and support to keep families and workers afloat.

We worked together to pass additional aid for small businesses, for testing, for healthcare providers, and for hospitals. And, right now, we need to

once again come together and work together to pass another round of help. We have done it before, and we did it when case counts were far lower than they are now.

We need to summon the same sense of urgency, and we must come together at the end of this week and pass meaningful bipartisan and comprehensive COVID relief. We must prove to the American people that bipartisan negotiation is not a relic of the past.

As I talk to Michiganians each and every day, the message is very clear. They want us to put partisan politics aside and solve the very real challenges confronting our country.

Finding common ground and bringing people together has always been my approach to serving Michigan and the people of this Nation. This past year, I am proud to say, we worked together to advance legislation on priorities that not only addressed the pandemic but also tackled issues facing Michiganians and people across this country each and every day.

On a bipartisan basis, we have been able to pass legislation out of Congress on a number of topics, whether it has been expanding apprenticeship opportunities for veterans, closing loopholes that pose a threat to our national security, saving taxpayer dollars, protecting the Great Lakes, which is one of our Nation's most precious natural resources, hiring more agricultural inspectors at our Nation's ports of entry, or improving the Department of Veterans Affairs caregiver program.

I want to take this opportunity to thank my colleagues on both sides of the aisle for their partnership with me in advancing these priorities. I know there is no shortage of differences among us, but when we put personal politics aside and focus on addressing the problem at hand, I know we can get results.

As we enter this next session of Congress, I am hopeful that we can build on some of the progress we have made. Whether it is supporting small businesses, lowering prescription drug costs, ensuring our Nation remains a global leader in innovation, or getting through this public health and economic crisis, there is much more that can be done in the next Congress when we are all willing to reach across the aisle to find lasting solutions.

Two years ago, I delivered George Washington's Farewell Address on the Senate floor. It is an annual tradition here in the Senate. In that address, President Washington warned of the dangers of tribalism and political polarization in our country. We cannot forget President Washington's message, particularly during these uncertain and daunting times. We cannot let polarization prevent us from doing the people's work. Let us build on that spirit of bipartisanship. Let us work together to get things done. Our constituents demand it.

This week, we can again work in a bipartisan way to pass a COVID relief bill that makes a difference to everyone suffering from this pandemic.

I yield the floor.

VOTE ON SOMERS NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Somers nomination?

Mr. PETERS. 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 Wyoming (Mr. ENZI), the Senator from Nebraska (Mrs. FISCHER), the Senator from Georgia (Mrs. LOEFFLER), and the Senator from Georgia (Mr. PERDUE).

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

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

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 274 Ex.]

YEAS—52

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

NAYS—43

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

NOT VOTING—5

Enzi	Harris	Perdue
Fischer	Loeffler	

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Ohio.

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

CORONAVIRUS

Mr. PORTMAN. Mr. President, I am here on the floor today to talk again about the need for us to pass a legislative package, which I would call an emergency package, to deal with our COVID–19 crisis we have in this country.

As we talk today on the floor of the Senate, there are negotiators working busily in a room nearby to try to come up with that package, and that is a good thing. I know they have run into some roadblocks, at least so I have been told. We need to work through those roadblocks. They are relatively small compared to the importance of the overall mission of helping the people we represent, helping those small businesses, helping those hospitals, helping those families who find themselves without a paycheck through no fault of their own. And my hope is that we can get there.

The legislation that is being looked at today, which may be part of a larger package that we will vote on either tomorrow or the next day, is, as I understand it, informed by work that a bipartisan group of us did over the past several weeks. I appreciate my colleagues so much. I see Senator MURKOWSKI is here on the floor today. She was one of those people. Senator MANCHIN was one of the people to help organize it. In fact, I think the first meeting was because LISA MURKOWSKI invited people to have pizza at her place. And that resulted in a very positive interaction between Democrats and Republicans on a lot of detail, a lot of specific issues, to be able to put together a package that will help our country right now to work through this crisis.

I wish I could say that things are better. But when I look at my own home State of Ohio, I see just the opposite. In fact, over the past few weeks, we have had weekly cases that have increased, not decreased. Our number of daily new cases is averaging around 10,000 a day now every day. That is double what it was just a month ago. At least in my State, the coronavirus crisis has increased, not decreased.

By the same token, the economic crisis that is a result of the COVID–19 crisis has continued to grow. We have seen people who have lost their jobs because their restaurant doesn't have any business, not because there is a government edict; although, there are in some States. Some States have said you have to shut down. Some States have gone so far as to say you have to shut down outdoor dining, not just indoor dining. Of course, those people have lost their jobs.

In many cases, it is just because the virus is so prevalent, people aren't

going out; they aren't going shopping; they aren't going to the movie theater; they aren't going to the bowling alley; they aren't going to the restaurant; and they aren't going to the hotels. Folks are losing their jobs. Again, not because of something they did or something they could control. It is almost like a natural disaster, and, therefore, they need some help and need it now.

We really have kind of a K-shaped recovery here. People talk about a V-shaped recovery, where you have a recession and you come right back out the same way you went in. I wish that were the case here. Instead, it is kind of K-shaped. We do have some industries that are doing quite well, actually. In some areas of the country, they are doing OK. That is the top of the K. But the bottom of the K is those who are not. If you are in the hospitality business, the travel business, if you are someone who has a job that is no longer there because of this crisis, then you are in trouble. You are in trouble.

I am told that I have now given 20 floor speeches on the need for us to do something. I think it ought to be targeted. I think it ought to be focused. What I have said is that we have this wonderful new vaccine coming out. Moderna is about to be approved, I believe. Pfizer was just approved. I am in a trial for the Janssen, J&J—Johnson & Johnson—vaccine, actually. I think that is coming along well. We will probably have AstraZeneca coming soon.

This is something that is very positive about this crisis. We actually finally have something that can help us turn the corner. I think it is important that we wear our masks. I think it is important that we social distance. I think it is important that we use the hand sanitizer—all of that. We need to keep doing it. But the difference between that and the vaccine is that the vaccine gives you the immunity we are all seeking. People talk about herd immunity and that that could come—early on people said—by so many people getting infected. We can't have that happen. Why? Because that will lead to a lot of pain, a lot more deaths. Three hundred thousand people have already died in this country from this crisis. We don't want to bring herd immunity in that way. We want to bring herd immunity from the vaccine.

By the way, these vaccines are safe. They are effective. I mean, if you look at the numbers, 95 percent efficacy—unbelievable. Do your own research and look at it and make your own decision, but this is not a situation where, as with the flu, actually—when you take the flu shot, I am told, only about one-third of the time does it work and about two-thirds of the time it doesn't. That has happened to my family members, probably to you or your family members, where you take a flu shot, and it doesn't really help. But here, 90, 95 percent, 98 percent—the numbers are amazing. Take a look at them—''efficacy,'' meaning that is how effective they are. Again, in the trial that I am in, the initial numbers are quite positive.

Also, it was done in a way that I think makes a lot of sense for the future in terms of public-private partnership. The government basically said to these companies that we will provide a market for you if you get busy producing this lifesaving vaccine. By the way, you can go ahead and start producing the vaccine, even before it is approved so we don't have to wait 4, 5 months after an approval to then get the production up and going. If you don't get the approval, we are going to throw away the vaccine.

It was worth doing. It was probably the best expenditure of Federal money we had here in the last package, the CARES package, because it ensured that we not only would get these vaccines quickly, but we would get them distributed quickly. As an example, even while the vaccines were being approved recently—and these were the Pfizer vaccines—those vaccines were already on their way to my home State of Ohio. They were pre-positioned there. And when the approval came, we could move quickly. People are being vaccinated today in my State and in your State—primarily, people who are on the frontlines as healthcare providers.

Next, we are helping with the nursing homes, people who come in and out of the nursing homes, which is where, obviously, most of this disease happens, and then the people in the nursing homes, then our EMS and other first responders, people who have health problems, preconditions that make them more vulnerable to the virus, seniors. This is really exciting. This is the answer. This is what is going to help us turn the tide, but that is going to be a ways off until that is widely available.

What I think, in terms of this package, again—I think of it as a bridge. It is an emergency package to get us from where we are now to this period probably in the March, April, May time period, when the vaccine will be widely available, and we will be able to have that kind of herd immunity we talked about earlier. We don't want community spread. We want community immunity. And that is the idea.

The package that the bipartisan group put together was $908 billion. Six of the ten of us voted for that. All of us voted for a smaller package, which was $748 billion. It is important to note that of that $908 billion, or $748 billion, we also repurposed a lot of money that has already been spent. So, roughly, $600 billion was pulled back from the PPP program that had not been spent yet and also from a Trump program that the Treasury and the Fed had to provide loans that were not being used. That is the 13(3) Program you might have heard about. That program, fortunately, was not tapped into because the commercial bank stepped in and provided a lot of that lending that was necessary. Rates are at historic lows right now for mortgages, as an example, and other loans, so they didn't need to step in. That money is being repurposed. So, instead of $748 billion, it is more like $148 billion; instead of $908 billion, if you went for the whole thing, it is more like $300 billion—not that that is not a lot of money. It is. But compare that to what was being talked about only a couple of weeks ago and for the previous 9 months, by the way, which was a package in the House of Representatives, called the Heroes Act, which was trillions of dollars—$3.5 trillion, initially, and then they agreed, maybe, $2.4 trillion. I think the last offer that was on the table that they didn't take was $1.8 trillion. We are not talking about those kind of numbers now. We are talking about a bridge, on an emergency basis. It is targeted and focused. I will give you an example of that.

In this package—the bipartisan package, which I hope is picked up, and I think it will be by the package that the final negotiators are working on. That would be Secretary Mnuchin, who has been very eager to get an agreement that helps the American people, working for the President, but also the leadership here—the Democratic leader, the Republican leader, and in the House, the Democratic leader, the Speaker, and the Republican leader. That is the group right now. What they are saying is, we want to get a package done. I think, as an example, with the PPP program, they will end up picking up what this bipartisan group agreed to, which is to have a more narrow Paycheck Protection Program, PPP, to help small businesses but to particularly focus on those businesses that are small businesses, instead of under 500 as an example, maybe 300 people, and those that are really hurting; in other words, those that are losing money relative to where they were last year. When you do a quarter-to-quarter comparison—fourth quarter this year, fourth quarter back in 2019—if you have a loss, let's say, of 25 percent or 30 percent, that is significant. With the funding that we have, isn't it better to target that funding toward those small businesses that are really hurting? That, I think, will be in the final package.

Again, I commend my bipartisan colleagues for coming up with some of these ideas and working out some of this stuff because there are some differences. By the way, no one of the 10 of us involved in this thing, agreed with every part of this package, trust me.

I would have written a different package, as any of my colleagues would have, but it was necessary to get to yes, to get to a result. We have done that and, I think, again, it will inform where we end up in terms of the package coming to the floor.

The Paycheck Protection Program is a good example of that. We also provided in that program loan forgiveness for small loans—$150,000 or less—in a

very simplified manner, so you wouldn't have to go through all the bureaucracy and the costs and the loops and the hoops, which small businesses just can't afford to do. So I am proud of our work there as well.

We also provided help to some of the hardest hit industries, including the airline industry. We want to keep a viable airline industry in this country. We don't want them to go bankrupt and planes to stop flying. We actually want, over this bridge period—between now and, as I mentioned, March, April, May—to be sure that the economy can get back on its feet as quickly as possible. That is why we don't want these small businesses to go out of business and their employees to be put on the unemployment lines. That is why we want to be sure our airlines can continue. They are having a tough time. But 90,000 jobs alone in this industry will be lost, we are told, unless we do something along the lines we did in the bipartisan package—90,000 additional jobs lost. We don't want that. We want to be sure we are positioned for growth.

By the way, in my view—for whatever it is worth—I think this economy is incredibly resilient. I know it is not going great right now. We still have 10 million people out of work who were working as of February of this year. We have 10 million people who haven't found their way back to work yet. We still have relatively high unemployment compared to where we were. In my State, it is about double where it was. But we have been resilient, given what we have been hit with. I believe that if we can get to this period of time where we have the vaccine readily available, we are poised for a takeoff.

I think there is pent-up demand. Among my constituents, they are going to be happy to get out and shop again—to go to the restaurants and go to the hotels, to travel, to go to the movie theaters and go to the stages, the places where there is a performance that has to be canceled now and where people are struggling to keep these venues open. Those will not just be reopened. People, I think, will flock there. We have to get through to that period.

In my view, it is worth helping to ensure that in the interim period, we don't have even more pain and more loss in jobs and are prepared to move forward.

On unemployment insurance, again, if you lost your job, not because of what you did but because of what I said earlier—almost like a natural disaster of the virus—we should provide additional help. We do that in the legislation.

The day after Christmas, the current relief ends in terms of the Federal help and unemployment insurance. That is not something that any of us should want to see. If you are self-employed, if you are a so-called gig economy worker, then, you are able to get unemployment insurance right now if you don't have a job. If you can't work because of this virus, you can get unemployment insurance. That is not typical in my State, and it is not typical in most States.

But because of the Federal law we passed, the CARES Act—again, 9 months ago—that is permitted, but it ends the day after Christmas. I have people self-employed coming up to me back home saying: I have to know. I don't know if I can pay the rent. I don't know if I can make a car payment. I need to know. I don't know if I can make my mortgage.

We are going to tell them, I hope, in this legislation that passes that, indeed, they are going to get the coverage. And the 13 weeks of the Federal extension on the State unemployment will also be extended so that the day after Christmas, again, people aren't falling off the cliff.

Again, the Federal supplement per week originally was $600 per week, as you know. That $600 per week, I thought, was relatively high, meaning that many people were getting more on unemployment than they were in their jobs. That was a problem for many employers, typically small employers that had a tough time getting people to come back to work. As the economy started to improve after the March, April, May time period, when things started to pick up a little bit, it was tough.

This compromise, I think, will be $300. Maybe it will be $200. I don't know what exactly they are working out. Our proposal was $300, which is a bipartisan compromise. Many Democrats would like to go back to the $600. Some Republicans think it should be less than $300. But this is a compromise, and it is a way for us to ensure that during this time period—and this is for 16 weeks only, so between now and the end of March—on this bridge that we talked about, if people are unemployed through no fault of their own, they should be able to get a little bit to be able to put food on the table, make the car payment, make the rent. That is in this package, too.

There is also funding in here for rental assistance. As you know, some people have been hanging on wondering if they are going to be evicted or not. Evictions make no sense right now for the tenants or the landlords or the economy. We don't want people out on the street. Landlords don't want to go through the pain of having to go through an eviction and trying to find somebody else. They can get some help just to hold on during this period. There is funding in rental assistance to help keep people in their homes with a roof over their head as we go through this period.

The final one I want to talk about—and there are a lot of other provisions here that I don't have time to go into. What I want to talk about is one that is a heartbreaker for me. For many years now, we have been challenged with this drug addiction issue, particularly opioids. It is prescription drugs and heroin and fentanyl, the deadly synthetic opioid—to the point that only 4 years ago, we had the highest rates of overdose deaths in the history of our country. Seventy-two thousand people were dying a year. A lot of us focused on that year.

For the past 4 or 5 years, this Congress spent money and changed policies to help people get treatment and get into longer term recovery. More money went into prevention activities to keep people from getting into the funnel of addiction, in the first place. This was at epidemic levels.

In 2018 and 2019, we started to see a reversal of that for the first time in really 3 decades. Every year—for something like 30 years—in my home State of Ohio, we would see more overdose deaths every year—every year. In 2018, we had a 20-plus percent reduction in overdose deaths. It was about a 22-percent reduction in Ohio—a 22-percent reduction of deaths. That is because we all focused at the Federal level, State level, and local level, and we made a difference.

We began to change this dynamic of young people and middle-aged people and across the spectrum. Regardless of the ZIP Code you lived in, you were being affected by this. We changed it so that people were actually getting the help they needed, getting out from under their addiction, getting back to work and back to their families. It was good news. The heartbreaking part of this for me is that, having made that progress, finally, we now see, during this coronavirus pandemic, an epidemic underneath it. It is the epidemic of drug addiction.

There are new numbers out today that I saw that don't surprise me as much as they discourage me, which is that, this year, instead of 72,000 people dying of overdose deaths in America from drug abuse—this is not just opioids but all drugs, including psychostimulants, like methamphetamine; crystal meth from Mexico that is cheap, powerful, deadly—this year, it is expected that our overdose death rate will be the highest ever. We are getting back to where we were. Plus-83,000 is the number I saw today. Remember, I mentioned 72,000 people dying only 4 years ago. Now we are back to 83,000. This is a crisis within a pandemic, and we need to deal with it.

There are lots of different opinions out there as to why this is happening. I believe strongly a lot of this is just from the isolation that comes from this pandemic. People haven't been able to go and meet with and talk to their recovery coaches, which is one of the ways that we were changing this dynamic. People were able to meet with people who were recovering addicts themselves to help them get through it. It was working for a lot of people.

Yet at some of these longer term recovery places where people can be—say a home, a sober home—they had issues with the pandemic and have not been

able to have the group homes provide that care.

Also, people have not been able just to go see their doctors or their treatment providers. Telemedicine has helped. That is one reason in our package that we put more funding into telemedicine, because that is a way you can get to people. Both in regard to behavioral health, mental health issues, and with regard to addiction, it hasn't filled the gap.

Also, a lot of people are feeling a great deal of stress and even despair and joblessness. And, obviously, if you go to the food banks in Ohio, you see people who are in their cars waiting for 3, 4, 5, 6 hours at times. There is something going on here, folks. These are people who are feeling desperation. To wait in line for 6 hours to get a box of food means that you have a real problem in your family.

By the way, some of these people—because I talked to people who have gone to these food banks—have never been in a food bank in their lives. They found themselves in a tough situation.

Again, it is not everybody. Remember the K-shaped recovery? For some people, it has been fine. If you are a white collar worker and you can telework from home virtually—maybe you are in the finance industry or maybe you are in the tech industry—you might be doing great. But your neighbor who has a job at that restaurant or perhaps in another business like the travel business or the motorcoach business, they don't have the opportunities to get that job. They are the ones in the food bank line.

By the way, putting more funding into the food banks, as well as into helping people to be able to afford food, is, obviously, a big issue right now.

The notion here is that, with this legislation, we are going to provide more help for people who are suffering from addiction, with the thought of trying all we can to try to reverse this trend.

Ultimately, again, the best way to reverse it is to have this coronavirus pandemic behind us so that people can socialize again and gather again and aren't feeling the despair, aren't isolated. And that is coming.

But the bridge to there is important so we save as many lives as we can. There is $5 billion in our legislation—the bipartisan bill—to do just that. My hope is, again, that that will be in the final package, and I believe it will be. I believe that what the negotiators are working on is very similar to what is in the legislation that we came together with as a bipartisan group.

My only disappointment in the group is that we couldn't end up with this combination of State and local funding—targeted toward need, by the way, not the way it was done last time, per capita, but targeted for need—and liability protection for these small businesses, for these private nursing homes, for these EMS personnel, for emergency medical people who are concerned. They are concerned about it.

What we tried to put together was a package that said: OK, if you are a bad actor, if you didn't follow the rules—and the rules were pretty clear—you aren't protected. You are accountable.

But if you followed the rules, and you were trying your best to deal with ever-changing standards—and, let's face it; they have been quite different. Remember back in March and April, people were saying: Don't wear a mask. Now, of course, we know that was a mistake. At the time, we didn't. The notion is to protect people from frivolous lawsuits who were doing their best.

By the way, there was a survey done of people saying: Do you think there should be protection for people who are doing their best, whereas people who are grossly negligent—that was the word used, ''gross negligence''—would not be protected; they would be accountable? And 79 percent of the American people agreed with that.

There has also been polling out there with regard to small businesses, from the NFIB, saying that 70 percent of small businesses are very concerned and worried about this. Again, think of the business. Revenue has crashed. Profits have crashed. They are hanging on. The PPP is going to help them because we are getting more PPP. The Paycheck Protection Program, which we talked about earlier, will help to get them through this.

If they are facing a lawsuit—whether they win it or not, whether they can prove that they were doing the right thing—just the cost of that lawsuit could well be the difference of that small business continuing operations or not.

Nonprofits. The nonprofits in Ohio are very interested in the liability reforms, as are the education community—the higher ed people, the school teachers—as are people in the healthcare industry across the board—nursing homes and hospitals. My hope is that we can get back to work on that. Perhaps after this legislation has passed, as we look at what we do next, let's be sure that we are providing that protection in combination with providing that help to our State and local governments that need it, where they can demonstrate they need it. I don't think it will be in this package, but it should be in the next package.

I will say, this legislation on COVID is needed and we ought to move it now. We cannot go home for the holidays without passing COVID–19 rescue legislation.

Again, to me, it is a rescue package. It is not a stimulus package as much as it is getting us through this period, providing that bridge between now and when the vaccine is readily available.

This legislation is likely to be part of a broader bill that will include a number of things, including spending for the year so we don't have a government shutdown. It is a good thing not to have a government shutdown.

It is also likely that it will include some tax provisions which are so-called tax extenders.

I would say one thing, that I hope it includes is the permanent extension of tax relief for our craft beverage industry. This would be craft breweries, craft vintners, craft distillers. We passed legislation a few years ago that was very important to them, that allowed them to have a reduction in the excise tax they pay on certain volumes—relatively low volumes of their product.

As a result, many of these businesses have been able to expand, hire people, and now they have the possibility of this expiring at the end of the year and having a big bill due that they cannot afford.

We are proud in Ohio to be the home of an industry, the craft beer production industry. It is now No. 6 in the country. It supports 81,000 jobs. It is a business that has been hurt for two reasons: One, if you think about it, the restaurants aren't doing the business they used to do, so if you are providing your product to a restaurant, you are hurt. But also, a lot of these craft distillers or craft brewers or craft vintners have their own tasting rooms or their own brew pubs, and those, in some cases, have been shut down altogether. In other cases, their revenues have crashed, so it would not be the time for them to be facing a big tax bill, and that is what the excise tax would be. Income tax you pay later in the year; excise tax you would have to pay right away.

So my hope is that that will be extended permanently. More than half the Members of this body joined me and Senator WYDEN on a letter to our leadership about this, urging that this extender, which has worked so well to increase jobs and opportunity in America, can continue on a permanent basis going forward.

My hope is that that is part of the package as well. That will help in terms of the economic stimulus part of this, which is also important.

I thank you for what you are doing if you are one of those people out there who is promoting the vaccines and talking about the importance of our getting the vaccines. If you are not, I hope you will look at the research. I hope you will look at the fact that we should be encouraging everyone to get vaccinated unless someone has a health problem that makes it difficult for them.

The polling data is not encouraging on this. The last Gallup poll shows that only 58 percent of Americans are comfortable being vaccinated. That needs to change.

I have heard some people say: Well, when you look at the polling, it shows that Democrats are concerned because this happened in the Trump administration, this vaccine development.

This is not political. Take the politics out of it.

These are scientists. They have been working around the clock over the past

9 months, 10 months, to get us to this point. These are scientists who are now working around the clock to look carefully at these vaccines to determine whether they are approved or not. These are the scientists who are making decisions, not the politicians. It is the people in the white coats. We need to trust them, for the sake of our country, because we need to reverse this terrible virus and the pandemic that is causing all of the issues that we talked about earlier today, to our communities, to our families. So the way to do that is to ensure that we do, in fact, not just have this vaccine available but that people take advantage of it and are willing to be vaccinated.

I hope, if you are listening this evening, that you will pass that word along and that you, again, will do your own research. Look at it. But my hope is that the conclusion will be to get to the period we want to get, which is to have people feel like they can reengage in the economy and feel like they can be back with their loved ones and congregate and feel like they can go back to church or their other place of worship; they feel like they can send their kids back to school; they feel like they can get back to a more normal life. That will happen through the accessibility and the ability to actually get that vaccine.

So my hope is that those listening tonight will do that and do their part in spreading that message instead of spreading the virus.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

CORONAVIRUS

Ms. MURKOWSKI. Mr. President, I had an opportunity to listen to my friend and colleague from the State of Ohio outline in great detail the efforts that a bipartisan group has been working on for just a month now.

It was just a month ago, I was reminded—November 17, apparently—that I had an opportunity to invite some colleagues over to my house for dinner and conversation. And while it wasn't pizza, it didn't make any difference what we were eating. It was all about the conversation and what we could do to be responsive to the urgency of the need.

As my friend from Ohio has said, people in Ohio are suffering. People in Alaska are suffering. People around the country are suffering. And they are looking to us for answers and for hope.

I felt on Monday that there was that sense of hope that we could offer. It is not the end-all and be-all in terms of a legislative proposal, but it was a dozen Members, bipartisan—Republicans and Democrats from this body, as well as Republicans and Democrats from the House—coming together over the course of a month, hours on Zoom, digging into the details and the issues in a way that, as someone who has been part of this body now for 18 years, I have not had the opportunity to be as engaged in every level of the debate and aspect as we were in these conversations.

The Senator from Ohio, while he might not have been at that dinner, was with us every step of the way and was truly leading on the negotiations when it came to the liability provisions and the input in so many other areas.

But what we were able to outline, given a framework of how we can be responsive to the pandemic and the economic crisis at hand, focusing on the most vulnerable—those who have lost their jobs, those who have a small business that is open but just barely open because there are no customers or because the limitations on your restaurant are so small you can barely even afford to keep your doors open—to be responsive to those who have lost their jobs, to those who are looking at the first of January and wondering if they are going to be able to stay in their home or in their apartment, to those families who have children at home who haven't been in a classroom since March of this year, for those rural healthcare providers that have been struggling as they have tried to meet the crush of demand and need within their small hospitals.

What we tried to do was build a package that was responsive to the emergency at hand. And as Senator PORTMAN has noted, this was not designed to be a stimulus bill. This is not designed to be the end-all, be-all for how we move forward. It is targeted emergency relief.

What we were able to present on Monday, which I felt was so hopeful, were not only the debate and the contours of the framework but then to actually put that into legislative text—5 or 6 inches of legislative language, a bill—a bill for this body to consider, a path to move us forward at a time when it is so incredibly critical.

Also on Monday, we were met with hope because the vaccine—the long-promised vaccine—has come about in extraordinarily short order, historic efforts by so many to get the development to this point, to get the approval, the safe approval, and now moving forward to distribution.

The headline in our largest newspaper yesterday was ''Morale gets a boost'' as vaccine arrives. And, boy, do we need a morale boost.

This is a dark time in Alaska right now. The sun sets about, I don't know, maybe about 3:45 in the afternoon right now, so it makes for a short day. But we are used to short days because we know that in the darkest times of winter, there is going to come that time when things start to change and the days actually begin to get longer; the sunlight is with us more and more.

And as Alaskans are considering the very deep, deep economic strife that we are in right now, we know that there is light at the end because the vaccine is arriving; that is coming.

But in the meantime, they need to get from here to there. So what we have outlined in this proposal—this bipartisan, bicameral proposal—is just exactly that. It is that lifeline that can get them from December to March, to April, when hope really starts to return.

So I know that there is a great deal that is being considered right now. As I have shared with folks, I say: Well, we were able to advance the ball significantly with this effort that we have made. But when we presented that multihundred-page package to the public, to the administration, to leadership, we basically said: Here is a gift. Take it.

So we have kind of lost ball control, if you will. That is good. That is fine. That is what this process is all about. But I am just urging that we commit with every sense of expediency and urgency to do our business quickly and fairly, with the politics aside, because the last thing that folks back home need, whether it is in Ohio or Alaska, is to know that we might have wrapped up our business here, and we didn't hear them. We didn't respond to their need. We left them hanging. That is not an option for us, and that will not happen.

We are all pledging to make sure that we resolve this before Christmas or we are not going home. But we can do better than that. We don't need to draw this out. We have an opportunity, working together, so I encourage those who are negotiating. We have provided not only a template and a framework, but we have really given you considerable meat in terms of this legislation.

My hope is that we are going to have good news very, very shortly that will allow us to not only address the urgency in response to this COVID pandemic but also be able to resolve our end-of-year appropriations and other matters that we have had working before this body.

But as they say, we are running out of daylight, so let's get moving with it.

TRIBUTE TO BRIAN HUGHES

Ms. MURKOWSKI. Mr. President, speaking of moving, I wanted to take a few minutes on the floor this afternoon to recognize a couple of individuals who are moving on.

We have heard some floor speeches in these past several weeks from colleagues who have been with us, some for decades, like Senator ALEXANDER, Senator ENZI, and some who were with us for not quite as long, Senator JONES. We have had an opportunity to hear from them and to share our thanks, but I think we all know that as Members of Congress, Members here in the Senate, we are as good as our staffs—the staff who help guide us, who help give us the information, who work with us as we not only help to build policy but just kind of probe and develop and encourage us. The work that our teams do for us is considerable, and it is appreciated, and we need to show that thanks and appreciation.

I want to talk about two gentlemen today, and I want to start first with a longtime friend and a longtime member of the Senate, a gentleman who has provided absolutely outstanding service to the Senate and to the State of Alaska, and that is Brian Hughes, an Alaskan who has worked tirelessly for our State. He has served as my staff director on the Energy and Natural Resources Committee for the past several years.

Brian has been here a long time. In my view, he has been kind of a fixture on energy issues, and many of you know him.

But Brian is going to be leaving on a well-deserved sabbatical when this Congress adjourns. He says he is going to spend some time with his sister and brother-in-law. They have 4-year-old twins out in California, and I know he dotes on them.

I am excited for his next steps. He is going to figure out where he is going to be going next, taking a breather right now, which is important. But Brian is one of those types of individuals who are very humble. He is always giving the credit to others. I did not want Brian's Senate service to conclude without giving it and Brian himself the recognition that he has assiduously avoided for years.

Brian first came to the Senate during his college years at Washington State. His previous summer jobs were working up on Alaska's North Slope and on commercial fishing boats.

In 2004, he qualified for Senator Ted Stevens' intern program. I am very familiar with Senator Ted's intern program because I, too, was an intern for Ted Stevens. Brian was pretty much a standout, though. He was there not only once, but he participated in two successful intern summers. Even before he finished his studies in finance, Senator Stevens said: Why don't you just come back? And Brian, in his characteristic generosity, skipped the fun of his final semester and returned instead to Washington, DC, to work full time here in the Senate while finishing his degree remotely. It was true to form for Brian because he is an extraordinarily hard worker.

It wasn't only the Alaskans, though, who recognized Brian's talent. Less than a year and a half after he had come back and with the blessing of Senator Stevens, Senator Domenici ''poached'' Brian to work on the Energy Committee staff. I had the opportunity to work with Senator Domenici when I first came to the Senate, and so I first met Brian at that time. Brian came over to the Energy Committee with Senator Domenici. He pretty much has gone through just about every job on the committee. He took a brief timeout in 2012 to serve as a speechwriter for Senator ROMNEY's Presidential campaign, but other than that, he has been there throughout. Every step of the way, Brian has distinguished himself as an original thinker and a voracious reader. I don't know where he finds the time to do all of the reading that he does on top of all the work he does. I think he doesn't sleep. He is an eloquent writer and a versatile high-achiever. So when I had the opportunity in 2017, it was pretty much a natural and obvious pick to appoint Brian as staff director for the Energy and Natural Resources Committee.

During Brian's tenure, we have had some pretty considerable and notable successes and victories that I will look back on for a long, long time, the efforts that he led relating to development and conservation of our natural resources and modernizing America's energy laws. Brian oversaw the staff work leading to enactment of the Dingell Act. He helped ensure that a talented group of nominees were confirmed to their posts in the executive branch. He was also very key, very central to the small ENR team that drafted the legislation to open up Alaska's 1002 Area to responsible oil and gas development.

As we are working to conclude the business here in the Congress—knock on wood—Brian will be able to add the Energy bill to his list of accomplishments as we seek to close that out. This is something we have been working on in the committee now for over a dozen years to update and to modernize our Nation's energy policies, and I am pleased to be at this point and to know that it will be Brian who will be bringing it home for this Energy bill.

Although Brian has a list of legislative and administrative wins that speak for itself, his true gift, his talent is writing and storytelling. For years now, when anybody on the Energy staff is writing a particular document, they take their best work, but they won't just end it there; they go to Brian. Every time, without fail, he will take their work, and he will move it to the next level by adding what they call ''the Brian gloss,'' usually driving home the point more effectively when he throws in an anecdote, a funny story, or a joke or whatever, but it is just ''the Brian gloss.''

Brian has a little bit of a sense of humor. As I say, he works very hard, but he doesn't let the seriousness of the work take over. We were working on an energy bill back in 2016, and we had been on the floor for a couple of weeks. There was an amendment that was pending for a voice vote, and it had to do with wild horses. Just prior to the vote, Brian and I were talking in the cloakroom, and he jokingly said to me: You know, when the ayes and the nays are called, you should say ''nay'' like a horse. Of course, I am not going to say that on the floor of the Senate.

So then it came down, and the yeas and nays were requested, and I don't know where it came from, but I literally blurted out ''neighhh'' without realizing that my microphone was on. I was leading the bill there. The whole Chamber heard it. I turned beet red. I looked straight back at Brian, who was sitting on the bench with several of his staff, just laughing.

Yeah, Brian, thank you for that one.

I know that I am going to be looking back very fondly on the time Brian spent on my team. In part, that will be because Brian exemplifies three principles to which congressional staff who excel consistently adhere.

The first is that staff must be well prepared, honest, and straightforward. I have always, always been able to count on Brian to just be straight with me, ''shoot me straight.'' He knows the facts, good and bad, and he shares them no matter what.

Second is that you have to work hard and treat everyone on both sides of the aisle with respect and fairness. I think Brian's successes are the direct result of the many strong relationships that he has forged even as he has relentlessly pursued his long list of to-do's. Everyone recognizes that Brian is one of those guys who is a workhorse. He is not a show horse.

Finally, the best staff discharge their delegated authority wisely and to good effect, and Brian really takes that to heart. He constantly reminds those around him that only Senators are Senators, even if sometimes people would have it otherwise.

I have been fortunate enough to have been on the Energy and Natural Resources Committee since I came to the Senate 18 years ago. It is the best committee out there. I have been privileged now to chair the committee for 6 years, and prior to that, I was privileged to be the ranking member on that committee for 6 years. Everybody—everybody—on the ENR Committee works their tail off. They are hard workers. They are an extraordinary team. But I think that work ethic is set by our staff directors. I have been so blessed to have staff directors who show and model that work ethic, and Brian has done that over the years.

Whether on a late night or an early morning call on pending legislation or a trip to check up on our volcano monitoring systems, Brian has been there at my side as an indispensable aide and an inspiration to all of my colleagues. He really is one of those extraordinary staff who helped me refine my thinking, hone my voice, multiply my strengths, overcome my weaknesses, and really helped serve the people of Alaska and our country.

So, Brian, I want to say a very genuine and sincere thank-you for the years you have devoted, not just to me but the years you have devoted to the Senate and the years you have devoted to our home State of Alaska and to the Nation. I hope that rather than being up at 2 a.m. trying to resolve a scoring issue, the only things that will be keeping you up at night will be the Yellowstone supervolcano and your little niece and nephew. I will miss your leadership, your wit, and your friendship. Brian, I speak for so many here in the Senate when I wish you a well-

earned break and a confident and bright future.

I have been blessed to have extraordinary leadership on the Energy and Natural Resources Committee, and I am going to miss Brian and so many of the team.

I am not leaving the Energy and Natural Resources Committee, but I have maxed out, termed-out in terms of chairmanship or ranking member. So it is a different place for me, but I am still going to be involved with so many who continue to do good, strong things on the energy front.

TRIBUTE TO MICHAEL PAWLOWSKI

Ms. MURKOWSKI. Mr. President, another individual who came to me through the energy front, if you will, is a gentleman by the name of Michael Pawlowski. Most of you who know me and know my chief of staff don't know that my chief of staff's name is actually Michael Pawlowski because nobody refers to him as that. They refer to him simply as ''Fish''—no last name, just ''Fish.'' And I think that is actually somewhat appropriate for my office, where we celebrate a lot of good things with fish. I was fortunate to be able to share some filets of salmon with some colleagues as Christmas appreciation, and I would say nothing says ''thank you'' more than fish.

This is now my opportunity to say thank you to my Fish.

Fish came to Washington, DC, back in 2015, when we brought him on to the Energy and Natural Resources Committee. Again, all good things come through ENR. We brought him back to be senior policy adviser in 2015, and he served in that capacity until I brought him over to be my chief of staff in 2016. He has served me here in my personal office since that time.

Fish is an Alaskan through and through. His family has lived in Alaska for five generations. He was raised in Anchorage. He has worked for multiple State legislators. He has worked in our State government. He has worked on budget and energy policies. He was deputy commissioner of revenue. He has worked to help build up so many different energy projects—the Alaska LNG project. He served on the AIDEA board, on the Alaska Energy Authority.

He has been involved in so many different aspects of what is making our State move that when he first agreed to come back to Washington, DC, I figured I would be able to keep him back here for just a couple years. Somebody with this much potential, somebody with this much on the ball—how was I possibly going to be able to keep him here? I figured out how to do it—just make sure he could get back to Alaska for work throughout the summer so he could do the fishing that he really, really wants to do first and foremost.

But that is just the human, personal side of him. What Fish has provided me is a view towards relationships and how we operate in business and professional relationships here in the Senate, working with different offices. He has worked to build relationships because he truly and genuinely cares about the people he is talking to. He is genuinely interested.

He has taken upon himself the mentoring of our youngest staff, more particularly. In the order that we have in many of the offices, you have levels of seniority, and oftentimes the younger staff, those who may have just graduated from college, come to Washington, DC, and they may be answering phones and they may be answering letters, but they don't feel like they have a real say in what is going on in the decisionmaking and are kind of out of the loop. And Fish—Fish decided that he was going to bring them into the loop with what he called ''morning stand-ups.'' They were designed for the young legislative correspondents to come on in, and we will just kind of tell you what is going on. You can ask questions. We will talk about process. We will talk about issues. And they were not required meetings but more informational. I think now everybody comes to the morning stand-ups just because the communication that goes back and forth is so uplifting to so many.

Because of the relationships and how he conducts himself, his level of professionalism, Fish is respected within the business community, the Native community, and by the political types. He has become viewed as one of these guys—if you want to talk about proposals where you are looking to bring Republicans and Democrats together, Fish is there. Fish is part of those discussions.

He is engaged with the bipartisan chiefs. He works to build those relationships across the aisle—not because he is looking for something but because he knows that is how we are going to get something done. And when we can get something done that benefits Alaska, it is ultimately going to benefit all.

He is a brilliant thinker—I mean, just a brilliant thinker with a strategic mind. He is one of these guys who can come up with things that I swear nobody else has thought about.

I was reading an article—this is something that was published a few years ago by a former teacher and mentor of his from college, and this is from Lynn Paulson. It provides a quote from Fish talking about his educational background at Alaska Pacific University. He said: I have learned to think strategically in a way that is unique and invaluable and has allowed me to do anything, from developing financing for renewable energy programs to negotiating multibillion-dollar deals.

Lynn Paulson goes on to say that Fish ''has the temperament to be in the middle of this highly charged and polarized arena and to emerge unruffled . . . supremely well informed and his trenchant logic.'' These are words that others have used to describe him.

But when I think about how Fish will take an idea—whether it was from a constituent when we were working on the 2017 tax bill—and provide assistance to our Native corporations to be able to better utilize their resources, really brainstorming to come up with what we now have in law that we refer to as settlement trusts—Fish is one of those individuals who—you know his mind is just on fire all the time. But he doesn't present as ''I have the best idea, and you need to listen to me.'' He takes the good from so many. He builds and uplifts and empowers, and that is good leadership. That is management.

Fish gets frustrated every now and again because not everybody communicates the way he does. Not everybody is a relationship builder. And he will say: Pick up the phone. Just go talk to the person. This building isn't that big. Put your device aside. Don't send a text. Get up from your desk, and go across and talk.

That may be old school, but let me tell you, it has worked extraordinarily well for this man.

I mentioned that Fish's passion is fishing; thus the name. He likes to spend a lot of quiet time on the river just out where it is cold and it is clear, or it is wet and you are with the water and you are with the fish, and I think it gives him a lot of time to do some just deep, deep thinking. He collects his thoughts. He is able to process and to really dream. So when he comes back to the real world where it is busy and loud, he has this reserve within him that he draws on, and it helps. It helps him present these ideas and the vision that he is able to articulate.

But like all good Alaskans, we seem to find our way back home, like a salmon returning to its stream. And Fish is going to be returning. I have no doubt he will continue to do great things for the people he loves, and I think he knows that we love him and will miss him, as we will miss Brian Hughes and as we will miss so many great colleagues who will be leaving us at the end of this year. I have taken time on the floor today to recognize some of those individuals who make us as Members stronger and better able to do the jobs we do.

With that, 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.

BUSINESS BEFORE THE SENATE

Mr. MCCONNELL. Mr. President, here is where we are: Conversations are still underway and making progress on the major pandemic relief package we have all been seeking for the American people.

As I have been saying, families across the Nation have waited far too long already for another significant dose of assistance. We must not slide into treating these talks like routine negotiations to be conducted at Congress's routine pace.

So we need to complete this work, and we need to complete it right away. That is what I have said. The Senate is not going anywhere until we have COVID relief out the door. We are staying right here until COVID relief is out the door.

In the meantime, we are going to stay productive while these negotiations are going on. So for the information of all of my colleagues, we should expect continued votes on nominations throughout the weekend. We will continue accomplishing other aspects of the people's business—confirming well-qualified nominees to important posts—until we can act on the major rescue package the American people deserve.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 895.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Thompson Michael Dietz, of New Jersey, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

CLOTURE MOTION

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

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Thompson Michael Dietz, of New Jersey, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Mitch McConnell, Chuck Grassley, Mike Crapo, Shelley Moore Capito, John Cornyn, Cindy Hyde-Smith, Steve Daines, Mike Lee, Ron Johnson, Thom Tillis, Richard Burr, Pat Roberts, Cory Gardner, Tom Cotton, John Boozman, John Hoeven, Lindsey Graham.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 712.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of John Chase Johnson, of Oklahoma, to be Inspector General, Federal Communications Commission. (New Position)

CLOTURE MOTION

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

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of John Chase Johnson, of Oklahoma, to be Inspector General, Federal Communications Commission. (New Position)

Mitch McConnell, Lamar Alexander, Rick Scott, Tom Cotton, Mike Crapo, Cory Gardner, Ron Johnson, James Lankford, Roger F. Wicker, Marco Rubio, Cindy Hyde-Smith, Thom Tillis, Shelley Moore Capito, John Boozman, Joni Ernst, Mike Braun, Pat Roberts.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 904.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Eric J. Soskin, of Virginia, to be Inspector General, Department of Transportation.

CLOTURE MOTION

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

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Eric J. Soskin, of Virginia, to be Inspector General, Department of Transportation.

Mitch McConnell, Lamar Alexander, Rick Scott, Tom Cotton, Mike Crapo, Cory Gardner, Ron Johnson, James Lankford, Roger F. Wicker, Marco Rubio, Cindy Hyde-Smith, Thom Tillis, Shelley Moore Capito, John Boozman, Joni Ernst, Mike Braun, Pat Roberts.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 757.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Beth Harwell, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2024.

CLOTURE MOTION

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

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Beth Harwell, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2024.

Mitch McConnell, Lamar Alexander, Rick Scott, Tom Cotton, Mike Crapo, Cory Gardner, Ron Johnson, James Lankford, Roger F. Wicker, Marco Rubio, Cindy Hyde-Smith, Thom Tillis, Shelley Moore Capito, John Boozman, Joni Ernst, Mike Braun, Pat Roberts.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 758.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Brian Noland, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2024.

CLOTURE MOTION

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

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Brian Noland, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2024.

Mitch McConnell, Lamar Alexander, Rick Scott, Tom Cotton, Mike Crapo, Cory Gardner, Ron Johnson, James Lankford, Roger F. Wicker, Marco Rubio, Cindy Hyde-Smith, Thom Tillis, Shelley Moore Capito, John Boozman, Joni Ernst, Mike Braun, Pat Roberts.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 836.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Charles A. Stones, of Kansas, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

CLOTURE MOTION

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

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Charles A. Stones, of Kansas, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Mitch McConnell, Pat Roberts, Cory Gardner, Richard Burr, John Thune, Michael B. Enzi, Steve Daines, Cindy Hyde-Smith, John Boozman, Thom Tillis, John Cornyn, Roger F. Wicker, Marco Rubio, Roy Blunt, Joni Ernst, Mike Braun, Mike Crapo.

LEGISLATIVE SESSION

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

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

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 591.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Fernando L. Aenlle-Rocha, of California, to be United States District Judge for the Central District of California.

CLOTURE MOTION

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

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Fernando L. Aenlle-Rocha, of California, to be United States District Judge for the Central District of California.

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

The PRESIDING OFFICER. The Senator from Louisiana.

IMPROVING MENTAL HEALTH ACCESS FOR STUDENTS ACT

Mr. KENNEDY. Mr. President, suicide is the second leading cause of death for youth and for young adults aged 10 to 34. It is also the second leading cause of death among college students. Thirty-nine percent, in fact, of college students experience a significant mental health issue, and 50 percent of mental health issues begin by age 14. Seventy-five percent of them begin by age 24.

Senators CORNYN, JONES, WARREN, GILLIBRAND, ROSEN, and I have introduced the Improving Mental Health Access for Students Act. There is companion legislation in the House that is also bipartisan that has 51 cosponsors.

Our legislation is pretty simple. It would require colleges that participate in Federal student aid programs to share contact information for suicide prevention resources with their students, and this is how it works:

If a university distributes student ID cards—most do; not all of them do but most do—then the universities would be directed to include the phone numbers for the National Suicide Prevention Lifeline, for the Crisis Text Line, and for a campus mental health center or program on the student ID card. If a university doesn't have a student ID card, they don't have to publish a student ID card just for that purpose. They can put the information on their websites.

The National Suicide Prevention Lifeline is well known. It is a national network of over, I think, 180 local crisis centers. Those centers provide confidential emotional support to anybody in a suicidal crisis or emotional distress. They offer 24/7 services, and those services are free.

I would also point out that our legislation is also supported by the American Foundation for Suicide Prevention, the National Alliance on Mental Illness, the National Association of School Psychologists, and 14 other mental health-related organizations.

Our legislation, finally, would not take effect until 1 year. So I don't want anyone to think that we are requiring our colleges to go out and immediately publish new student IDs. As they publish new student IDs when the current year runs out, we are just asking them to include this information on those IDs.

Toward that end, as if in legislative session, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of our legislation, S. 1782, and that the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (S. 1782) to add suicide prevention resources to school identification cards.

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

Mr. KENNEDY. I ask unanimous consent that the bill be considered read a third time.

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

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

Mr. KENNEDY. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate on the bill, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1782) was passed, as follows:

S. 1782

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 ''Improving Mental Health Access for Students Act''.

SEC. 2. ADDING SUICIDE PREVENTION CONTACT INFORMATION TO SCHOOL IDENTIFICATION CARDS.

(a) IN GENERAL.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following:

''(30)(A) In the case of an institution that creates and distributes identification cards for students at any time after the date of enactment of this paragraph, such institution shall include phone contact information on each such card for the following organizations:

''(i) The National Suicide Prevention Lifeline.

''(ii) Crisis Text Line.

''(iii) A campus mental health center or program, as determined by the institution.

''(B) In the case of an institution that does not create and distribute identification cards for students at any time after the date of enactment of this paragraph, such institution shall publish the suicide prevention contact information specified in subparagraph (A) on the website of such institution.

''(C) If an organization in clause (i) or (ii) of subparagraph (A) ceases to exist, the Secretary may designate a different entity with a similar purpose to be included on the identification card.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect beginning on the day that is 1 year after the date of enactment of this Act.

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

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

Mr. KENNEDY. 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. KENNEDY assumed the Chair.)

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

The PRESIDING OFFICER (Mr. SCOTT of Florida). Without objection, it is so ordered.

TRIBUTE TO THE TEXAS DELEGATION

Mr. CORNYN. Mr. President, at the end of each Congress, we have the bittersweet task of saying good-bye to some of our retiring colleagues, and today I want to talk a little bit about our departing Members of Team Texas.

When I came to the Senate, succeeding Senator Phil Gramm, Senator Kay Bailey Hutchison, now our Ambassador to NATO, always schooled us on Team Texas and said: We may be Democrats, we may be House Members, we may be Republicans, we may be Members of the Senate, but when it comes to Texas, we are all part of Team Texas.

And I tried to carry that tradition on as well.

Our delegation is losing six incredible statesmen, including three ranking Members in the House, whose contributions have notched countless wins for our State during their time in Congress.

TRIBUTE TO MAC THORNBERRY

Mr. CORNYN. Mr. President, the first name I want to mention is MAC THORNBERRY. MAC is the dean of the Texas delegation. His district is the second largest in Texas, and comprises parts of 41 different counties. It stretches from the suburbs of Dallas, across Wichita Falls, Amarillo, and most of the Texas Panhandle.

The folks throughout Texas 13 couldn't have asked for a stronger advocate over these last 26 years than MAC. His background as a rancher, a former Capitol Hill staffer, and a State Department official under the Reagan administration, then brought him to Congress with a well-rounded view of the problems facing our country. He possessed the leadership characteristics needed to address each of those.

He spent his time here consistently fighting to rein in government spending—something that, as the Presiding Officer knows, sometimes seems like a futile task but necessary.

He has consistently fought to protect our freedoms and liberties and ensure that all Texans have a shot at the American dream.

We have worked together many times over the years on everything from protecting the property rights of folks along the Red River to renaming the Amarillo courthouse after a trailblazing Texan, Mary Lou Robinson.

There is no question that some of his greatest accomplishments are related to our national defense. MAC has served on the House Armed Services Committee throughout his time in Congress, and he became the first Texan of either party to chair that committee. He has used this important and powerful post to ensure that our servicemembers have what they need to defend our freedoms abroad and the training and the equipment to make it home safely.

He has done a lot—more than most—to improve military readiness, including through needed improvements at our Texas military installations. I remember visiting Sheppard Air Force Base in MAC's district with him a couple of years ago and being taken aback by the look of admiration and appreciation on the faces of those airmen we encountered who knew of MAC's incredible advocacy on their behalf.

It is appropriate that the National Defense Authorization Act that just passed both Chambers of Congress carries his name—the MAC THORNBERRY National Defense Authorization Act. There could not be a more fitting tribute to the countless ways our friend from Clarendon has improved our great country.

I want to thank MAC for his incredible leadership, as well as his service and his friendship over the years. The halls of Congress won't be the same without him, but I know he is eager to spend more time with his wonderful wife Sally and the rest of their extended family.

MAC has done what we all aspire to do, and that is to leave Congress better than he found it, and I thank him on behalf of all Texans for the true patriot that he is.

TRIBUTE TO WILL HURD

Mr. CORNYN. Mr. President, as we like to say, everything is a little bit bigger in Texas than the rest of the country, and that is true not only of MAC's district but also the largest congressional district represented by another one of our departing colleagues, WILL HURD. WILL was a former CIA officer when he was elected to the House of Representatives in 2014. One Texan aptly observed: ''He has been running a marathon like a sprint for seven years.''

I think WILL's last congressional race he won by 900 votes in this sprawling border district.

His expertise is in cyber security, as well as intelligence matters. He has helped steer our efforts to bolster our national security, counterterrorism, and strengthen our intelligence community and capacity.

Considering his district includes 800 miles of our southern border, you can imagine that he has been a strong advocate for our border communities. We have worked together on cross-border trade, modernizing our ports of entry, and ensuring communities along the border are safe and prosperous.

We have also been working together on establishing a national museum of the American Latino here in Washington, and I hope we will be able to push this authorization bill over the line here in the coming days.

Unlike some folks whom we meet in Washington who seem to be all talk and who never seem to listen, WILL understands the importance of sitting down for a conversation with his constituents and actually listening to what they have to say. He launched the highly popular ''DC to DQ tour,'' where he met with constituents at local Dairy Queens in all 29 counties in his district in only 5 days.

For everything from healthcare to education, to veterans affairs, Texans can sit down with their Congressman and have a real conversation about the things that counted for the most in their lives and the things they would like to see him pursue on their behalf here in Washington, DC.

I would hate to know how many Blizzards WILL ate during that time, but these conversations certainly drove his policymaking and ensured the people of the Texas 23rd were truly heard here in Congress.

Last year, WILL and I both took part in San Antonio's annual Martin Luther King, Jr., March, which is one of the largest in the country. WILL happens to be the only Black Republican in the House of Representatives and has become a trusted voice for those whose experience and ideas are too often overlooked or underrepresented.

That has been especially true over the last several months, when we have

had an honest national conversation about racial reconciliation and injustice in this country, and I know that he will continue to use his voice as a force for good long after leaving Congress.

WILL has been a steady hand in reminding our colleagues alike that good policies should always come before partisan politics, and it is fair to say we need more leaders like that in Congress these days, not fewer.

I am grateful for his friendship and service to our country, and I know this isn't the end of the road for WILL HURD. I am eager to see where his next career takes him, and I will be happy to cheer him along the way.

TRIBUTE TO MIKE CONAWAY

Mr. CORNYN. Mr. President, much of the area that is sandwiched between MAC and WILL's two districts is represented by another retired Member of our delegation, MIKE CONAWAY. Before finding his way into public service, MIKE served our country in the Army and was stationed at Fort Hood. But he quickly made his way to the Permian Basin and built a successful career in the private sector before getting involved with politics.

During his 16 years in Congress, he has represented the folks of Texas 11 and burned the candle at both ends in the process of doing so.

MIKE is a man of faith, believes in the right to life, and is an advocate for a strong defense and has been a champion for our Nation's veterans.

His background as a CPA—we could use a few more of those, maybe less lawyers. But his background as a CPA has helped drive debates on our Nation's spending habits, and I know his expertise in this area will be deeply missed.

I believe MIKE would agree that at the top of his mountain of achievements are those for our farmers and ranchers. He authored the 2018 farm bill, which provides the support, certainty, and stability for our farmers that they need in order to operate in a modern economy. This legislation strengthened crop insurance, created seed cotton eligibility for the farm bill safety net, and helped counter cattle tick fever and other animal risks.

It would have been tough for Texas farmers and ranchers and producers to make it through these times but for MIKE as the lead agriculture policymaker in Congress. The halls of Congress will not be the same without him, but MIKE's contributions, his leadership, and devoted service will never be forgotten.

I know he and his wife Suzanne are eager to spend more time at home with their extended family, and I wish them a happy and well-deserved retirement.

TRIBUTE TO KENNY MARCHANT

Mr. CORNYN. Mr. President, it seems like we have a lot of Texans leaving Congress, and one of those is KENNY MARCHANT.

KENNY is a genuine statesman, quiet but serious and effective, and he has devoted almost his entire career to public service. He started out on the Carrolton City Council and then became mayor and then spent nine terms as a State representative, and, finally, eight terms in the U.S. House of Representatives. And he proudly represents North Texans and has for the last four decades.

As a Member of the Ways and Means Committee, he has played an integral role in the effort to keep taxes down, including passage of the Tax Cuts and Jobs Act in 2018, which was part of the spur of our great economic growth leading up to the pandemic.

He has been a staunch supporter of efforts to reduce government waste and ensure that Congress is a responsible steward of taxpayer dollars. He has fought for our servicemembers, veterans, and for strong national defense.

As the top Republican on the House Ethics Committee, KENNY helped to strengthen transparency and public confidence in our government, and there couldn't be a more important time for such a lofty goal.

I know KENNY is eager to spend more time at home with his wife Donna, their kids, and a growing gaggle of grandkids. Most of their children are grown now, but the number of grandkids seems to be increasing in pace.

I want to thank him for his incredible contributions to our State and wish him the best in the next chapter.

TRIBUTE TO BILL FLORES

Mr. CORNYN. Mr. President, the House will lose a true class act and the epitome of a self-made success with the retirement of Congressman BILL FLORES. At just 9 years old, Congressman FLORES began tending to cattle with his dad in the Texas Panhandle, and he hasn't quit working since.

He is a ninth generation Texan, representing Waco, College Station, and parts of North Austin and Pflugerville. You would be hard-pressed to find a more deeply divided district than Texas 17, and I don't mean divided in terms of politics or geography. You have the Aggies, the Bears, and the Longhorns—three of Texas's proudest fan bases—squeezed into one congressional district. Ever the diplomat, BILL considers himself tripartisan. Although he is an Aggie himself, he would gladly throw up the ''Hook 'em Horns'' or the ''Sic 'em Bears.''

Throughout his time in Congress, I have been proud to work with BILL on a number of shared priorities. We teamed up on legislation to designate the Waco Mammoth site as a national monument. We worked together to rename the Waco Veterans Affairs Medical Center after World War II Hero Petty Officer Doris Miller.

We both had the pleasure of attending the long overdue Purple Heart ceremony honoring the victims of the Fort Hood attack after a long fight here in Congress to give these heroes the recognition and the benefits they deserve. BILL has been a reliable advocate for our veterans and servicemembers, as well as our energy industry and our free enterprise system, in general.

I want to thank him for his service to our State and to our Nation and wish him and Gina the best in the next chapter of their lives.

TRIBUTE TO PETE OLSON

Mr. CORNYN. Mr. President, finally, I would say last, but certainly not least, is my friend, my former chief of staff, and proud Representative of Texas 22, PETE OLSON. As the old saying goes, Pete wasn't born in Texas, but he got there as fast as he could.

His family moved from Washington State to Texas when PETE was only 10 years old. He grew up in Seabrook. He went to Rice for his undergraduate degree and UT for law school and hardly left the Lone Star State until he enlisted in the Navy.

As a Navy pilot, he flew missions all over the world, and he was eventually brought to the U.S. Senate as a naval liaison.

I had the good fortune of meeting PETE because he worked for Phil Gramm, my predecessor, and he had a stellar reputation, likely due to his Navy days of making the ships run on time.

PETE served as my first chief of staff for several years and made it back home to Texas before making his own run for congressional office.

His district is literally one of the most ethnically diverse in the State and one of the most diverse in the country. PETE has consistently prioritized connecting with folks of different backgrounds and cultures to learn about the challenges they are facing and to figure out how to lead positive changes in Congress.

PETE has been a reliable helping hand during some of our toughest times. Following the Deepwater Horizon accident, PETE and I flew several hours into the Gulf of Mexico to a drilling rig rooted in 9,000 feet of water to learn more about the rigors of working on offshore rigs.

After Hurricane Harvey, PETE and I joined Team Rubicon's veteran volunteers to muck out some of the flooded homes in the Houston area. We fought alongside one another to secure the funding from Congress to recover and rebuild after Hurricane Harvey.

It was common then to see PETE around Capitol Hill with a Houston Astros jersey over his dress shirt to draw attention—by any means, whatsoever—to the need for additional funding for the folks in his district and folks in that region.

It is safe to say that PETE OLSON's presence has been a constant throughout my time here in the Senate, and I will miss having him just across the dome.

Like the others I have mentioned, I know PETE is eager to spend more time at home in Sugar Land with his wife Nancy and his extended family, but I hope he knows how much we will miss him in Congress.

If it isn't already obvious, the Texas delegation is losing some truly outstanding Members, and our new additions will have some big boots to fill. But I just want to tell you how much I appreciate the opportunity to express my gratitude to each of these six outstanding Congressmen for their friendship and service to our State and wish them and their families well as they take on new challenges ahead.

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

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

SAFEGUARD TRIBAL OBJECTS OF PATRIMONY ACT OF 2019

Mr. HEINRICH. Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 608, S. 2165.

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

The legislative clerk read as follows:

A bill (S. 2165) to enhance protections of Native American tangible cultural heritage, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Safeguard Tribal Objects of Patrimony Act of 2020''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to carry out the trust responsibility of the United States to Indian Tribes;

(2) to increase the maximum penalty for actions taken in violation of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act), in order to strengthen deterrence;

(3) to stop the export, and facilitate the international repatriation, of cultural items prohibited from being trafficked by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act) and archaeological resources prohibited from being trafficked by the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) by—

(A) explicitly prohibiting the export;

(B) creating an export certification system; and

(C) confirming the authority of the President to request from foreign nations agreements or provisional measures to prevent irremediable damage to Native American cultural heritage;

(4) to establish a Federal framework in order to support the voluntary return by individuals and organizations of items of tangible cultural heritage, including items covered by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act) and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(5) to establish an interagency working group to ensure communication between Federal agencies to successfully implement this Act, the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), and other relevant Federal laws;

(6) to establish a Native working group of Indian Tribes and Native Hawaiian organizations to assist in the implementation of this Act, the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), and other relevant Federal laws;

(7) to exempt from disclosure under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'')—

(A) information submitted by Indian Tribes or Native Hawaiian organizations pursuant to this Act; and

(B) information relating to an Item Requiring Export Certification for which an export certification was denied pursuant to this Act; and

(8) to encourage buyers to purchase legal contemporary art made by Native artists for commercial purposes.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARCHAEOLOGICAL RESOURCE.—The term ''archaeological resource'' means an archaeological resource (as defined in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb)) that is Native American.

(2) CULTURAL AFFILIATION.—The term ''cultural affiliation'' means that there is a relationship of shared group identity that can be reasonably traced historically or prehistorically between a present day Indian Tribe or Native Hawaiian organization and an identifiable earlier group.

(3) CULTURAL ITEM.—The term ''cultural item'' means any 1 or more cultural items (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(4) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

(5) ITEM PROHIBITED FROM EXPORTATION.—The term ''Item Prohibited from Exportation'' means—

(A) a cultural item prohibited from being trafficked, including through sale, purchase, use for profit, or transport for sale or profit, by—

(i) section 1170(b) of title 18, United States Code, as added by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); or

(ii) any other Federal law or treaty; and

(B) an archaeological resource prohibited from being trafficked, including through sale, purchase, exchange, transport, receipt, or offer to sell, purchase, or exchange, including in interstate or foreign commerce, by—

(i) subsections (b) and (c) of section 6 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470ee); or

(ii) any other Federal law or treaty.

(6) ITEM REQUIRING EXPORT CERTIFICATION.—

(A) IN GENERAL.—The term ''Item Requiring Export Certification'' means—

(i) a cultural item; and

(ii) an archaeological resource.

(B) EXCLUSION.—The term ''Item Requiring Export Certification'' does not include an item described in clause (i) or (ii) of subparagraph (A) for which an Indian Tribe or Native Hawaiian organization with a cultural affiliation with the item has provided a certificate authorizing exportation of the item.

(7) NATIVE AMERICAN.—The term ''Native American'' means—

(A) Native American (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)); and

(B) Native Hawaiian (as so defined).

(8) NATIVE HAWAIIAN ORGANIZATION.—The term ''Native Hawaiian organization'' has the meaning given the term in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) TANGIBLE CULTURAL HERITAGE.—The term ''tangible cultural heritage'' means—

(A) Native American human remains; or

(B) culturally, historically, or archaeologically significant objects, resources, patrimony, or other items that are affiliated with a Native American culture.

SEC. 4. ENHANCED NAGPRA PENALTIES.

Section 1170 of title 18, United States Code, is amended—

(1) by striking ''5 years'' each place it appears and inserting ''10 years'';

(2) in subsection (a), by striking ''12 months'' and inserting ''1 year and 1 day''; and

(3) in subsection (b), by striking ''one year'' and inserting ''1 year and 1 day''.

SEC. 5. EXPORT PROHIBITIONS; EXPORT CERTIFICATION SYSTEM; INTERNATIONAL AGREEMENTS.

(a) EXPORT PROHIBITIONS.—

(1) IN GENERAL.—It shall be unlawful for any person—

(A) to export, attempt to export, or otherwise transport from the United States any Item Prohibited from Exportation;

(B) to conspire with any person to engage in an activity described in subparagraph (A); or

(C) to conceal an activity described in subparagraph (A).

(2) PENALTIES.—Any person who violates paragraph (1) and knows, or in the exercise of due care should have known, that the Item Prohibited from Exportation was taken, possessed, transported, or sold in violation of, or in a manner unlawful under, any Federal law or treaty, shall be fined in accordance with section 3571 of title 18, United States Code, imprisoned for not more than 1 year and 1 day for a first violation, and not more than 10 years for a second or subsequent violation, or both.

(3) DETENTION, FORFEITURE, AND REPATRIATION.—

(A) DETENTION AND DELIVERY.—The Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, shall—

(i) detain any Item Prohibited from Exportation that is exported, attempted to be exported, or otherwise transported from the United States in violation of paragraph (1); and

(ii) deliver the Item Prohibited from Exportation to the Secretary.

(B) FORFEITURE.—Any Item Prohibited from Exportation that is exported, attempted to be exported, or otherwise transported from the United States in violation of paragraph (1) shall be subject to forfeiture to the United States in accordance with chapter 46 of title 18, United States Code (including section 983(c) of that chapter).

(C) REPATRIATION.—Any Item Prohibited from Exportation that is forfeited under subparagraph (B) shall be expeditiously repatriated to the appropriate Indian Tribe or Native Hawaiian organization in accordance with, as applicable—

(i) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act); or

(ii) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.).

(b) EXPORT CERTIFICATION SYSTEM.—

(1) EXPORT CERTIFICATION REQUIREMENT.—

(A) IN GENERAL.—No Item Requiring Export Certification may be exported from the United States without first having obtained an export certification in accordance with this subsection.

(B) PUBLICATION.—The Secretary, in consultation with Indian Tribes and Native Hawaiian organizations, shall publish in the Federal Register a notice that includes—

(i) a description of characteristics typical of Items Requiring Export Certification, which shall—

(I) include the definitions of the terms—

(aa) ''cultural items'' in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001); and

(bb) ''archaeological resource'' in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb);

(II) describe the provenance requirements associated with the trafficking prohibition applicable to—

(aa) cultural items under section 1170(b) of title 18, United States Code; and

(bb) archaeological resources under subsections (b) and (c) of section 6 of Archaeological Resources Protection Act of 1979 (16 U.S.C. 470ee);

(III)(aa) include the definitions of the terms ''Native American'' and ''Native Hawaiian'' in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001); and

(bb) describe how those terms apply to archaeological resources under this Act; and

(IV) be sufficiently specific and precise to ensure that—

(aa) an export certification is required only for Items Requiring Export Certification; and

(bb) fair notice is given to exporters and other persons regarding which items require an export certification under this subsection; and

(ii) a description of characteristics typical of items that do not qualify as Items Requiring Export Certification and therefore do not require an export certification under this subsection, which shall clarify that—

(I) an item made solely for commercial purposes is presumed to not qualify as an Item Requiring Export Certification, unless an Indian Tribe or Native Hawaiian organization challenges that presumption; and

(II) in some circumstances, receipts or certifications issued by Indian Tribes or Native Hawaiian organizations with a cultural affiliation with an item may be used as evidence to demonstrate a particular item does not qualify as an Item Requiring Export Certification.

(2) ELIGIBILITY FOR EXPORT CERTIFICATION.—An Item Requiring Export Certification is eligible for an export certification under this subsection if—

(A) the Item Requiring Export Certification is not under ongoing Federal investigation;

(B) the export of the Item Requiring Export Certification would not otherwise violate any other provision of law; and

(C) the Item Requiring Export Certification—

(i) is not an Item Prohibited from Exportation;

(ii) was excavated or removed pursuant to a permit issued under section 4 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470cc) and in compliance with section 3(c) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(c)), if the permit for excavation or removal authorizes export; or

(iii) is accompanied by written confirmation from the Indian Tribe or Native Hawaiian organization with authority to alienate the Item Requiring Export Certification that—

(I) the exporter has a right of possession (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)) of the Item Requiring Export Certification; or

(II) the Indian Tribe or Native Hawaiian organization has relinquished title or control of the Item Requiring Export Certification in accordance with section 3 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002).

(3) EXPORT CERTIFICATION APPLICATION AND ISSUANCE PROCEDURES.—

(A) APPLICATIONS FOR EXPORT CERTIFICATION.—

(i) IN GENERAL.—An exporter seeking to export an Item Requiring Export Certification from the United States shall submit to the Secretary an export certification application in accordance with clause (iii).

(ii) CONSEQUENCES OF FALSE STATEMENT.—Any willful or knowing false statement made on an export certification application form under clause (i) shall—

(I) subject the exporter to criminal penalties pursuant to section 1001 of title 18, United States Code; and

(II) prohibit the exporter from receiving an export certification for any Item Requiring Export Certification in the future unless the exporter submits additional evidence in accordance with subparagraph (B)(iii)(I).

(iii) FORM OF EXPORT CERTIFICATION APPLICATION.—The Secretary, in consultation with Indian Tribes and Native Hawaiian organizations, and at the discretion of the Secretary, in consultation with third parties with relevant expertise, including institutions of higher education, museums, dealers, and collector organizations, shall develop an export certification application form, which shall require that an applicant—

(I) describe, and provide pictures of, each Item Requiring Export Certification that the applicant seeks to export;

(II) include all available information regarding the provenance of each such Item Requiring Export Certification; and

(III) include the attestation described in subparagraph (B)(i).

(B) EVIDENCE.—

(i) IN GENERAL.—In completing an export certification application with respect to an Item Requiring Export Certification that the exporter seeks to export, the exporter shall attest that, to the best of the knowledge and belief of the exporter, the exporter is not attempting to export an Item Prohibited from Exportation.

(ii) SUFFICIENCY OF ATTESTATION.—An attestation under clause (i) shall be considered to be sufficient evidence to support the application of the exporter under subparagraph (A)(iii)(III), on the condition that the exporter is not required to provide additional evidence under clause (iii)(I).

(iii) ADDITIONAL REQUIREMENTS.—

(I) IN GENERAL.—The Secretary shall give notice to an exporter that submits an export certification application under subparagraph (A)(i) that the exporter is required to submit additional evidence in accordance with subclause (III) if the Secretary has determined under subparagraph (A)(ii) that the exporter made a willful or knowing false statement on the application or any past export certification application.

(II) DELAYS OR DENIALS.—The Secretary shall give notice to an exporter that submits an export certification application under subparagraph (A)(i) that the exporter may submit additional evidence in accordance with subclause (III) if the issuance of an export certification is—

(aa) delayed pursuant to the examination by the Secretary of the eligibility of the Item Requiring Export Certification for an export certification; or

(bb) denied by the Secretary because the Secretary determined that the Item Requiring Export Certification is not eligible for an export certification under this subsection.

(III) ADDITIONAL EVIDENCE.—On receipt of notice under subclause (I), an exporter shall, or on receipt of a notice under subclause (II), an exporter may, provide the Secretary with such additional evidence as the Secretary may require to establish that the Item Requiring Export Certification is eligible for an export certification under this subsection.

(C) DATABASE APPLICATIONS.—

(i) IN GENERAL.—The Secretary shall establish and maintain a secure central Federal database information system (referred to in this subparagraph as the ''database'') for the purpose of making export certification applications available to Indian Tribes and Native Hawaiian organizations.

(ii) COLLABORATION REQUIRED.—The Secretary shall collaborate with Indian Tribes, Native Hawaiian organizations, and the interagency working group convened under section 7(a) in the design and implementation of the database.

(iii) AVAILABILITY.—Immediately on receipt of an export certification application, the Secretary shall make the export certification application available on the database.

(iv) DELETION FROM DATABASE.—On request by an Indian Tribe or Native Hawaiian organization, the Secretary shall delete an export certification application from the database.

(v) TECHNICAL ASSISTANCE.—If an Indian Tribe or Native Hawaiian organization lacks sufficient resources to access the database or respond to agency communications in a timely manner, the Secretary, in consultation with Indian Tribes and Native Hawaiian organizations, shall provide technical assistance to facilitate that access or response, as applicable.

(D) ISSUANCE OF EXPORT CERTIFICATION.—On receipt of an export certification application for an Item Requiring Export Certification that meets the requirements of subparagraphs (A) and (B), if the Secretary, in consultation with Indian Tribes and Native Hawaiian organizations with a cultural affiliation with the Item Requiring Export Certification, determines that the Item Requiring Export Certification is eligible for an export certification under paragraph (2), the Secretary may issue an export certification for the Item Requiring Export Certification.

(E) REVOCATION OF EXPORT CERTIFICATION.—

(i) IN GENERAL.—If credible evidence is provided that indicates that an item that received an export certification under subparagraph (D) is not eligible for an export certification under paragraph (2), the Secretary may immediately revoke the export certification.

(ii) DETERMINATION.—In determining whether a revocation is warranted under clause (i), the Secretary shall consult with Indian Tribes and Native Hawaiian organizations with a cultural affiliation with the affected Item Requiring Export Certification.

(4) DETENTION, FORFEITURE, REPATRIATION, AND RETURN.—

(A) DETENTION AND DELIVERY.—The Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, shall—

(i) detain any Item Requiring Export Certification that an exporter attempts to export or otherwise transport without an export certification; and

(ii) deliver the Item Requiring Export Certification to the Secretary, for seizure by the Secretary.

(B) FORFEITURE.—Any Item Requiring Export Certification that is detained under subparagraph (A)(i) shall be subject to forfeiture to the United States in accordance with chapter 46 of title 18, United States Code (including section 983(c) of that chapter).

(C) REPATRIATION OR RETURN TO EXPORTER.—

(i) IN GENERAL.—Not later than 60 days after the date of delivery to the Secretary of an Item Requiring Export Certification under subparagraph (A)(ii), the Secretary shall determine whether the Item Requiring Export Certification is an Item Prohibited from Exportation.

(ii) REPATRIATION.—If an Item Requiring Export Certification is determined by the Secretary to be an Item Prohibited from Exportation and

is forfeited under subparagraph (B), the item shall be expeditiously repatriated to the appropriate Indian Tribe or Native Hawaiian organization in accordance with, as applicable—

(I) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act); or

(II) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.).

(iii) RETURN TO EXPORTER.—

(I) IN GENERAL.—If the Secretary determines that credible evidence does not establish that the Item Requiring Export Certification is an Item Prohibited from Exportation, or if the Secretary does not complete the determination by the deadline described in clause (i), the Secretary shall return the Item Requiring Export Certification to the exporter.

(II) EFFECT.—The return of an Item Requiring Export Certification to an exporter under subclause (I) shall not mean that the Item Requiring Export Certification is eligible for an export certification under this subsection.

(5) PENALTIES.—

(A) ITEMS REQUIRING EXPORT CERTIFICATION.—

(i) IN GENERAL.—It shall be unlawful for any person to export, attempt to export, or otherwise transport from the United States any Item Requiring Export Certification without first obtaining an export certification.

(ii) PENALTIES.—Except as provided in subparagraph (D), any person who violates clause (i) shall be—

(I) assessed a civil penalty in accordance with such regulations as the Secretary promulgates pursuant to section 10; and

(II) subject to any other applicable penalties under this Act.

(B) ITEMS PROHIBITED FROM EXPORTATION.—Whoever exports an Item Prohibited from Exportation without first securing an export certification shall be liable for a civil money penalty, the amount of which shall equal the total cost of storing and repatriating the Item Prohibited from Exportation.

(C) USE OF FINES COLLECTED.—Any amounts collected by the Secretary as a civil penalty under subparagraph (A)(ii)(I) or (B)—

(i) may be used by the Secretary—

(I) for fines collected under subparagraph (A)(ii)(I), to process export certification applications under this subsection; and

(II) for fines collected under subparagraph (B), to store and repatriate the Item Prohibited from Exportation;

(ii) shall supplement (and not supplant) any appropriations to the Secretary to carry out this subsection; and

(iii) shall not be covered into the Treasury as miscellaneous receipts.

(D) VOLUNTARY RETURN.—

(i) IN GENERAL.—Any person who attempts to export or otherwise transport from the United States an Item Requiring Export Certification without first obtaining an export certification, but voluntarily returns the Item Requiring Export Certification, or directs the Item Requiring Export Certification to be returned, to the appropriate Indian Tribe or Native Hawaiian organization in accordance with section 6 prior to the commencement of an active Federal investigation shall not be prosecuted for a violation of subparagraph (A) with respect to the Item Requiring Export Certification.

(ii) ACTIONS NOT COMMENCING A FEDERAL INVESTIGATION.—For purposes of clause (i), the following actions shall not be considered to be actions that commence an active Federal investigation:

(I) The submission by the exporter of an export certification application for the Item Requiring Export Certification under paragraph (3)(A)(i).

(II) The detention of the Item Requiring Export Certification by the Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, under paragraph (4)(A)(i).

(III) The delivery to the Secretary of the Item Requiring Export Certification by the Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, under paragraph (4)(A)(ii).

(IV) The seizure by the Secretary of the Item Requiring Export Certification under paragraph (4)(A)(ii).

(6) FEES.—

(A) IN GENERAL.—The Secretary may collect reasonable fees to process export certification applications under this subsection.

(B) AVAILABILITY OF AMOUNTS COLLECTED.—Any amounts collected by the Secretary under subparagraph (A)—

(i) shall supplement (and not supplant) any appropriations to the Secretary for the activities described in subparagraph (A); and

(ii) shall not be covered into the Treasury as miscellaneous receipts.

(7) ADMINISTRATIVE APPEAL.—If the Secretary denies an export certification or an Item Requiring Export Certification is detained under this subsection, the exporter, on request, shall be given a hearing on the record in accordance with such rules and regulations as the Secretary promulgates pursuant to section 10.

(8) TRAINING.—

(A) IN GENERAL.—The Secretary, the Secretary of State, the Attorney General, and the heads of all other relevant Federal agencies shall require all appropriate personnel to participate in training regarding applicable laws and consultations to facilitate positive government-to-government interactions with Indian Tribes and Native Hawaiian Organizations.

(B) U.S. CUSTOMS AND BORDER PROTECTION TRAINING.—The Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, shall require all appropriate personnel of U.S. Customs and Border Protection to participate in training provided by the Secretary of the Interior or an Indian Tribe or Native Hawaiian organization to assist the personnel in identifying, handling, and documenting in a culturally sensitive manner Items Requiring Export Certification for purposes of this Act.

(C) CONSULTATION.—In developing or modifying and delivering trainings under subparagraphs (A) and (B), the applicable heads of Federal agencies shall consult with Indian Tribes and Native Hawaiian organizations.

(c) AGREEMENTS TO REQUEST RETURN FROM FOREIGN COUNTRIES.—The President may request from foreign nations agreements that specify concrete measures that the foreign nation will carry out—

(1) to discourage commerce in, and collection of, Items Prohibited from Exportation;

(2) to encourage the voluntary return of tangible cultural heritage; and

(3) to expand the market for the products of Indian art and craftsmanship in accordance with section 2 of the Act of August 27, 1935 (49 Stat. 891, chapter 748; 25 U.S.C. 305a) (commonly known as the ''Indian Arts and Crafts Act'').

SEC. 6. VOLUNTARY RETURN OF TANGIBLE CULTURAL HERITAGE.

(a) LIAISON.—The Secretary and the Secretary of State shall each designate a liaison to facilitate the voluntary return of tangible cultural heritage.

(b) TRAININGS AND WORKSHOPS.—The liaisons designated under subsection (a) shall offer to representatives of Indian Tribes and Native Hawaiian organizations and collectors, dealers, and other individuals and organizations trainings and workshops regarding the voluntary return of tangible cultural heritage.

(c) REFERRALS.—

(1) IN GENERAL.—The Secretary shall refer individuals and organizations to 1 or more Indian Tribes and Native Hawaiian organizations with a cultural affiliation to tangible cultural heritage for the purpose of facilitating the voluntary return of tangible cultural heritage.

(2) REFERRAL REPRESENTATIVES.—The Secretary shall compile a list of representatives from each Indian Tribe and Native Hawaiian organization for purposes of referral under paragraph (1).

(3) CONSULTATION.—The Secretary shall consult with Indian Tribes, Native Hawaiian organizations, and the Native working group convened under section 8(a) before making a referral under paragraph (1).

(4) THIRD-PARTY EXPERTS.—The Secretary may use third parties with relevant expertise, including institutions of higher education, museums, dealers, and collector organizations, in determining to which Indian Tribe or Native Hawaiian organization an individual or organization should be referred under paragraph (1).

(d) LEGAL LIABILITY.—Nothing in this section imposes on any individual or entity any additional penalties or legal liability.

(e) TAX DOCUMENTATION.—In facilitating the voluntary return of tangible cultural heritage under this section, the Secretary shall include provision of tax documentation for a deductible gift to an Indian Tribe or Native Hawaiian organization, if the recipient Indian Tribe or Native Hawaiian organization consents to the provision of tax documentation.

(f) REPATRIATION UNDER NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT.—The voluntary return provisions of this section shall apply to a specific item of tangible cultural heritage only to the extent that the repatriation provisions under section 7 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3005) do not apply to the item of tangible cultural heritage.

SEC. 7. INTERAGENCY WORKING GROUP.

(a) IN GENERAL.—The Secretary shall designate a coordinating office to convene an interagency working group consisting of representatives from the Departments of the Interior, Justice, State, and Homeland Security.

(b) GOALS.—The goals of the interagency working group convened under subsection (a) are—

(1) to facilitate the repatriation to Indian Tribes and Native Hawaiian organizations of items that have been illegally removed or trafficked in violation of applicable law;

(2) to protect tangible cultural heritage, cultural items, and archaeological resources still in the possession of Indian Tribes and Native Hawaiian organizations; and

(3) to improve the implementation by the applicable Federal agencies of—

(A) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.); and

(C) other relevant Federal laws.

(c) RESPONSIBILITIES.—The interagency working group convened under subsection (a) shall—

(1) aid in implementation of this Act and the amendments made by this Act, including by aiding in—

(A) the voluntary return of tangible cultural heritage under section 6; and

(B) halting international sales of items that are prohibited from being trafficked under Federal law; and

(2) collaborate with—

(A) the Native working group convened under section 8(a);

(B) the review committee established under section 8(a) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006(a));

(C) the Cultural Heritage Coordinating Committee established pursuant to section 2 of the Protect and Preserve International Cultural Property Act (Public Law 114–151; 19 U.S.C. 2601 note); and

(D) any other relevant committees and working groups.

SEC. 8. NATIVE WORKING GROUP.

(a) IN GENERAL.—The Secretary shall convene a Native working group consisting of not fewer than 12 representatives of Indian Tribes and Native Hawaiian organizations with relevant expertise, who shall be nominated by Indian Tribes and Native Hawaiian organizations, to advise the Federal Government in accordance with this section.

(b) RECOMMENDATIONS.—The Native working group convened under subsection (a) may provide recommendations regarding—

(1) the voluntary return of tangible cultural heritage by collectors, dealers, and other individuals and non-Federal organizations that hold such tangible cultural heritage; and

(2) the elimination of illegal commerce of cultural items and archaeological resources in the United States and foreign markets.

(c) REQUESTS.—The Native working group convened under subsection (a) may make formal requests to initiate certain agency actions, including requests that—

(1) the Department of Justice initiate judicial proceedings domestically or abroad to aid in the repatriation cultural items and archaeological resources; and

(2) the Department of State initiate dialogue through diplomatic channels to aid in that repatriation.

(d) AGENCY AND COMMITTEE ASSISTANCE.—

(1) IN GENERAL.—On request by the Native working group convened under subsection (a), the agencies and committees described in paragraph (2) shall make efforts to provide information and assistance to the Native working group.

(2) DESCRIPTION OF AGENCIES AND COMMITTEES.—The agencies and committees referred to in paragraph (1) are the following:

(A) The Department of the Interior.

(B) The Department of Justice.

(C) The Department of Homeland Security.

(D) The Department of State.

(E) The review committee established under section 8(a) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006(a)).

(F) The Cultural Heritage Coordinating Committee established pursuant to section 2 of the Protect and Preserve International Cultural Property Act (Public Law 114–151; 19 U.S.C. 2601 note).

(G) Any other relevant Federal agency, committee, or working group.

(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Native working group convened under subsection (a).

SEC. 9. TREATMENT UNDER FREEDOM OF INFORMATION ACT.

(a) IN GENERAL.—Except as provided in subsection (c), the following information shall be exempt from disclosure under section 552 of title 5, United States Code:

(1) Information that a representative of an Indian Tribe or Native Hawaiian organization—

(A) submits to a Federal agency pursuant to this Act or an amendment made by this Act; and

(B) designates as sensitive or private according to Native American custom, law, culture, or religion.

(2) Information that any person submits to a Federal agency pursuant to this Act or an amendment made by this Act that relates to an item for which an export certification is denied under this Act.

(b) APPLICABILITY.—For purposes of subsection (a), this Act shall be considered a statute described in section 552(b)(3)(B) of title 5, United States Code.

(c) EXCEPTION.—An Indian Tribe or Native Hawaiian organization may request and shall receive its own information, as described in subsection (a), from the Federal agency to which the Indian Tribe or Native Hawaiian organization submitted the information.

SEC. 10. REGULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, and after consultation with Indian Tribes and Native Hawaiian organizations, shall promulgate rules and regulations to carry out this Act.

(b) INCLUSION.—The regulations promulgated by the Secretary pursuant to subsection (a) shall include a reasonable deadline by which the Secretary shall approve or deny an export certification application under section 5(b).

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $3,000,000 for each of fiscal years 2021 through 2026.

Mr. HEINRICH. I further ask unanimous consent that the Heinrich amendment to the committed-reported substitute amendment at the desk be considered and agreed to and that the committee-reported substitute amendment, as amended, be agreed to.

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

The amendment (No. 2712) was agreed to as follows

(Purpose: To modify certain penalties)

On page 28, strike lines 15 through 23 and insert the following:

SEC. 4. ENHANCED NAGPRA PENALTIES.

Section 1170 of title 18, United States Code, is amended—

(1) by striking ''5 years'' each place it appears and inserting ''10 years''; and

(2) in subsection (a), by striking ''12 months'' and inserting ''1 year and 1 day''.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

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

Mr. HEINRICH. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass, as amended?

The bill (S. 2165), as amended, was passed.

(The bill (S. 2165), as amended, is printed in the Record of January 22, 2021.)

Mr. HEINRICH. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

INDIAN COMMUNITY ECONOMIC ENHANCEMENT ACT OF 2020

Mr. HEINRICH. Mr. President, as if in legislative session, I ask that the Chair lay before the Senate the message to accompany S. 212.

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

Resolved, That the bill from the Senate (S. 212) entitled ''An Act to amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000, the Buy Indian Act, and the Native American Programs Act of 1974 to provide industry and economic development opportunities to Indian communities.'', do pass with an amendment.

MOTION TO CONCUR

Mr. HEINRICH. I move to concur in the House amendment, and I know of no further debate on the motion.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the motion.

The motion was agreed to.

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

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

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

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

LEGISLATIVE SESSION

MORNING BUSINESS

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

The PRESIDING OFFICER. Without objection, it is so ordered

BICENTENNIAL OF LYNNVILLE, KENTUCKY

Mr. MCCONNELL. Mr. President, over the course of this year, dedicated citizens in a small Jackson Purchase community have poured through their hometown's historical record. The bicentennial of Lynnville, KY, was coming, and they wanted to celebrate every detail. Today, it is my privilege to join these passionate Kentuckians in marking 200 years of Bluegrass history and heritage.

Lynnville is no ordinary town. Near the Tennessee border in Graves County, this agricultural community has survived all-consuming fires, devastating tornadoes, and even the Black Patch Tobacco War. Through perseverance and grit, Lynnville has certainly earned its nickname ''The Little Town That Won't Die.

For 200 years, stalwart Kentuckians have overcome challenges, come together to rebuild, and made Lynnville a wonderful place to live. I am proud of their resilient spirit, and I look forward to this community's bright future.

Unfortunately, the ongoing coronavirus pandemic canceled some aspects of Lynnville's bicentennial celebrations, but the Kentucky Historical Society joined the festivities with a special commemoration. They delivered a new historical marker to Lynnville to detail this community's rich heritage. It is a well-deserved tribute. I am grateful to everyone who made the historical marker and this

year of celebration possible. On behalf of the Senate, I share our congratulations with every Lynnville family on its 200 years of proud Kentucky history.

ANTI-MONEY LAUNDERING ACT OF 2020

Mr. CRAPO. Mr. President, before joining with my colleagues in an important colloquy, concerning the Anti-Money Laundering Act of 2020, I want to applaud Senator GRASSLEY's tireless efforts that spanned years of bipartisan work to establish the first whistleblower reward program at the Department of the Treasury's Financial Crimes Enforcement Network.

Mr. GRASSLEY. Mr. President, I would like to thank Chairman CRAPO and Ranking Member BROWN for their work on the Anti-Money Laundering Act of 2020 division contained in this year's NDAA conference report, including the important new whistleblower protections provided in the measure. These whistleblower protections that all three of us agreed upon, were modelled after successful programs that were created through the Dodd Frank Act for the Securities and Exchange Commission and the Commodity's and Exchange Commission. One key feature that makes these programs successful is that whistleblowers are guaranteed a minimum of 10 percent in awards for qualifying disclosures. These rewards cost taxpayers nothing because they are paid from fines and other monies collected as a result of the whistleblower's disclosures. To ensure whistleblowers always receive the money owed, both the SEC and CFTC, as well our original amendment to the NDAA, created a special fund that would be filled by the fines collected and then used to pay whistleblower awards. With that, I will be happy to begin the colloquy.

Chairman CRAPO, can you please describe your intent with respect to changes made in the whistleblower provisions in the conference agreement?

Mr. CRAPO. Certainly. The NDAA conference agreement provides for whistleblower rewards with a 30 percent maximum of certain monies collected in cases involving Bank Secrecy Act violations, but provides for no explicit minimum award requirement.

The conferees agreed that updating the Bank Secrecy Act's whistleblower incentives and protections was necessary to protect individuals who provide original information which leads to any successful judicial or administrative Bank Secrecy Act action brought by the Secretary of the Treasury or Attorney General and results in monetary sanctions exceeding $1,000,000.

To accomplish this and to avoid any direct spending complications, our intention is to authorize necessary resources and work with appropriators and the administration to ensure that necessary funding be made available on an ongoing basis, that is effectively offset by BSA penalties imposed in these cases. Such funding will enable the Secretary to provide, subject to available funds, substantial whistleblower awards based upon monetary penalties recovered in those whistleblower cases.

It was always the intent of the conferees that these awards to individual whistleblowers are important and justified and that they be substantial, such that both a minimum and maximum percentage of such monetary sanction was contemplated. In this case, it is the intent of the conferees, in addition to the conference report providing for the stated maximum 30 percent award, to provide for a 10 prcent minimum award, as both reasonable and sensible.

Finally, it is the intent of the conferees that no such award should be made available to either employees of the Treasury Department, the Department of Justice, or covered law enforcement agencies, if the original information that led to the successful enforcement action is acquired acting in the normal course of their job duties.

We will work with Senator GRASSLEY and with administration officials to provide for robust minimum awards which meet the 10 percent threshold wherever appropriate. We will work with the Senator in the next Congress to draft legislation that addresses the important concerns he has raised.

Does Senator BROWN agree?

Mr. BROWN. I agree and agree to work with Chairman CRAPO and with his successor as Banking Committee chairman, with Senator GRASSLEY, and with appropriate administration officials consistent with that intent. I share the desire to ensure that adequate funds are provided and agree that the best way to do so is through the creation of a fund that is to be used exclusively for the payment of whistleblower awards. Such a fund should also provide for awards of at least 10 percent of the funds in cases covered by the bill. I will work with Senator GRASSLEY to make clear that this is our intent to administration officials.

Mr. GRASSLEY. I thank both for these clarifications of their intent. I look forward to working with them toward these ends.

ADDITIONAL STATEMENTS

TRIBUTE TO CATHY HUGHES AND RECOGNIZING THE 40TH ANNIVERSARY OF URBAN ONE

● Mr. CARDIN. Mr. President, I rise today to ask the Senate to join me in recognizing my constituent and friend Cathy Hughes on the 40th anniversary of Urban One, Inc., formerly known as Radio One. Urban One, headquartered in Montgomery County, MD, is America's largest broadcast company primarily focused on African-American consumers. Over the last four decades, it has elevated and celebrated African-American voices while telling stories from their perspective. Today, Urban One employs more than 1,500 people and reaches an estimated 82 percent of African-Americans nationwide.

This remarkable success is attributable to the skillful and passionate leadership of Cathy Hughes. Not long after Cathy started her radio career in her hometown of Omaha, NE, she found herself lecturing at Howard University's school of communications and serving as general sales manager at the university's iconic radio station, WHUR. Cathy started Radio One in 1980 with the purchase of her flagship station WOL–AM in Washington, DC, and served as its morning show host for 11 years. As founder and chairwoman, Cathy has directed the successful expansion of Radio One into new radio markets nationwide while generating original content across the spectrum of radio, television, and digital media. I am proud to note that Baltimore was the first city into which Radio One expanded.

Urban One's remarkable 40 years of growth are all the more impressive given the obstacles that Cathy has overcome, not least the racism and sexism she has encountered during her groundbreaking career. In her initial search for financing to buy the station that would become Radio One, 32 banks rejected Cathy's bid.

Cathy has steered her company successfully through the changes and challenges in media markets over the years, most recently navigating the impact of COVID–19. While Radio One itself has been hurt by the pandemic, she chose to support her community by providing free advertising to Black-owned businesses.

Cathy's philanthropic work rivals her exceptional business achievements. Of note is her passion for education, demonstrated by her strong support of the Piney Woods School in Piney Woods, MS. This school, which her grandfather established in 1909, currently serves as the largest of four African-American boarding schools in the county. Cathy has been recognized for extraordinary contributions many times over the years: National Association of Broadcasters Hall of Fame in 2019, the Woman of the Year Award by 100 Black Men of America in 2018, the Ida B. Wells Living Legacy Award in 2011, and the Essence Women Shaping the World Award in 2018. In 2019, Howard University named its school of communications after her.

I ask the Senate to join me in recognizing the extraordinary career of an extraordinary woman, Cathy Hughes, on the 40th anniversary of Urban One.●

TRIBUTE TO EMILE OESTRIECHER

● Mr. CASSIDY. Mr. President, Mr. Emile Oestriecher, known in the Scouting community as ''Mr. O,'' has served the community of Alexandria as Boy Scout scoutmaster for almost 50 years.

Troop 6, sponsored by St. Frances Cabrini Church, has been in existence since 1967. When Mr. O became. scoutmaster, it had about 12 Scouts; today that number is between 60 and 70. Mr. O, the founding partner in the Alexandria CPA firm Oestriecher & Company, CPAs, has received the Distinguished Public Service Award by the Louisiana CPA Society and the American Institute of Certified Public Accountants. He has been honored with many awards from the Scouting community as well as other local organizations. Mr. O has led trips to destinations like Philmont Scout Ranch and Canada Canoe trips, as well as taught other adult leaders across the Nation and represented the area at four national Scout jamborees. Now, his oldest scouts are in their 60s, but he is still there as scoutmaster. He has several ''grandscouts,'' whose fathers were members of troop 6 under him, and one ''great-grandscout,'' who shared the same scoutmaster as his grandfather. Troop 6 has had over 160 Eagle Scouts during his tenure scoutmaster and six of his Scouts have been ordained as Catholic priests. He certainly lives the Scout Law every day and epitomizes the troop 6 motto ''Optimus Optimorum''—Best of the Best. We thank Mr. O for his dedication to being scoutmaster and being a good influence on so many young men in his community.●

RECOGNIZING AUNT CATFISH'S ON THE RIVER

● Mr. RUBIO. Mr. President, as chairman of the Committee on Small Business and Entrepreneurship, each week I recognize a small business that exemplifies the American entrepreneurial spirit that drives our economy. It is my privilege to recognize a family-owned small business committed to investing in its community. This week, it is my pleasure to honor Aunt Catfish's on the River, of Port Orange, FL, as the Senate Small Business of the Week.

A long-time resident of Port Orange, Jim followed in the Galbreath family tradition of entrepreneurship. His mother, Ann Galbreath, founded and ran a restaurant called Marko's Drive-In in the 1950s. After it closed briefly, Jim bought Marko's and reopened it. Building on his experience, Jim used an old fishing dock to open a new restaurant in 1979, Aunt Catfish's on the River.

More than 40 years later, Aunt Catfish's on the River is still family-owned and operated. Jim's son, Brendan Galbreath, who started as a teenager, took the helm, keeping the business in the family. Under his leadership, Aunt Catfish's has stayed true to its reputation for outstanding service and delicious cuisine.

The Galbreath family's focus on building strong relationships with their community is a key part of their success. During the coronavirus pandemic, Aunt Catfish's opened a drive-through operation and expanded its carryout services. Brendan served on the Port Orange South Daytona Chamber of Commerce/City of Port Orange Reopening Task Force, working with local business owners, civic leaders, and public health experts. Together, they designed and implemented the Port Orange Phase One Reopening Plan, enabling their community to reopen safely. Additionally, Aunt Catfish's on the River participated in the chamber's ''I Am, I Go, I Support Local'' campaign to support local businesses.

Like many Florida small businesses, Aunt Catfish's on the River experienced a sharp drop in revenue 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. Aunt Catfish's on the River used their PPP loan to keep their employees paid, while maintaining the highest health and safety standards for their customers.

Aunt Catfish's on the River is a notable example of the endurance and resilience of family-owned small businesses. Through their advocacy and service, Aunt Catfish's on the River has strengthened their local small business community. Congratulations to Brendan and the entire team at Aunt Catfish's on the River. I look forward to watching your continued growth and success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:05 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2216. An act to require the Secretary of Veterans Affairs to formally recognize caregivers of veterans, notify veterans and caregivers of clinical determinations relating to eligibility for the family caregiver program, and temporarily extend benefits for veterans who are determined ineligible for the family caregiver program, and for other purposes.

S. 2472. An act to redesignate the NASA John H. Glenn Research Center at Plum Brook Station, Ohio, as the NASA John H. Glenn Research Center at the Neil A. Armstrong Test Facility.

The message further announced that the House has agreed to the amendment of the Senate 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.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1694. An act to require any Federal agency that issues licenses to conduct lunar activities to include in the requirements for such licenses an agreement relating to the preservation and protection of the Apollo 11 landing site, 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. 2174. An act to expand the grants authorized under Jennifer's Law and Kristen's Act to include processing of unidentified remains, resolving missing persons cases, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, with an amendment, in which it requests the concurrence of the Senate:

S. Con. Res. 52. Concurrent resolution to correct the enrollment of S. 3312.

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–6159. A communication from the Attorney, Office of the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Safety Standard for Hand-Held Infant Carriers'' (16 CFR Part 1225) received in the Office of the President of the Senate on December 14, 2020; to the Committee on Commerce, Science, and Transportation.

EC–6160. A communication from the Attorney Adviser, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Qualification and Certification of Locomotive Engineers; Miscellaneous Revisions'' (RIN2130–AC40) received in the Office of the President of the Senate on December 16, 2020; to the Committee on Commerce, Science, and Transportation.

EC–6161. A communication from the Attorney Adviser, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Method for Calculating Monetary Threshold for Reporting Rail Equipment Accidents/Incidents'' (RIN2130–AC49) received in the Office of the President of the Senate on December 16, 2020; to the Committee on Commerce, Science, and Transportation.

EC–6162. A communication from the Attorney Adviser, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''State Highway-Rail Grade Crossing Action Plans'' (RIN2130–AC72) received in the Office of the President of the Senate on December 16, 2020; to the Committee on Commerce, Science, and Transportation.

EC–6163. A communication from the Director of the Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Truth in Lending (Regulation Z); Earned Wage Access Programs'' (12 CFR Part 1026) received in the Office of the President of the Senate on December 16, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC–6164. A communication from the Program Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting , pursuant to law, the report of a rule entitled ''Appraisals for Higher-Priced Mortgage Loans Exemption Threshold'' (RIN1557–AF04) received in the Office of the President of the Senate on December 16, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC–6165. A communication from the Program Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting , pursuant to law, the report of a rule entitled ''Licensing Amendments'' (RIN1557–AE71) received in the Office of the President of the Senate on December 16, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC–6166. 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 ''Statutory Limitations on Like-Kind Exchanges'' (RIN1545–BP02) received in the Office of the President of the Senate on December 16, 2020; to the Committee on Finance.

EC–6167. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Semiannual Report of the Office of Inspector General for the period from April 1, 2020 through September 30, 2020; to the Committee on Homeland Security and Governmental Affairs.

EC–6168. A communication from the Chairman of the U.S. Election Assistance Commission, transmitting, pursuant to law, the Commission'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–6169. A communication from the Attorney Advisor, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review'' (RIN1125–AA94) received in the Office of the President of the Senate on December 16, 2020; to the Committee on the Judiciary.

EC–6170. A communication from the Agency Representative, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Trademark Fee Adjustment'' (RIN0651–AD42) received in the Office of the President of the Senate on December 16, 2020; to the Committee on the Judiciary.

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–266. 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; 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.

POM–267. 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. LEE, from the Joint Economic Committee:

Special Report entitled ''The 2020 Joint Economic Report'' (Rept. No. 116–335).

By Ms. COLLINS, from the Special Committee on Aging:

Special Report entitled ''A Record of Bipartisan Policymaking in Support of Older Americans'' (Rept. No. 116–336).

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. CARDIN:

S. 5040. A bill to require the Secretary of State to submit to Congress a strategy of the Department of State and the United States Agency for International Development to address the global climate change crisis, improve the energy and resource efficiency of the Department, and for other purposes; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN (for herself and Ms. CORTEZ MASTO):

S. 5041. A bill to establish the Advisory Committee on Climate Risk on the Financial Stability Oversight Council; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WYDEN:

S. 5042. A bill to amend the Ethics in Government Act of 1978 to require high-ranking officers to provide adequate disclosure of debts; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SINEMA (for Mrs. FISCHER (for herself and Ms. SINEMA)):

S. 5043. A bill to require the Federal Trade Commission and the Secretary of Commerce to conduct studies and submit reports on the impact of artificial intelligence and other technologies on United States businesses conducting interstate commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

S. 5044. A bill to amend title XVIII of the Social Security Act to establish requirements with respect to the use of prior authorization under Medicare Advantage plans, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. ALEXANDER):

S. 5045. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to reform the treatment of multiemployer plans, to ensure the ability of the Pension Benefit Guaranty Corporation to provide guaranteed benefits of retirees, and for other purposes; to the Committee on Finance.

By Mr. BARRASSO (for Mrs. FISCHER):

S. 5046. A bill to amend the Consolidated Farm and Rural Development Act to authorize the contracting of functions under the Rural Business Investment Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 5047. A bill to require automatic sealing of certain criminal records, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Mr. BROWN, and Mr. MANCHIN):

S. 5048. A bill to improve compliance with mine safety and health laws, empower miners to raise safety concerns, and prevent future mine tragedies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 5049. A bill to require reviews of United States investment in foreign countries that may threaten national critical capabilities and to improve the use of authorities under the Defense Production Act of 1950, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself and Ms. ERNST):

S. 5050. A bill to amend the Farm Security and Rural Investment Act of 2002 to provide grants for deployment of renewable fuel infrastructure, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAPO (for himself, Mr. BENNET, Mr. SCOTT of South Carolina, and Mr. CARDIN):

S. 5051. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of multi-cancer early detection screening tests; to the Committee on Finance.

By Mr. COONS:

S. 5052. A bill to increase fairness and transparency in algorithmic eligibility determinations; to the Committee on Commerce, Science, and Transportation.

By Mr. BLUMENTHAL:

S. 5053. A bill to improve the management of forage fish; to the Committee on Commerce, Science, and Transportation.

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

S. 5054. A bill to prevent the uploading of pornographic images to online platforms without the consent of the individuals in the images; to the Committee on Commerce, Science, and Transportation.

By Ms. CORTEZ MASTO:

S. 5055. A bill to protect immigrant families, combat fraud, promote citizenship, and build community trust, and for other purposes; to the Committee on the Judiciary.

By Mr. MERKLEY:

S. 5056. A bill to require the Administrator of the National Oceanic and Atmospheric Administration to provide for ocean-based climate solutions to reduce carbon emissions and global warming, to make coastal communities more resilient, and to provide for the conservation and restoration of ocean and coastal habitats, biodiversity, and marine mammal and fish populations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PAUL:

S. 5057. A bill to permit voluntary economic activity; to the Committee on the Judiciary.

By Mr. PAUL:

S. 5058. A bill to repeal the limitations on multiple ownership of radio and television stations imposed by the Federal Communications Commission, to prohibit the Federal Communications Commission from limiting common ownership of daily newspapers and full-power broadcast stations, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY:

S. 5059. A bill to amend chapter 22 of title 44, United States Code, to ensure Presidential records are preserved, duly created when non-official electronic messaging accounts are used, and made available to the public and the next administration in a timely fashion to advance national security and accountability, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MURPHY:

S. 5060. A bill to provide for the establishment of the Office for Access to Justice in the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. KAINE):

S. 5061. A bill to authorize a grant program for the development and implementation of housing supply and affordability plans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOOKER (for himself, Mr. BLUMENTHAL, Mrs. GILLIBRAND, and Mr. SCHATZ):

S. 5062. A bill to protect the rights of college athletes and to establish the Commission on College Athletics, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. TOOMEY (for himself, Mr. COTTON, Mr. LANKFORD, Mr. CRAMER, Mr. HOEVEN, Mr. YOUNG, Mrs. HYDE-SMITH, Mr. SASSE, Mr. CORNYN, Mrs. BLACKBURN, Mr. BOOZMAN, Mr. WICKER, Mr. RUBIO, Mr. TILLIS, Mr. JOHNSON, Mr. CRUZ, Mr. INHOFE, Mr. KENNEDY, Mrs. FISCHER, Mr. BRAUN, Mr. SCOTT of South Carolina, Mr. ROUNDS, Mr. DAINES, Mr. BARRASSO, Mrs. CAPITO, and Mr. LEE):

S. Res. 804. A resolution expressing the sense of the Senate that the United States should initiate negotiations to enter into a free trade agreement with Taiwan; to the Committee on Finance.

By Mr. BLUNT:

S. Res. 805. A resolution providing for staff transition for a Senator if the results of the election for an additional term of office of the Senator have not been certified; considered and agreed to.

ADDITIONAL COSPONSORS

S. 695

At the request of Mr. SASSE, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 695, a bill to amend the Elementary and Secondary Education Act of 1965 to allow parents of eligible military dependent children to establish Military Education Savings Accounts, and for other purposes.

S. 776

At the request of Mr. KELLY, his name was added as a cosponsor of S. 776, a bill to amend the Radiation Exposure Compensation Act for purposes of making claims under such Act based on exposure to atmospheric nuclear testing, and for other purposes.

S. 883

At the request of Mr. KELLY, his name was added as a cosponsor of S. 883, a bill to provide for the unencumbering of title to non-Federal land owned by Win Oil Company, Inc., for purposes of economic development by removing the Federal reversionary interest in the land, and for other purposes.

S. 1783

At the request of Mr. KELLY, his name was added as a cosponsor of S. 1783, a bill to establish responsibility for the International Outfall Interceptor.

S. 1849

At the request of Mr. KELLY, his name was added as a cosponsor of S. 1849, a bill to provide flexibility and improve the effectiveness of the Four Forests Restoration Initiative in the State of Arizona.

S. 2006

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2006, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 2044

At the request of Mr. KELLY, his name was added as a cosponsor of S. 2044, a bill to amend the Omnibus Public Land Management Act of 2009 to establish an Aging Infrastructure Account, to amend the Reclamation Safety of Dams Act of 1978 to provide additional funds under that Act, to establish a review of flood control rule curves pilot project within the Bureau of Reclamation, and for other purposes.

S. 2365

At the request of Mr. UDALL, the name of the Senator from Arizona (Mr.

KELLY) was added as a cosponsor of S. 2365, a bill to amend the Indian Health Care Improvement Act to authorize urban Indian organizations to enter into arrangements for the sharing of medical services and facilities, and for other purposes.

S. 2390

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2390, a bill to prohibit the imposition of the death penalty for any violation of Federal law, and for other purposes.

S. 2419

At the request of Mr. KELLY, his name was added as a cosponsor of S. 2419, a bill to provide for the conveyance of a small parcel of Coconino National Forest land in the State of Arizona.

S. 2666

At the request of Mr. KELLY, his name was added as a cosponsor of S. 2666, a bill to promote the development of renewable energy on public land, and for other purposes.

S. 2795

At the request of Mr. KELLY, his name was added as a cosponsor of S. 2795, a bill to designate the community-based outpatient clinic of the Department of Veterans Affairs in Gilbert, Arizona, as the ''Staff Sergeant Alexander W. Conrad Veterans Affairs Health Care Clinic''.

S. 2898

At the request of Mr. INHOFE, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 2898, a bill to amend title 5, United States Code, to provide for a full annuity supplement for certain air traffic controllers.

S. 2912

At the request of Mr. KELLY, his name was added as a cosponsor of S. 2912, a bill to direct the Secretary of the Interior to take certain land located in Pinal County, Arizona, into trust for the benefit of the Gila River Indian Community, and for other purposes.

S. 3022

At the request of Mr. KELLY, his name was added as a cosponsor of S. 3022, a bill to establish a pilot program waiving the Form I–94 document issuance requirement for certain Mexican nationals.

S. 3119

At the request of Mr. KELLY, his name was added as a cosponsor of S. 3119, a bill to modify the boundary of the Casa Grande Ruins National Monument, and for other purposes.

S. 3120

At the request of Mr. KELLY, his name was added as a cosponsor of S. 3120, a bill to reauthorize the Yuma Crossing National Heritage Area.

S. 3121

At the request of Mr. KELLY, his name was added as a cosponsor of S. 3121, a bill to establish the Chiricahua National Park in the State of Arizona as a unit of the National Park System, and for other purposes.

S. 3156

At the request of Mr. KELLY, his name was added as a cosponsor of S. 3156, a bill to authorize the Secretary of the Interior to establish the January 8th National Memorial in Tucson, Arizona, as an affiliated area of the National Park System, and for other purposes.

S. 3353

At the request of Mr. CASSIDY, the name of the Senator from Texas (Mr. CORNYN) 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. 3471

At the request of Mr. RUBIO, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 3471, a bill to ensure that goods made with forced labor in the Xinjiang Uyghur Autonomous Region of the People's Republic of China do not enter the United States market, and for other purposes.

S. 3657

At the request of Mr. CASEY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Nevada (Ms. ROSEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 3657, a bill to provide for the coverage of medically necessary food and vitamins and individual amino acids for digestive and inherited metabolic disorders under Federal health programs and private health insurance, and for other purposes.

S. 3763

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3763, a bill to establish the Pandemic Responder Service Award program to express our gratitude to front-line health care workers.

S. 4012

At the request of Mr. WICKER, the name of the Senator from Arizona (Mr. KELLY) 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. 4152

At the request of Mr. HOEVEN, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 4152, a bill to provide for the adjustment or modification by the Secretary of Agriculture of loans for critical rural utility service providers, and for other purposes.

S. 4258

At the request of Mr. CORNYN, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 4258, a bill to establish a grant program for small live venue operators and talent representatives.

S. 4461

At the request of Mr. LANKFORD, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 4461, a bill to provide for a period of continuing appropriations in the event of a lapse in appropriations under the normal appropriations process, and establish procedures and consequences in the event of a failure to enact appropriations.

S. 4486

At the request of Ms. SMITH, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 4486, a bill to establish an interactive online dashboard to allow the public to review information for Federal grant funding related to mental health programs.

S. 4569

At the request of Mr. KELLY, his name was added as a cosponsor of S. 4569, a bill to modify the boundary of the Sunset Crater Volcano National Monument in the State of Arizona, and for other purposes.

S. 4757

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. REED), the Senator from Oregon (Mr. MERKLEY) and the Senator from California (Ms. HARRIS) were added as cosponsors of S. 4757, a bill to amend the Animal Welfare Act to establish additional requirements for dealers, and for other purposes.

S. 4922

At the request of Ms. SINEMA, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 4922, a bill to expand and enhance programs and activities of the Department of Defense for prevention of and response to domestic violence and child abuse and neglect among military families, and for other purposes.

S. 4949

At the request of Mr. TOOMEY, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Arizona (Ms. SINEMA) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 4949, a bill to require the Secretary of Health of Human Services to publish guidance for States on strategies for maternal care providers participating in the Medicaid program to reduce maternal mortality and severe morbidity with respect to individuals receiving medical assistance under such program.

S. 5019

At the request of Mr. DAINES, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 5019, a bill to amend the Internal Revenue Code of 1986 to limit the charitable deduction for certain qualified conservation contributions.

S. RES. 798

At the request of Mr. RISCH, the names of the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Virginia (Mr. WARNER) and the Senator from Delaware (Mr. COONS) were added as cosponsors of 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mrs. FEINSTEIN (for herself and Ms. CORTEZ MASTO):

S. 5041. A bill to establish the Advisory Committee on Climate Risk on the Financial Stability Oversight Council; to the Committee on Banking, Housing, and Urban Affairs.

Ms. FEINSTEIN. Mr. President, I rise to speak in support of the ''Addressing Climate Financial Risk Act,'' which I introduced today.

BACKGROUND

The average global temperature has increased by over 3 degrees Fahrenheit in parts of my home State of California over the last century, and 2020 is on track to be the hottest year on record. Climate change is driving the increasing frequency and severity of wildfires, floods, droughts, and other natural disasters and extreme weather events.

In California, wildfires in particular have become a major annual concern. This year alone, wildfires have burned 4.1 million acres of California forests and destroyed more than 10,000 structures, including more than 5,000 homes.

The damage and risk generated by these events—in addition to the changes needed to transition to a lower-carbon economy—threaten to severely disrupt real estate values in high-risk areas, make insuring against risk increasingly unaffordable, and dramatically change whole sectors of the economy.

NEED FOR LEGISLATION

Unfortunately, U.S. Federal financial regulators have not done enough to ensure that they fully understand and are appropriately acting on the risk that climate change poses to the stability of the U.S. financial system.

Therefore, I believe there are a series of simple steps we should take to ensure that U.S. financial regulators are well-equipped to mitigate climate financial risk.

This bill would make five main improvements to the U.S. financial regulatory system.

First, it would establish a permanent committee on the Financial Stability Oversight Council (FSOC)—which Congress has charged with identifying risks to the U.S. financial system—made up of experts in climate science, climate economics, and climate financial risk.

This committee would assist FSOC in publishing a report that assesses the ability of the U.S. financial regulatory system to mitigate climate financial risk and makes recommendations for improving its ability to do so.

Second, the bill would require each Federal bank and credit union regulatory agency to update its supervisory guidance to include climate financial risk, and to develop a strategy to identify and mitigate climate financial risk.

Third, the bill would require FSOC to specify how it will take climate financial risk into account when making decisions on whether to subject nonbank financial firms to additional oversight by the Federal Reserve Board.

Fourth, the bill would mandate a report from the Federal Insurance Office on how to modernize and improve the regulation of climate financial risk insurance regulation in the United States.

Finally, the bill would express the sense of Congress that climate change is a global problem, and that U.S. financial regulators should join international organizations focused on addressing climate financial risk and work with financial regulators in other countries to the extent possible and consistent with U.S. law.

CONCLUSION

Climate change is real. It's happening now and it will have a profound effect on our financial system if we continue to do nothing. We must act to ensure that federal financial regulators have expertise in climate financial risk and develop approaches to mitigate that risk.

I hope my colleagues will join me in support of this bill. Thank you, Mr. President, and I yield the floor.

By Mr. GRASSLEY (for himself and Mr. ALEXANDER):

S. 5045. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to reform the treatment of multiemployer plans, to ensure the ability of the Pension Benefit Guaranty Corporation to provide guaranteed benefits of retirees, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, in late June, I came to the floor to speak about the need to fix the multiemployer pension system and how that system is failing its employees and retirees. I spoke about the need to secure retirement benefits for the millions of Americans who will start to see plans fail and benefits cut in the coming years if Congress doesn't fix this problem.

For the past 2 weeks, Chairman ALEXANDER and I were negotiating with our Democratic colleagues to do just that—fix the system so future retirees and retirees now would not lose out on what they were promised. Those negotiations were very constructive, and I believe that both sides worked in good faith. While both sides agreed to make significant changes, in the end, we weren't able to find a compromise that satisfied our respective principles and objectives for resolving this situation.

Here is the hang up—time. Now at the end of the session, with the end-of-the-year agenda and adjournment of the Congress, we just ran out of time. So in the midst of yearend appropriations and COVID relief negotiations, there simply wasn't enough time to reconcile our differences on how to fix this failing system.

My hope had been to use the last 8 months to negotiate a solution in a thoughtful and measured manner, instead of like now, in the heat of a complex yearend bill. But sadly, those 8 months didn't produce results.

From the beginning, we have agreed that Federal funds will be needed to solve the crisis in the short term—yes, money from the Treasury for pension plans that are in trouble now. But we have been equally resolute that reforms are essential to ensure the system can be self-sustaining in the long term. So we were trying to find a short-term solution that would involve the injection of Federal dollars, but we wanted a long-term solution that would make sure that private pension plans were self-sustaining and not relying upon the Federal Treasury. Otherwise, taxpayers will be perpetually subsidizing a private sector system of employee benefit promises.

Last November, Chairman ALEXANDER and I presented our comprehensive approach to rescue and reform the multiemployer pension system, which we have been working on and improving ever since. The product was improved with an amazing amount of input from workers, retirees, unions, employers, actuaries, academics, plan officials, and even members of the general public. Something as big as this needed to involve all of those people being at the table.

Today, Chairman ALEXANDER and I will introduce a revised version of that plan, the Chris Allen Multiemployer Pension Recapitalization and Reform Act. This legislation served as the basis for our recent negotiations and is the product of years of work with Chairman ALEXANDER to produce a serious, responsible plan that can provide relief to failing plans and to protect retirees' benefits.

It is also designed to ensure the long-term solvency of the Pension Benefit Guaranty Corporation's multiemployer insurance fund, based on the many comments and proposals we received to the original Grassley-Alexander plan released last November.

We believe this legislation would ensure that the PBGC's multiemployer insurance fund remains solvent over the long term after the initial rescue of the currently failing plans. But, most importantly, this legislation would reform the system to prevent this from happening again.

I would also like to note that the bill is named after Chris Allen, who was a

dedicated member of my Finance Committee staff, who passed away nearly 1 year ago at too young of an age. Chris poured thousands of hours of work into developing, drafting, and perfecting the Grassley-Alexander plan. I am grateful for all the work that Chris did, and I am proud this legislation bears his name.

I am also grateful to Andy Banducci, who helped us continue Chris's work while on detail to the committee from the PBGC for several months earlier this year. His expertise and commitment, especially during the pandemic, were essential to bringing this legislation to completion.

Lastly, Mark Warren of the Finance Committee staff has led my team on this very important issue with the help of Jamie Cummins.

This bill would not be possible without their efforts. So I thank Mark, Jamie, Andy, and Chris for their dedicated service.

Let me close by stressing two points for my Democratic colleagues. I appreciate the Democrats' professional and good-faith effort to try to find an agreement to this important issue. Although we were not able to reconcile our differences before the clock ran out, we need to carry that work forward, and I remain ready to continue that discussion. I want to make clear that, while the last 2 years I have been chairman of the Finance Committee, I won't be chairman the next 2 years, and we will be working under the leadership of the next chairman, Senator CRAPO, if Republicans continue to be in the majority.

These issues are not simple, and as I said in June, delaying the solution is only going to make the whole effort more costly. We should continue to work together to find a solution for the 10 million workers and retirees in these multiemployer plans. America's retirees deserve it.

Mr. President. I ask that the text of the bill be printed in the RECORD.

S. 5045

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Chris Allen Multiemployer Pension Recapitalization and Reform Act of 2020''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—RESTRUCTURING PENSION INSURANCE FOR MULTIEMPLOYER DEFINED BENEFIT PENSION PLANS

Subtitle A—Special Partitions of Eligible Multiemployer Plans

SEC. 101. SPECIAL PARTITIONS OF ELIGIBLE MULTIEMPLOYER PLANS.

(a) IN GENERAL.—Title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301 et seq.) is amended by inserting after section 4233 the following:

''SEC. 4233A. SPECIAL PARTITIONS OF ELIGIBLE MULTIEMPLOYER PLANS.

''(a) IN GENERAL.—

''(1) REQUIREMENT TO ORDER PARTITION.—Upon the application by the plan sponsor of an eligible multiemployer plan described in subsection (b) for a partition of the plan, the corporation shall order a partition of the plan in accordance with this section, provided the other requirements in this section are met. The corporation shall make a determination regarding the application not later than 150 days after the date such application was filed (or, if later, the date such application was completed) in accordance with regulations that shall be issued by the corporation under subsection (h).

''(2) NOTIFICATION OF PARTICIPANTS.—Not later than 30 days after submitting an application for partition of a plan under paragraph (1), the plan sponsor of the plan shall notify the participants and beneficiaries of such application, in the form and manner prescribed by the corporation.

''(3) IMPLEMENTATION OF TRANSFER.—The corporation shall implement the partition order issued under this section not later than 60 days after the completion of the corporation's determination under paragraph (1).

''(4) FILING DATE OF APPLICATION.—Partitions under this section shall apply only with respect to any eligible multiemployer plan whose plan sponsor files an application that is determined by the corporation to be complete pursuant to regulations issued by the corporation under subsection (h)(1) and that is filed by the later of the time specified in such regulations or 1 year after the corporation issues such regulations.

''(b) ELIGIBLE MULTIEMPLOYER PLAN.—For purposes of this section—

''(1) IN GENERAL.—The term 'eligible multiemployer plan' means a multiemployer plan that meets any of the following conditions:

''(A) The plan became insolvent (as described in section 4245(b), as in effect the day before the date of enactment of this section) on or after December 16, 2014, and prior to the date of enactment of this section and has not terminated.

''(B) The plan—

''(i)(I) was certified, in the most recent annual certification filed pursuant to section 305(b)(3) (as in effect on the day before the date of enactment of this section) before the date of enactment of this section, to be in critical and declining status (as defined in section 305(b)(6), as so in effect), and has not terminated as of such date;

''(II) implemented a suspension of benefits under section 305(e)(9) (as in effect on the day before the date of enactment of this section) prior to the date of enactment of this section;

''(III)(aa) was certified, in the most recent annual certification filed pursuant to section 305(b)(3) (as so in effect) before the date of enactment of this section, to be in critical status (as defined in section 305(b)(2), as so in effect), and has not terminated as of such date;

''(bb) has a funded percentage that is less than 40 percent on a current liability basis, based on the most recent Form 5500, Schedule MB, line 1b(1) for current value of assets and line 1d(2)(a) for current liability, filed before the date of enactment of this section; and

''(cc) has an active to inactive participant ratio that is below 40 percent as of the most recent Form 5500 filed before the date of enactment of this section; or

''(IV)(aa) was certified, in the most recent annual certification filed pursuant to section 305(b)(3) (as so in effect) before the date of

enactment of this section, to be in critical status (as defined in section 305(b)(2), as so in effect) and has not terminated before such date,

''(bb) has an active to total participant ratio that is below 20 percent as of the most recent Form 5500 filed before the date of enactment of the section; and

''(cc) has more than 100,000 participants as of the most recent Form 5500 filed before the date of enactment of the section; and

''(ii) is not the plan described in section 9701(a)(3) of the Internal Revenue Code of 1986, determined without regard to the limitation on participation to individuals who retired in 1976 and thereafter.

''(2) ELIGIBLE PLANS REQUIRED TO FILE FOR PARTITION.—

''(A) IN GENERAL.—An eligible multiemployer plan (other than a plan eligible under paragraph (1)(B)(i)(II)) shall file with the corporation for partition under this section. If an eligible plan required under the preceding sentence to file for partition does not so file in a timely manner, the plan is subject to termination under section 4042.

''(B) EXCEPTION.—If a plan is reasonably determined to be ineligible for future adjustments under subsection (j)(3)(C)(iii)—

''(i) subparagraph (A) shall not apply to such plan, and

''(ii) such plan may withdraw the partition application (or, as provided by the corporation in regulations, not submit such application at all).

''(c) CONDITIONS FOR PARTITION.—

''(1) RATE OF ACCRUALS.—

''(A) IN GENERAL.—As a condition of any partition under this section, the rate of future accruals, during the period beginning on the date of the partition order and ending 15 years after the effective date of the partition, shall not exceed the lesser of—

''(i) a monthly benefit (payable as a single life annuity commencing at the participant's normal retirement age) equal or equivalent to 1 percent of the annual contributions required to be made with respect to a participant as of the first day of the first plan year that begins after the date of enactment of this section; or

''(ii) the accrual rate under the plan on such first day.

''(B) DETERMINATION OF EQUIVALENT RATE.—The plan sponsor may determine the equivalent rate of future accruals based on the standard or average contribution base units which the plan sponsor determines to be representative for active participants and such other factors as the plan sponsor determines to be relevant. Such determinations by the plan sponsor may be made on the basis of individual active participants, groups of active participants, or all active participants in total.

''(C) SPECIAL RULE FOR FUTURE ACCRUALS.—To the extent that the rate of future accruals exceeds the limitation determined under this paragraph, the plan sponsor shall adjust the rate of future accruals in accordance with this paragraph effective as of the date of the partition order.

''(2) ELIMINATION OF ADJUSTABLE BENEFITS.—As a condition of any partition under this section, the plan sponsor of an eligible multiemployer plan shall eliminate all adjustable benefits in the nature of an early retirement subsidy (including a subsidized early retirement actuarial reduction factor) for all participants not in pay status as of the date of the partition application. Nothing in this paragraph shall affect the right of a participant to receive an unsubsidized early retirement benefit.

''(d) SUCCESSOR PLANS AND ORIGINAL PLANS.—

''(1) IN GENERAL.—The plan created by the partition order is a successor plan to which section 4022A applies.

''(2) PLAN SPONSOR AND PLAN ADMINISTRATOR.—The plan sponsor of an eligible multiemployer plan prior to partition and the administrator of such plan shall be the plan sponsor and the administrator, respectively, of the original plan and the successor plan created by the partition order.

''(3) ORIGINAL PLAN.—The remaining plan after benefits have been transferred to the successor plan pursuant to the partition order is the original plan. Benefit payments made by the successor plan shall not constitute a reduction in benefits with respect to the original plan.

''(e) FINANCIAL ASSISTANCE TO SUCCESSOR PLANS FROM THE CORPORATION.—

''(1) IN GENERAL.—Upon approval of an application filed pursuant to subsection (i), the corporation shall provide financial assistance to each successor plan of an eligible multiemployer plan.

''(2) NONAPPLICABILITY OF REPAYMENT RULE.—Financial assistance provided to a successor plan pursuant to this subsection shall not be subject to the requirements of section 4261(b)(2), except that the corporation may condition receipt of financial assistance under this subsection on reasonable terms consistent with regulations prescribed by the corporation to prevent abuse of the multiemployer plan program or prevent unreasonable risk of loss to the corporation.

''(f) PAYMENT REQUIREMENTS OF ORIGINAL PLAN.—For each participant or beneficiary of the plan whose benefit or portion thereof was transferred to the successor plan, the original plan shall pay a monthly benefit to such participant or beneficiary for each month in which such benefit is in pay status following the effective date of such partition in an amount equal to the excess of—

''(1) the monthly benefit that would be paid to the participant or beneficiary under the terms of the original plan had the transfer of benefits not occurred (taking into account any applicable benefit reductions or plan amendments following the effective date of the partition); over

''(2) the monthly benefit for such participant or beneficiary that is paid by the successor plan.

''(g) TRANSFER OF BENEFITS.—

''(1) IN GENERAL.—A partition order under subsection (a) shall provide for a transfer of benefits from the original plan to the successor plan in the amount necessary for the original plan to be projected to remain solvent indefinitely, as defined in section 1.432(e)(9)–1(d)(5)(ii) of title 26, Code of Federal Regulations (excluding subparagraph (A)(2)), as in effect on the date on which such regulations were issued, using actuarial and other assumptions to be promulgated by the corporation in the regulations described in subsection (h)(4). Such transfer amounts shall be determined without respect to the amount guaranteed under section 4022A.

''(2) CONSIDERATIONS.—

''(A) IN GENERAL.—In determining the transfer amount under paragraph (1), the corporation shall take into account all obligations of the original plan, including the payment of benefits required under subsection (f) in excess of the amount paid by the successor plan and all plan expenses and premium amounts.

''(B) PROJECTION OF ASSETS AND LIABILITIES.—The amount of the transfer of benefits shall be based on a projection of plan assets and liabilities to the projected partition date, as specified in the partition application, and—

''(i) the projection of plan assets shall be based on the fair market value of plan assets as of the end of the last plan year preceding the date of the application, with appropriate adjustments for actual or anticipated plan experience through the projected partition date; and

''(ii) the projection of plan liabilities shall be based on the participant data used in the most recently completed actuarial valuation.

''(3) SPECIAL RULE FOR INSOLVENT PLANS.—With respect to an insolvent plan described in subsection (b)(1)(A), the corporation shall provide financial assistance to the original plan, as needed for the plan to pay to each participant and beneficiary in the successor plan the excess, if any, of—

''(A) the monthly benefit that would be paid to the participant or beneficiary under the terms of the original plan, prior to insolvency, had the transfer of benefits not occurred (taking into account any applicable benefit reductions or plan amendments following the effective date of the partition); over

''(B) the monthly benefit for such participant or beneficiary that is paid by the successor plan.

''(h) REGULATIONS.—

''(1) IN GENERAL.—The corporation shall issue regulations on the requirements for partition applications not later than 180 days after the date of enactment of this section. By regulation, the corporation may assign eligible multiemployer plans into groups, based on plan size (prioritizing larger plans), projected date of plan insolvency (prioritizing plans expected to become insolvent within 5 years), or such other factors as the corporation deems appropriate, for determining when an application for partition under this section may be filed. Any regulations issued under this section shall be interim final or final regulations.

''(2) EFFECT OF NO REGULATION.—If the corporation does not issue regulations within 180 days after the date of enactment of this section, any applications for partition under this section filed after the date that is 180 days after such date of enactment (and prior to the date regulations are issued) shall be deemed to be approved.

''(3) RULES FOR DETERMINING PARTICIPANTS AND BENEFICIARIES.—The regulations under this subsection shall include rules for determining which participants and beneficiaries are included in the transfer of benefits.

''(4) ACTUARIAL ASSUMPTIONS.—The regulations under this subsection shall prescribe acceptable actuarial assumptions, for purposes of an application, relating to the following:

''(A) Future investment returns which must be consistent with the applicable discount rate under section 304, except that—

''(i) in no case shall the assumption for future returns be less than 5.5 percent for purposes of determining the initial partition amount; and

''(ii) in no case, while the partition amount is being determined or while the partition is in effect, shall the assumption used for determining adjustments under subsection (j) be less than the lesser of—

''(I) the rate equal to the 24-month average of the third segment rate (as defined in section 303(h)(2)(C)(iii)), as of the date the determination is made, without regard to section 303(h)(2)(C)(iv), increased by 2 percent; or

''(II) 5.5 percent.

''(B) Future contribution base units.

''(C) Future contribution rate increases, taking into account the adopted rehabilitation plan.

''(D) Future withdrawal liability payments.

''(E) Future administrative expenses.

''(F) Mortality.

''(G) Any other assumptions deemed by the corporation to be material.

''(5) RULES RELATING TO ASSUMPTIONS.—

''(A) INFORMATION REQUIRED.—For purposes of paragraph (4), when prescribing acceptable actuarial assumptions, the corporation shall not require a plan sponsor to obtain data or other information that a plan sponsor should not reasonably be expected to have in its possession, unless it can be obtained with reasonable effort and expense.

''(B) ECONOMIC ACTIVITY ASSUMPTION.—For purposes of paragraph (4)(B), an assumption related to future contribution base units shall be considered reasonable and appropriate for purposes of the application under this section, provided that—

''(i) if the recent experience of the plan has been declining contribution base units, the plan actuary may assume future contribution base units will continue to decline at the same annualized trend as over the 5 immediately preceding plan years unless such assumption is unreasonable based on criteria which may be prescribed by the corporation by regulation, and

''(ii) if the recent experience of the plan has been increasing, or neither increasing nor decreasing, contribution base units, the plan actuary may assume future contribution base units will remain unchanged indefinitely, unless such assumption is unreasonable based on criteria the corporation may prescribe.

''(6) DETERMINATION OF BENEFITS GUARANTEES.—The regulations under this subsection shall include rules for determining the amounts of benefits guaranteed under section 4022A, including acceptable methods to approximate credited service for participants and beneficiaries in pay status where records cannot reasonably be obtained by the plan administrator.

''(i) PARTITION APPLICATIONS.—

''(1) IN GENERAL.—An application for partition under this section submitted by a plan sponsor shall be filed electronically and contain the required information set forth in regulations promulgated by the corporation.

''(2) APPROVAL STANDARDS.—The corporation shall approve a partition application if the applying plan meets the requirements for a partition under this section.

''(3) EVALUATION OF INITIAL TRANSFER.—In reviewing an application under this section, the plan shall propose the initial amount of the transfer of benefits under the partition order that is required under subsection (g)(1) and the corporation shall review and modify the amount, if applicable, pursuant to its regulations.

''(4) DETERMINATIONS BY THE CORPORATION.—

''(A) DETERMINATION OF INELIGIBILITY.—If the corporation determines the plan to be ineligible under subsection (b) for a partition under this section, the corporation shall notify the plan sponsor in writing of such determination not later than 30 days after the application is filed. Such notice shall specify the reasons the plan is ineligible for a special partition. The applicant plan will have a period of at least 60 days, or longer if specified by the Corporation through regulations, to modify its application, which shall be subject to expedited review by the corporation and, for purposes of satisfying the 1-year filing requirement for special partition, will relate back to the date the application was initially filed.

''(B) INCOMPLETE APPLICATIONS.—If the corporation determines the application by the plan sponsor lacks information necessary for the corporation to approve or deny the application, the corporation shall notify the plan sponsor in writing, detailing which components are missing, not later than 30 days after the application is filed. Nothing in the preceding sentence shall prevent the corporation from asking the plan sponsor at a later date for additional information necessary to determine the partition amount.

''(C) FACTUAL SUBMISSIONS BY PLAN SPONSOR.—The factual submissions made by a plan sponsor in a partition application, including participant data and benefit calculations, shall be presumed to be correct, unless clearly erroneous.

''(j) POST–PARTITION ADJUSTMENTS.—

''(1) PROCESS FOR ADJUSTMENTS.—

''(A) IN GENERAL.—After benefits have been transferred under the partition order, the corporation shall, at least every third year thereafter, adjust the transfer of benefits, as necessary to enable the original plan to be projected to remain solvent indefinitely, consistent with limitations on guaranteed benefits (if applicable under paragraph (3)(C)). The adjustments shall be made based on such procedures as the corporation shall prescribe by regulation.

''(B) PLANS PROJECTED TO BE INSOLVENT.—If the original plan is not projected to be solvent 30 years after any adjustment review date (without regard to whether or not an adjustment takes place in connection with such date), taking into account the adjustments permitted by this paragraph, such plan shall electronically file a report with the corporation, as the corporation shall require by regulation. If the plan subsequently reports for 3 consecutive years for which an adjustment review is conducted that the plan is not projected to be solvent 30 years after the date of each such adjustment review, the plan shall be terminated.

''(2) BASIS FOR ADJUSTMENT.—The adjustment shall be based solely on, as applicable, updated participant data, calculations of guaranteed benefits for participants and beneficiaries covered under the successor plan, contribution experience, current actuarial assumptions (if changed since the initial transfer of benefits), and changes in the market value of the original plan's assets.

''(3) LIMITATIONS ON ADJUSTMENT.—

''(A) IN GENERAL.—The corporation shall not adjust under paragraph (1) the transfer of benefits to provide additional financial assistance if the corporation determines that the original plan or the bargaining parties committed an abuse of the multiemployer program with respect to the original plan or otherwise unreasonably took actions (or avoided taking actions) with the result that there is an increased risk of loss to the corporation with respect to the successor plan or the original plan.

''(B) END OF ADJUSTMENT AUTHORITY.— No adjustments under paragraph (1) to the transfer of benefits shall be allowed with respect to any plan year beginning 30 or more years after the date of the partition.

''(C) AGGREGATE LIMITS.—If the initial transfer of benefits from the plan under subsection (g)—

''(i) was less than 100 percent of the amount of benefits under the plan guaranteed under section 4022A for each participant, any adjustment under paragraph (1) shall not result in a benefit for any participant in the successor plan in excess of 100 percent of the participant's guaranteed benefit, determined as of the date of the initial transfer;

''(ii) was equal to or greater than 100 percent of the amount of benefits so guaranteed, any adjustment under paragraph (1) shall not result in a benefit for any participant in the successor plan in excess of the amount of the participant's benefit subject to the initial transfer; and

''(iii) was less than 5 percent of the amount of benefits so guaranteed, there shall be no adjustment under paragraph (1).

''(4) TERMINATED AND INSOLVENT PLANS.—With respect to an original plan partitioned under this section that subsequently is terminated or becomes insolvent, the benefits transferred under the partition order shall revert to the original plan, the partition shall be reversed, and financial assistance provided pursuant to the partition order shall cease.

''(5) REGULATIONS.—The corporation shall promulgate regulations describing the process and requirements for reporting and the circumstances under which plans will be terminated in accordance with the provisions of section 4041A pursuant to this subsection.

''(k) PLANS THAT IMPLEMENTED SUSPENSION OF BENEFITS.—

''(1) IN GENERAL.—An eligible multiemployer plan described in subsection (b)(1)(B)(i)(II) may be approved for a partition under this section only if it unwinds the suspension, and, if applicable, the previous partition described in such subsection in accordance with regulations to be issued by the corporation, in consultation with the Secretary of the Treasury. The unwinding of a suspension or partition described in such subsection must be contingent upon the corporation's approval of the application for partition under this section.

''(2) TIMING OF UNWINDING OF SUSPENSION OF BENEFITS.—In the case of a partition described in paragraph (1), the suspension of benefits shall be unwound retroactively. Benefits shall be restored to pre-suspension levels as of the effective date of the partition under this section and participants who are receiving benefits on the date of enactment of this section shall, beginning not later than 180 days after the approval of a partition order under this section, receive a special payment, payable over a period not to exceed 2 years, equal to the amount of benefits previously suspended as prescribed in regulations. Such plans are subject to the requirements of subsection (c).

''(l) FIDUCIARY PROTECTION.—Plan participants and beneficiaries shall not have a claim under section 409 or section 502 of this Act against plan fiduciaries with respect to an application for partition assistance made in good faith or the allocation of benefit liabilities between the successor plan and the original plan.

''(m) EFFECT OF PARTITION ON WITHDRAWAL LIABILITY.—

''(1) IN GENERAL.—A partition order under this section is taken into account in determining withdrawal liability under section 4201 of an employer that contributes to the original plan, provided that the employer remains a contributing employer to the original plan (and in compliance with any applicable funding improvement or rehabilitation plan) for a period of 15 years following the effective date of the liability transfer.

''(2) WITHDRAWALS AFTER LESS THAN 15 YEARS.—

''(A) IN GENERAL.—If an employer completely withdraws or partially withdraws from a plan that was partitioned under this section at any time within the 15-year period described in paragraph (1), the transfer of benefits under subsection (g) shall not be taken into account in computing the employer's complete or partial withdrawal liability, and the amount of the annual withdrawal liability payment amount otherwise determined shall be increased by 10 percent.

''(B) EXCEPTION.—Subparagraph (A) shall not apply—

''(i) if the complete or partial withdrawal is due to a decertification, a change in bargaining representatives, disclaimer of interest, or because of an event described in section 4218; or

''(ii) in the case of a partial withdrawal due to a bargaining unit or facility take-out if the contribution base units for the plan year immediately following the year of the partial withdrawal are at least 97 percent of the

contribution base units for the plan year immediately preceding the year of the partial withdrawal.

''(3) EXCEPTION.— Paragraphs (1) and (2) shall not apply to an employer that first had an obligation to contribute to the plan partitioned under this section after the date of enactment of this section.

''(n) RESTRICTIONS ON BENEFIT IMPROVEMENTS.—

''(1) INCREASE IN PLAN LIABILITIES.—

''(A) IN GENERAL.—If the plan sponsor adopts a plan amendment that increases plan liabilities (due to any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable) that takes effect after the effective date of the partition, the original plan shall make payments to the corporation for each year during the 20-year period following the effective date of the benefit increase. For purposes of this paragraph, an increase in benefits due to an increase in the contribution rate or compensation shall be considered a prohibited increase in benefits.

''(B) EXCEPTION FOR CERTAIN ACCRUALS.—Subparagraph (A) shall not apply to any change in future accruals after the end of the 15-year period during which such accruals are limited under subsection (c).

''(2) AMOUNT PAYABLE TO CORPORATION.—The amount paid by the original plan to the corporation under paragraph (1) each year shall be equal to the lesser of—

''(A) the total value of the increase in benefit payments for the year that is attributable to the benefit improvement; or

''(B) the total benefit payments from the successor plan for such year.

''(3) TIMING OF PAYMENT.—Payments under paragraph (2) shall be made by the original plan at the time of, and in addition to, any premium imposed by the corporation on the plan.

''(4) PBGC AUTHORITY.—The corporation is authorized to bring an action against the original plan to prevent or correct any and all actions by plan sponsors, a principal purpose of which is to evade or avoid payments due to the corporation under paragraph (2), or that may have the effect of evading or avoiding such payments. Payments under paragraph (2) shall be determined without regard to such actions by plan sponsors.

''(5) EXCEPTION FOR CERTAIN CHANGES.—The requirements of this subsection do not apply to an increase or change in benefits that is required by law or that is a de minimis change, as determined by the corporation.

''(o) POST-PARTITION DISCLOSURES.—Not later than 90 days after the first day of each plan year beginning after the effective date of a partition under this section, the plan sponsor of the original plan shall electronically file with the corporation a report including the following information:

''(1) The estimated funded percentage (as defined in section 305(k)(2)) as of the first day of such plan year, and the underlying actuarial value of assets and liabilities taken into account in determining such percentage.

''(2) The estimated amount of all investment returns for the original plan during the preceding plan year.

''(3) The market value of the assets of the plan (determined as provided in paragraph (1)) as of the last day of the plan year preceding such plan year.

''(4) The total value of all contributions made by employers and employees during the plan year preceding such plan year.

''(5) The total value of all benefits paid during the plan year preceding such plan year.

''(6) Cash flow projections for such plan year and the 29 succeeding plan years, and the assumptions used in making such projections.

''(7) Funding standard account projections for such plan year and the 9 succeeding plan years, and the assumptions used in making such projections.

''(8) Any significant reduction in the number of active participants during the plan year preceding such plan year, and the reason for such reduction.

''(9) A list of employers that withdrew from the plan in the plan year preceding such plan year, and the resulting reduction in contributions.

''(10) A list of employers that paid withdrawal liability to the plan during the plan year preceding such plan year and, for each employer, a total assessment of the withdrawal liability paid, the annual payment amount, and the number of years remaining in the payment schedule with respect to such withdrawal liability.

''(11) Any material changes to benefits, accrual rates, or contribution rates during the plan year preceding such plan year, and whether such changes relate to the conditions of the partition assistance.

''(12) Details regarding any funding improvement plan or rehabilitation plan and updates to such plan.

''(13) The number of participants and beneficiaries during the plan year preceding such plan year who are active participants, the number of participants and beneficiaries in pay status, and the number of terminated vested participants and beneficiaries.

''(14) For—

''(A) the first plan year after the effective date of the partition, a list of all employers that contributed to the plan during the plan year; and

''(B) subsequent plan years, changes to the list of contributing employers.

''(15) The information contained on the most recent annual return under section 6058 of the Internal Revenue Code of 1986 and actuarial report under section 6059 of such Code of the plan.

''(16) Copies of the plan document and amendments, other retirement benefit or ancillary benefit plans relating to the plan and contribution obligations under such plans, a breakdown of administrative expenses of the plan, participant census data and distribution of benefits, the most recent actuarial valuation report as of the plan year, financial reports, and copies of the portions of collective bargaining agreements relating to plan contributions, funding coverage, or benefits, and such other information as the corporation may reasonably require.

''(17) A list of the employers that contributed more than 5 percent of total contributions to the plan during the preceding plan year, and the amount contributed by each such employer.

Any information or documentary material submitted to the corporation pursuant to this subsection that could identify individual employers, if clearly designated by the person making the submission as confidential (on each page in the case of a document, and in the file name in the case of a digital file), shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public except as may be relevant to any administrative or judicial action or proceeding, including an informal rulemaking.

''(p) RESTRICTIONS ON CONTRIBUTION DECREASES.—

''(1) IN GENERAL.—Subject to paragraph (2), except in any plan year in which the plan is certified by the plan actuary as in unrestricted status pursuant to section 305(b)(1)(B), the plan sponsor of an original plan may not accept a collective bargaining agreement with respect to such original plan that includes a reduction in employer contribution rates.

''(2) EXCEPTION.—Under a process to be promulgated by regulation by the corporation, a plan sponsor of an original plan may petition the corporation for the authority to approve a collective bargaining agreement that contemplates a reduction in employer contribution rates. Such regulation shall include a requirement that a plan petitioning for such authority demonstrate that its existing contribution rates are higher than contribution rates paid on behalf of other workers covered by collective bargaining agreements in the same industry in nearby localities. The corporation shall approve the petition if the plan sponsor demonstrates that the reduction in contribution rates improves the long-term funding or solvency of the plan, and does not increase the corporation's expected loss with respect to the plan.

''(q) EFFECT ON ACCUMULATED FUNDING DEFICIENCY.—Any accumulated funding deficiency (as defined in section 304(a)) of a plan shall be reduced to zero as of the first day of the plan year during which the partition under this section is effective.

''(r) COORDINATION OF REPORTING AND DISCLOSURE REQUIREMENTS.—The corporation, the Secretary, and the Secretary of the Treasury may, individually or collectively, promulgate regulations to reduce reporting and disclosure obligations for successor plans, including coordinating with reporting and disclosure by original plans.''.

(b) CONFORMING AMENDMENT.—Section 4233 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1413) is amended by adding at the end the following:

''(g) This section shall not apply to an eligible multiemployer plan described in section 4233A(b) that receives a special partition under that section.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) is amended by inserting after the item relating to section 4233 the following:

''4233A. Special partitions of eligible multiemployer plans.''.

Subtitle B—PBGC Reforms

SEC. 111. GUARANTEE RATE INCREASE FOR PLANS RECEIVING FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Section 4022A(c)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(c)(1)) is amended by striking subparagraph (A) and inserting the following:

''(A) 100 percent of the accrual rate up to $15, plus 75 percent of the lesser of—

''(i) $54.67, or

''(ii) the accrual rate, if any, in excess of $15, and''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to financial assistance provided by the Pension Benefit Guaranty Corporation—

(A) to plans that become insolvent after the date of the enactment of this Act; or

(B) pursuant to a special partition under section 4233A of the Employee Retirement Income Security Act of 1974, as added by this Act.

(2) EXCEPTION FOR PARTITIONS ON OR BEFORE DATE OF ENACTMENT.—The amendments made by this section shall not apply to financial assistance provided by the Pension Benefit Guaranty Corporation pursuant to a partition of a multiemployer plan occurring on or before the date of the enactment of this Act.

SEC. 112. AMENDMENT TO DEFINITION OF INSOLVENCY.

(a) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 4245

of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1426) is amended—

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

''(a) Notwithstanding sections 203 and 204, an insolvent multiemployer plan shall suspend the payments of benefits which are not basic benefits, in accordance with this section, and terminate the plan under section 4041A(a)(4).'';

(2) in subsection (b)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) a multiemployer plan is insolvent if the plan's available resources in any of the next 5 plan years are projected not to be sufficient to pay benefits under the plan when due for the plan year;'';

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(C) in paragraph (2), as so redesignated, by inserting ''expected'' before ''contributions'';

(3) by striking subsection (c);

(4) by redesignating subsections (d) through (g) as subsections (c) through (f), respectively;

(5) in subsection (c), as so redesignated—

(A) in paragraph (1)—

(i) by striking ''critical status, as described in subsection 305(b)(2),)'' and inserting ''such critical status)'';

(ii) by striking ''3 times'' and inserting ''10 times''; and

(iii) by striking ''5 plan years'' each place such term appears and inserting ''8 plan years'';

(B) in paragraph (2)—

(i) by striking ''plan's available resources are not sufficient to pay benefits under the plan when due for the next plan year'' and inserting ''plan will be insolvent in any of the next 10 plan years''; and

(ii) by inserting ''and the corporation'' before the period at the end;

(C) by striking paragraph (3); and

(D) by redesignating paragraph (4) as paragraph (3).

(6) in subsection (d), as so redesignated—

(A) in paragraph (1)—

(i) by striking ''subsection (d)(1) or (2)'' and inserting ''subsection (c)(1) or (2)''; and

(ii) by striking ''Treasury,'' in subparagraph (A) and inserting ''Treasury and'';

(B) in paragraph (2)—

(i) by striking ''resource benefit level determined in writing for that insolvency year'' and inserting ''reduction of benefit payments to the level of basic benefits and the termination of the plan under section 4041A(a)(4) as of the first day of the seventh full plan month of the plan's first insolvency year under subsection (b)(3)''; and

(ii) by striking ''each insolvency year'' and inserting ''the first insolvency year'';

(C) by striking paragraph (3); and

(D) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(7) in subsection (e), as so redesignated—

(A) in paragraph (1) by striking '', for which the resource benefit level is above the level of basic benefits,''; and

(B) by striking paragraph (2) and inserting after paragraph (1) the following new paragraph:

''(2) A plan sponsor who has determined that the plan's available resources for an insolvency year are below the level of basic benefits shall apply for financial assistance from the corporation under section 4261.''; and

(8) in subsection (f), as so redesignated, by striking ''Subsections (a) and (c)'' and inserting ''Subsection (a)''.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—Section 418E of the Internal Revenue Code of 1986 is amended—

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

''(a) SUSPENSION OF CERTAIN BENEFIT PAYMENTS; TERMINATION.—Notwithstanding section 411, an insolvent multiemployer plan shall suspend the payments of benefits which are not basic benefits, in accordance with this section, and terminate the plan under section 4041A(a)(4) of the Employee Retirement Income Security Act of 1974.'';

(2) in subsection (b)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) INSOLVENT MULTIEMPLOYER PLAN.—A multiemployer plan is insolvent if the plan's available resources in any of the next 5 plan years are projected not to be sufficient to pay benefits under the plan when due for the plan year.'';

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(C) in paragraph (2), as so redesignated, by inserting ''expected'' before ''contributions'';

(3) by striking subsection (c);

(4) by redesignating subsections (d) through (h) as subsections (c) through (g), respectively;

(5) in subsection (c), as so redesignated—

(A) in paragraph (1)—

(i) by striking ''critical status, as described in subsection 432(b)(2))'' and inserting ''such critical status)'';

(ii) by striking ''3 times'' and inserting ''10 times''; and

(iii) by striking ''5 plan years'' each place such term appears and inserting ''8 plan years'';

(B) in paragraph (2)—

(i) by striking ''plan's available resources are not sufficient to pay benefits under the plan when due for the next plan year'' and inserting ''plan will be insolvent in any of the next 10 plan years''; and

(ii) by inserting ''and the corporation'' before the period at the end;

(C) by striking paragraph (3); and

(D) by redesignating paragraph (4) as paragraph (3);

(6) in subsection (d), as so redesignated—

(A) in paragraph (1), by striking ''subsection (d)(1) or (2)'' and inserting ''subsection (c)(1) or (2)'';

(B) in paragraph (2)—

(i) by striking ''resource benefit level determined in writing for that insolvency year'' and inserting ''reduction of benefit payments to the level of basic benefits and the termination of the plan under section 4041A(a)(4) of the Employee Retirement Income Security Act of 1974 as of the first day of the seventh full plan month of the plan's first insolvency year under subsection (b)(3)'';

(ii) by striking ''each insolvency year'' and inserting ''the first insolvency year''; and

(iii) by striking ''RESOURCE BENEFIT LEVEL'' in the heading and inserting ''NOTICE OF INSOLVENCY'';

(C) by striking paragraph (3); and

(D) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(7) in subsection (e), as so redesignated—

(A) in paragraph (1) by striking '', for which the resource benefit level is above the level of basic benefits,''; and

(B) by striking paragraph (2) and inserting after paragraph (1) the following new paragraph:

''(2) PLANS WITHOUT AVAILABLE RESOURCES.—A plan sponsor who has determined that the plan's available resources for an insolvency year are below the level of basic benefits shall apply for financial assistance from the Pension Benefit Guaranty Corporation under section 4261 of the Employee Retirement Income Security Act of 1974.''; and

(8) in subsection (g), as so redesignated, by striking ''Subsections (a) and (c)'' and inserting ''Subsection (a)''.

(c) REGULATIONS.—The Pension Benefit Guaranty Corporation shall issue regulations implementing the amendments made by this section. Such regulations shall address the assumptions a plan may use in projecting whether a plan's available resources in any of the next 5 plan years are projected not to be sufficient to pay benefits under the plan when due.

SEC. 113. TERMINATION OF MULTIEMPLOYER PLANS.

(a) TERMINATION BY COURT ORDER.—Section 4041A of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341a) is amended by adding at the end the following:

''(g) EFFECT OF TERMINATION ORDER.—If a court orders the termination of a multiemployer plan under section 4042—

''(1) the corporation shall determine whether the termination of such plan shall be carried out in accordance with paragraph (1) or (2) of subsection (a) (and such termination shall be treated as described in whichever of such paragraphs is applicable under the determination), and

''(2) the plan shall take such actions as the corporation determines necessary to implement the corporation's determination under paragraph (1) by such date as the corporation specifies in such determination.''.

(b) TERMINATION BY REASON OF INSOLVENCY.—

(1) IN GENERAL.—Section 4041A(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341a(a)) is amended—

(A) in paragraph (2), by striking ''or'' at the end;

(B) in paragraph (3)—

(i) by striking ''section 4203(b)(1)'' and inserting ''section 4021(b)(1)''; and

(ii) by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(4) becoming insolvent (within the meaning of section 4245(b)(1).''.

(2) TIME OF TERMINATION.—Section 4041A(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341a(b)) is amended by adding at the end the following new paragraphs:

''(3) Except as provided in paragraph (4), the date on which a plan terminates under paragraph (4) of subsection (a) is the first day of the seventh full plan month of the plan's first insolvency year under section 4245(b)(3).

''(4)(A) In the case of a multiemployer plan which is an insolvent plan on the date of enactment of this paragraph—

''(i) paragraph (4) of subsection (a) shall apply to such plan unless such plan applies for, and receives, a special partition under section 4233A, and

''(ii) the date on which plan terminates shall be determined under subparagraph (B).

''(B) In the case of a plan described in subparagraph (A), the date on which a plan terminates under paragraph (4) of subsection (a) is—

''(i) if the plan is not eligible for a special partition under section 4233A, the first day of the seventh full plan month following such date of enactment, except that such plan may, notwithstanding the amendment required to be adopted by the plan under section 4245(a), continue to provide service credit solely for purposes of vesting under the plan until such time as the plan's available resources are not sufficient to pay benefits under the plan, and

''(ii) if the plan applies for such special partition but the corporation does not approve it, the first day of the seventh full plan month following the final determination of the corporation disallowing such special partition.''.

(3) ADOPTION OF AMENDMENT PROVIDING FOR NO SERVICE CREDIT.—Section 4245(a) of such

Act (29 U.S.C. 1426(a)), as amended by this Act, is amended by adding at the end the following: ''The insolvent multiemployer plan shall also, at the time of becoming insolvent, adopt an amendment which provides that participants will receive no credit for any purpose under the plan for service with any employer after the date specified in 4041A(b)(3) or (4), whichever is applicable.''

(4) OTHER AMENDMENTS.—Section 4041A of such Act of 1974 (29 U.S.C. 1341a) is amended—

(A) in subsection (c)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''Except'' and inserting ''Consistent with the provisions of section 4281, and except''; and

(II) by striking ''paragraph (2)'' and inserting ''paragraph (1), (2), or (4)'';

(ii) in paragraph (1), by striking ''and'' at the end;

(iii) by redesignating paragraph (2) as paragraph (3); and

(iv) by inserting after paragraph (1) the following:

''(2) suspend the payment of benefits in excess of the level of basic benefits, and'';

(B) by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(C) in subsection (d), as so redesignated—

(i) by striking ''paragraph (1) or (3)'' and inserting ''paragraph (1), (3), or (4)'';

(ii) by striking ''termination date, unless'' and inserting ''termination date and the total contribution amount shall be not less than the average amount of the highest 3 contributions in the previous 10 years, unless''; and

(iii) by adding at the end the following new sentence: ''Any liability under section 4201 due by an employer that withdraws from the plan after the plan termination date shall be offset by the contributions made under this subsection subsequent to the plan termination.''.

(c) POOLING OF ASSETS.—Section 4041A of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341a), as amended by this section, is further amended by adding at the end the following:

''(g) POOLING OF ASSETS.—Notwithstanding any other provision of this title, the corporation is authorized to pool assets of terminated or insolvent multiemployer plans with fewer than 5,000 participants or to consolidate such plans by merger, for purposes of administration, investment, payment of liabilities of all such plans, and such other purposes as it determinates to be appropriate in the administration of this title, if it determines that such action would reduce administrative expenses or avoid an increased risk of loss. The corporation may exercise this consolidation authority by administrative action without petitioning a court for an order to replace the plan's governing board of trustees, including receivership by the corporation, or to consolidate or merge any plans.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section, except that the amendments made by subsection (b) shall also apply to multiemployer plans that are insolvent on such date.

SEC. 114. BENEFITS UNDER CERTAIN TERMINATED PLANS.

Section 4281 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1441) is amended—

(1) in subsection (a), by striking ''section 4041A(d)'' and inserting ''Section 4041A(c)'';

(2) by striking subsections (b), (c), and (d); and

(3) by inserting after subsection (a) the following:

''(b)(1) If a plan has been terminated pursuant to paragraph (1), (2), or (4) of section 4041A(a), the plan sponsor shall amend the plan to suspend benefits in excess of the level of basic benefits.

''(2) Any plan amendment required by this subsection shall, in accordance with regulations prescribed by the corporation, take effect not later than 6 months after the date on which the plan is terminated.

''(c)(1) The value of nonforfeitable benefits under a terminated plan described in subsection (a), and the value of the plan's assets, shall be determined in writing, in accordance with regulations prescribed by the corporation, as of the end of the plan year during which section 4041A(c) becomes applicable to such plan.

''(2) For purposes of this subsection, plan assets include outstanding claims for withdrawal liability (within the meaning of section 4001(a)(12).

''(3) If, according to the determination made under paragraph (1), the value of plan assets is sufficient to pay nonforfeitable benefits, the plan sponsor shall use the plan assets to purchase irrevocable commitments to provide such benefits from an insurer or otherwise distribute plan assets in satisfaction of the plan's obligations with respect to nonforfeitable benefits, in accordance with all applicable regulations.

''(d)(1) If, according to the determination made under subsection (c)(1), the value of nonforfeitable benefits exceeds the value of the plan's assets, the plan sponsor shall amend the plan to reduce benefits under the plan as provided in paragraph (2).

''(2) Any plan amendment required by paragraph (1) shall, in accordance with regulations prescribed by the corporation—

''(A) reduce benefits to the extent necessary to eliminate any benefits that are not nonforfeitable;

''(B) reduce accrued benefits to the extent that those benefits are not eligible for the corporation's guarantee under section 4022A(b); and

''(C) suspend payment of benefits which are not basic benefits under section 4022A(c).

''(e) The powers and duties under this section of a sponsor of a plan that is terminated as described in section 4041A, before or after the plan begins receiving financial assistance under section 4261, shall be prescribed by the corporation, and the corporation shall prescribe by regulation the requirements which assure that plan participants and beneficiaries receive adequate notice of any suspension of benefits.''.

Subtitle C—Pension Insurance Modeling

SEC. 121. PENSION INSURANCE MODELING.

Section 40233(a) of the Moving Ahead for Progress in the 21st Century Act (126 Stat. 857; Public Law 112–141) is amended—

(1) in the subsection heading, by striking ''ANNUAL'';

(2) by striking ''The Pension'' and inserting ''Not later than January 1, 2025, and not less frequently than once every 5 years thereafter, the Pension'';

(3) by striking ''an annual peer review'' and inserting ''a peer review''; and

(4) by striking the third sentence.

TITLE II—FUNDING RULES, WITHDRAWAL LIABILITY, AND OTHER REFORMS

Subtitle A—Minimum Funding Standard for Multiemployer Plans

SEC. 201. VALUATION OF PLAN LIABILITIES.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) CHARGES TO FUNDING STANDARD ACCOUNT.—Subparagraph (B) of section 431(b)(2) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''and'' at the end of clause (iii),

(B) by redesignating clause (iv) as clause (v),

(C) by striking ''actuarial assumptions'' in clause (v), as so redesignated, and inserting ''actuarial assumptions not described in clause (iv)'', and

(D) by inserting after clause (iii) the following new clause:

''(iv) separately, with respect to each plan year, an amount equal to the excess, if any, of—

''(I) the net increase (if any) in the unfunded past service liability resulting from a reduction in the interest rate under paragraph (6)(A) from the rate which applied for the preceding year, over

''(II) the amount in the investment risk reduction subaccount under paragraph (9),

over a period of 30 years, and''.

(2) CREDITS TO FUNDING STANDARD ACCOUNT.—Clause (iii) of section 431(b)(3)(B) of such Code is amended by inserting '', except that any amount of net gain resulting from an increase in the interest rate from the rate which applied for the preceding year shall first be offset against any unamortized amounts charged under paragraph (2)(B)(iv)'' after ''15 plan years''.

(3) INTEREST.—Paragraph (6) of section 431(b) of such Code is amended to read as follows:

''(6) INTEREST.—

''(A) IN GENERAL.—The funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine the unfunded past service liability. Notwithstanding any other provision of this section, the interest rate used shall not exceed—

''(i) 7.5 percent for actuarial valuations for plan years beginning after December 31, 2020, and before January 1, 2024,

''(ii) 7.25 percent for actuarial valuations for plan years beginning after December 31, 2023, and before January 1, 2028,

''(iii) 7.0 percent for actuarial valuations for plan years beginning after December 31, 2027, and before January 1, 2032,

''(iv) 6.75 percent for actuarial valuations for plan years beginning after December 31, 2031, and before January 1, 2036, and

''(v) 6.5 percent for actuarial valuations for plan years beginning after December 31, 2035.

Notwithstanding subsection (c), the plan sponsor may direct the plan actuary to use any rate which is not lower than the rate determined under subparagraph (B) (without regard to this sentence) and not greater than the rate determined under the preceding sentence. for the plan year. Nothing in this subparagraph shall require a plan to take into account the interest rate limitation for subsequent years under the preceding sentence in determining actuarial valuations as of any given year.

''(B) INTEREST RATE FOR DETERMINING NORMAL COST.—Notwithstanding any other provision of this section, the interest rate used for determining the normal cost to be charged under paragraph (2) for the plan year shall be equal to the least of—

''(i) the interest rate applicable under subparagraph (A) for the plan year,

''(ii) a rate equal to the 24-month average of the third segment rate (as defined in section 430(h)(2)(C)(iii)), as of the date the determination is made, without regard to section 430(h)(2)(C)(iv), increased by 2 percent, or

''(iii) 5.5 percent.

''(C) EXCEPTION FOR CERTAIN PARTITIONED PLANS.—Notwithstanding subparagraph (A), in the case of a plan which has been partitioned under section 4233A of the Employee Retirement Income Security Act of 1974, the rate of interest used to determine normal cost under subparagraph (B) shall also be

used to determine the unfunded past service liability of the plan.

''(D) EXCEPTION FOR PLANS USING A SPREAD-GAIN METHOD.—Notwithstanding subparagraph (B), and except as noted in subparagraph (C), in the case of a plan which uses a funding method other than the unit credit method or entry-age normal method—

''(i) the normal cost and past service liability shall be calculated using interest rates under subparagraph (A),

''(ii) an additional normal cost component shall be calculated in the same manner as under paragraph (9)(B)(i) based on the unit credit method, and

''(iii) the amount determined under clause (ii) shall be added to the otherwise calculated normal cost under the funding method in lieu of the credit under paragraph (9)(B)(i).''.

(4) INVESTMENT RISK REDUCTION SUBACCOUNT.—Subsection (b) of section 431 of such Code is amended by adding at the end the following new paragraph:

''(9) INVESTMENT RISK REDUCTION SUBACCOUNT.—For purposes of this part—

''(A) IN GENERAL.—The funding standard account shall include an investment risk reduction subaccount used solely to offset losses attributable to reductions in the rate of interest used to determine the unfunded past service liability of the plan over time.

''(B) ANNUAL ADJUSTMENTS.—For a plan year, the investment risk reduction subaccount shall be—

''(i) credited with the net change (if any) in the normal cost for the immediately preceding plan year due to recalculation to reflect the difference in interest rates under paragraphs (6)(A) and (6)(B),

''(ii) charged with the amount of any reduction applied under paragraph (2)(B)(iv)(II), or, in the case of a plan using a spread-gain method, an amount equal to the lesser of—

''(I) the entire remaining balance of such subaccount immediately before the charge, or

''(II) the amount of the increase in the present value of benefits resulting from a decrease in the interest rate from the rate which applied for the preceding year,

''(iii) at the election of the plan sponsor, and pursuant to regulations to be issued by the Secretary, credited with the net decrease in the unfunded past service liability (or present value of benefits, in the case of a plan using a spread-gain method) resulting from an increase in the interest rate under paragraph (6)(A), not to exceed the amount of any previous charges to the account under clause (ii), reduced by any previous credits under this clause, and

''(iv) adjusted with interest at the rate under paragraph (6)(A), as applicable.''.

(5) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—Paragraph (1) of section 431(c) of such Code is amended to read as follows:

''(1) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—

''(A) IN GENERAL.—For purposes of this part, normal costs, accrued liability, and experience gains and losses used to determine the unfunded past service liability for the plan shall be determined under the funding method used to determine costs under the plan and based on the interest rate under subparagraph (A) (or subparagraph (C), if applicable) of subsection (b)(6).

''(B) ADJUSTMENTS FOR FUNDING STANDARD ACCOUNT NORMAL COST.—Notwithstanding subparagraph (A), in the case of a plan using the unit credit funding method or the entry-age normal funding method, the normal cost for a plan year to be charged to the funding standard account under subsection (b)(2) shall be determined under the funding method used to determine costs under the plan and based on the interest rate under subsection (b)(6)(B).''.

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) CHARGES TO FUNDING STANDARD ACCOUNT.—Subparagraph (B) of section 304(b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)(2)) is amended—

(A) by striking ''and'' at the end of clause (iii),

(B) by redesignating clause (iv) as clause (v),

(C) by striking ''actuarial assumptions'' in clause (v), as so redesignated, and inserting ''actuarial assumptions not described in clause (iv)'', and

(D) by inserting after clause (iii) the following new clause:

''(iv) separately, with respect to each plan year, an amount equal to the excess, if any, of—

''(I) the net increase (if any) in the unfunded past service liability resulting from a reduction in the interest rate under paragraph (6)(A) from the rate which applied for the preceding year, over

''(II) the amount in the investment risk reduction subaccount under paragraph (9),

over a period of 30 years, and''.

(2) CREDITS TO FUNDING STANDARD ACCOUNT.—Clause (iii) of section 304(b)(3)(B) of such Act (29 U.S.C. 1084(b)(3)(B)) is amended by inserting '', except that any amount of net gain resulting from an increase in the interest rate from the rate which applied for the preceding year shall first be offset against any unamortized amounts charged under paragraph (2)(B)(iv)'' after ''15 plan years''.

(3) INTEREST.—

(A) IN GENERAL.—Paragraph (6) of section 304(b) of such Act (29 U.S.C. 1084(b)) is amended to read as follows:

''(6) INTEREST.—

''(A) IN GENERAL.—The funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine the unfunded past service liability. Notwithstanding any other provision of this section, this interest rate shall not exceed—

''(i) 7.5 percent for actuarial valuations for plan years beginning after December 31, 2020, and before January 1, 2024,

''(ii) 7.25 percent for actuarial valuations for plan years beginning after December 31, 2023, and before January 1, 2028,

''(iii) 7.0 percent for actuarial valuations for plan years beginning after December 31, 2027, and before January 1, 2032,

''(iv) 6.75 percent for actuarial valuations for plan years beginning after December 31, 2031, and before January 1, 2036, and

''(v) 6.5 percent for actuarial valuations for plan years beginning after December 31, 2035.

Notwithstanding subsection (c), the plan sponsor may direct the plan actuary to use any rate which is not lower than the rate determined under subparagraph (B) (without regard to this sentence) and not greater than the rate determined under the preceding sentence. for the plan year. Nothing in this subparagraph shall require a plan to take into account the interest rate limitation for subsequent years under the preceding sentence in determining actuarial valuations as of any given year.

''(B) INTEREST RATE FOR DETERMINING NORMAL COST.—Notwithstanding any other provision of this section, the interest rate used for determining the normal cost to be charged under paragraph (2) for the plan year shall be equal to the least of—

''(i) the interest rate applicable under subparagraph (A) for the plan year,

''(ii) a rate equal to the 24-month average of the third segment rate (as defined in section 303(h)(2)(C)(iii)), as of the date the determination is made, without regard to section 303(h)(2)(C)(iv), increased by 2 percent, or

''(iii) 5.5 percent.

''(C) EXCEPTION FOR CERTAIN PARTITIONED PLANS.—Notwithstanding subparagraph (A), in the case of a plan which has been partitioned under section 4233A, the rate of interest used to determine normal cost under subparagraph (B) shall also be used to determine the unfunded past service liability of the plan.

''(D) EXCEPTION FOR PLANS USING A SPREAD-GAIN METHOD.—Notwithstanding subparagraph (B), and except as noted in subparagraph (C), in the case of a plan which uses a funding method other than the unit credit method or entry-age normal method—

''(i) the normal cost and past service liability shall be calculated using interest rates under subparagraph (A),

''(ii) an additional normal cost component shall be calculated in the same manner as under paragraph (9)(B)(i) based on the unit credit method, and

''(iii) the amount determined under clause (ii) shall be added to the otherwise calculated normal cost under the funding method in lieu of the credit under paragraph (9)(B)(i).''.

(B) CONFORMING AMENDMENT.—Subparagraph (A) of section 4233A(h)(4) of such Act, as added by this Act, is amended by inserting '', consistent with section 304(b)(6)(C)'' before the period.

(4) INVESTMENT RISK REDUCTION SUBACCOUNT.—Subsection (b) of section 304 of such Act (29 U.S.C. 1084) is amended by adding at the end the following new paragraph:

''(9) INVESTMENT RISK REDUCTION SUBACCOUNT.—For purposes of this part—

''(A) IN GENERAL.—The funding standard account shall include an investment risk reduction subaccount used solely to offset losses attributable to reductions in the rate of interest used to determine the unfunded past service liability of the plan over time.

''(B) ANNUAL ADJUSTMENTS.—For a plan year, the investment risk reduction subaccount shall be—

''(i) credited with the net change (if any) in the normal cost for the immediately preceding plan year due to recalculation to reflect the difference in interest rates under paragraphs (6)(A) and (6)(B),

''(ii) charged with the amount of any reduction applied under paragraph (2)(B)(iv)(II), or, in the case of a plan using a spread-gain method, an amount equal to the lesser of—

''(I) the entire remaining balance of such subaccount immediately before the charge, or

''(II) the amount of the increase in the present value of benefits resulting from a decrease in the interest rate from the rate which applied for the preceding year,

''(iii) at the election of the plan sponsor, and pursuant to regulations to be issued by the Secretary of the Treasury, credited with the net decrease in the unfunded past service liability (or present value of benefits, in the case of a plan using a spread-gain method) resulting from an increase in the interest rate under paragraph (6)(A), not to exceed the amount of any previous charges to the account under clause (ii), reduced by any previous credits under this clause, and

''(iv) adjusted with interest at the rate under paragraph (6)(A), as applicable.''.

(5) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—Paragraph (1) of section 304(c) of such Act (29 U.S.C. 1084(c)) is amended to read as follows:

''(1) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—

''(A) IN GENERAL.—For purposes of this part, normal costs, accrued liability, and experience gains and losses used to determine the unfunded past service liability for the plan shall be determined under the funding method used to determine costs under the plan and based on the interest rate under subparagraph (A) (or subparagraph (C), if applicable) of subsection (b)(6).

''(B) ADJUSTMENTS FOR FUNDING STANDARD ACCOUNT NORMAL COST.—Notwithstanding subparagraph (A), in the case of a plan using the unit credit funding method or the entry-age normal funding method, the normal cost for a plan year to be charged to the funding standard account under subsection (b)(2) shall be determined under the funding method used to determine costs under the plan and based on the interest rate under subsection (b)(6)(B).''.

(c) PLAN PETITIONS TO INCREASE INTEREST ASSUMPTIONS.—

(1) IN GENERAL.—Pursuant to regulations to be issued by the Secretary of the Treasury (or such Secretary's delegate), a multiemployer plan must petition the Secretary of the Treasury (or delegate) for any increase in the interest assumption made after a 30-year amortization base is established in accordance with section 431(b)(2)(B)(iv) of the Internal Revenue Code of 1986 and section 304(b)(2)(B)(iv) of the Employee Retirement Income Security Act of 1974 (as added by this Act). The Secretary of the Treasury (or delegate) shall approve such request upon a determination that the change is reasonably supported by changes in the financial markets or changes in the plan's asset allocation, and is consistent with the manner in which prior changes in interest rate assumptions were determined since the date of the enactment of this Act.

(2) APPROVAL.—If the Secretary of the Treasury (or such Secretary's delegate) does not approve or deny any petition submitted pursuant to paragraph (1) within 180 days of receiving such petition, such petition shall be deemed to have been approved.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2020.

Subtitle B—Additional Funding Rules for Multiemployer Plans

PART I—PLAN STATUS AMENDMENTS

SEC. 211. AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.

(a) RULES APPLYING TO ALL MULTIEMPLOYER PLANS.—

(1) IN GENERAL.—Subsection (a) of section 432 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''a multiemployer plan in effect on July 16, 2006—'' and inserting ''any multiemployer plan—'',

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively,

(C) by inserting before paragraph (2), as so redesignated, the following new paragraph:

''(1) the rules of subsection (c) shall apply,'',

(D) by striking ''subsection (c)'' in paragraph (2)(A), as so redesignated, and inserting ''subsection (d)'',

(E) by striking ''subsection (d)'' in paragraph (2)(B), as so redesignated, and inserting ''subsection (e)'',

(F) by striking ''subsection (e)'' in paragraph (3)(A), as so redesignated, and inserting ''subsection (f)'',

(G) by striking ''subsection (f)'' in paragraph (3)(B), as so redesignated, and inserting ''subsection (g)'', and

(H) by striking ''subsection (e)(9)'' in paragraph (4)(B), as so redesignated, and inserting ''subsection (f)(9)''.

(2) RULES OF IMMEDIATE APPLICATION.—Section 432 of such Code is amended—

(A) by redesignating subsections (c), (d), (e), (f), (g), (h), (i), and (j) as subsections (d), (e), (f), (g), (h), (i), (j), and (k), respectively, and

(B) by inserting after subsection (b) the following new subsection:

''(c) RULES APPLYING TO ALL MULTIEMPLOYER PLANS.—

''(1) BENEFIT INCREASES.—

''(A) INCREASES BY PLAN AMENDMENT.—The plan sponsor of any multiemployer plan shall not adopt a plan amendment which increases plan liabilities (as determined as of the date of the adoption of the amendment) due to any increase in benefits, any change in the accrual rate of benefits, or any change in the rate at which benefits become nonforfeitable, unless—

''(i) if the plan is in unrestricted status as of the adoption of such amendment, the plan actuary certifies in accordance with subsection (b)(4) that the increase in liabilities will not cause the plan to no longer be in unrestricted status,

''(ii) if the plan is in stable status as of the adoption of such amendment, the plan actuary certifies in accordance with subsection (b)(4) that any such increase or change in benefits will be paid from additional contributions not required by any collective bargaining agreement in effect as of the adoption of the amendment,

''(iii) if the plan is in endangered status as of the adoption of such amendment, the plan actuary certifies in accordance with subsection (b)(4) that any such increase or change in benefits will be paid from additional contributions not contemplated in any current funding improvement plan, or

''(iv) the increase or change in benefits is required by law or is a de minimis change.

''(B) INCREASES UNDER CRITICAL OR CRITICAL AND DECLINING STATUS.—Unless required as a condition of qualification under part I of this subchapter or to comply with other applicable law, in the case of a plan which is in critical or critical and declining status, no increase in benefits, change in the accrual rate of benefits, or change in the rate at which benefits become nonforfeitable which increases plan liabilities shall take effect while the plan is in such status, without regard to whether such increase or change would otherwise occur under the provisions of the plan, unless the increase in plan liabilities due to the change is de minimis.

''(2) CONTRIBUTION REDUCTIONS.—The plan sponsor of any multiemployer plan shall not accept any collective bargaining agreement or participation agreement which reduces the rate of contributions under the plan for any participants, suspends contributions with respect to any period of service, or directly or indirectly excludes younger, probationary, or newly hired employees from participation in the plan, unless—

''(A) the plan is in unrestricted status as of the adoption of such agreement and the plan actuary certifies in accordance with subsection (b)(4) that the reduction in contributions will not cause the plan to no longer be in unrestricted status,

''(B) the reduction in contributions is accompanied by a reduction in future accruals for the affected participants, and the plan actuary certifies in accordance with subsection (b)(4) that the combined effect of the changes in contributions and benefits is not projected to reduce the funded percentage of the plan in any year, or

''(C) subject to regulations issued by the Secretary, the plan sponsor reasonably determines that the acceptance of such an agreement is in the best interests of plan participants and beneficiaries and that rejection of the agreement would have an adverse financial effect on the plan.''.

(3) STABLE AND UNRESTRICTED PLANS.—Subsection (b) of section 432 of such Code is amended—

(A) by striking ''ENDANGERED AND CRITICAL'' in the heading,

(B) by redesignating paragraphs (1), (2), (3), (4), (5), and (6) as paragraphs (2), (3), (4), (5), (6), and (7), respectively, and

(C) by inserting before paragraph (2) the following new paragraph:

''(1) STABLE AND UNRESTRICTED STATUS.—

''(A) STABLE.—A multiemployer plan is in stable status for a plan year if, as determined by the plan actuary under paragraph (4), the plan is not in unrestricted status for the plan year, is not in endangered, critical, or critical and declining status for the plan year, and is not described in paragraph (6).

''(B) UNRESTRICTED.—A multiemployer plan is in unrestricted status for a plan year if, as determined by the plan actuary under paragraph (4)—

''(i) the plan is not in endangered, critical, or critical and declining status for the plan year,

''(ii) the plan is not described in paragraph (6), and

''(iii) as of the beginning of the plan year—

''(I) the plan's current liability funded percentage for such plan year is at least 70 percent and the plan's projected funded percentage as of the first day of the 15th succeeding plan year is at least 115 percent, or

''(II) the plan's current liability funded percentage for such plan year is at least 80 percent.

''(C) CURRENT LIABILITY FUNDED PERCENTAGE.—For purposes of this section, the term 'current liability funded percentage' means the percentage equal to a fraction the numerator of which is the value of plan assets (as determined for purposes of section 431(c)(6)(A)(ii)(II)) and the denominator of which is the current liabilities of the plan (as defined in section 431(c)(6)(D)).''.

(4) AMENDMENT TO ANNUAL CERTIFICATION BY PLAN ACTUARY.—Subparagraph (A) of paragraph (4) (as redesignated by paragraph (3)) of section 432(b) of such Code is amended by inserting ''whether or not the plan is in unrestricted or stable status for such plan year,'' in clause (i) before ''whether or not the plan is in endangered status''.

(5) CONFORMING AMENDMENTS.—

(A) Paragraphs (2) and (3) of section 432(b) of such Code, as redesignated by paragraph (3), are each amended by striking ''paragraph (3)'' and inserting ''paragraph (4)''.

(B) Section 432(b)(2) of such Code, as so redesignated and amended, is further amended by striking ''paragraph (5)'' and inserting ''paragraph (6)''.

(C) Section 432(b)(4) of such Code, as so redesignated, is amended—

(i) by striking ''paragraph (4)'' in subparagraph (B)(iv) thereof and inserting ''paragraph (5)'',

(ii) by striking ''subsection (e)(9)'' both places it appears in subparagraph (B)(v) and inserting ''subsection (f)(9)'',

(iii) by striking ''subsection (e)(3)(A)(ii)'' in subparagraph (B)(v) and inserting ''subsection (f)(3)(A)(ii)'',

(iv) by striking ''subsection (e)'' in subparagraph (B)(v) and inserting ''subsection (f)'',

(v) by striking ''paragraph (4)'' each place it appears in subparagraphs (D)(i) and (D)(v) thereof and inserting ''paragraph (5)'',

(vi) by striking ''subsection (e)(8)'' in subparagraph (D)(ii)(I) thereof and inserting ''subsection (f)(8)'',

(vii) by striking ''paragraph (5)'' in subparagraph (D)(iii) thereof and inserting ''paragraph (6)'', and

(viii) by striking ''(iii) In the case of'' in subparagraph (D)(iii) thereof and inserting ''(iii) SPECIAL RULE.—''.

(D) Section 432(b)(5) of such Code, as redesignated by paragraph (3), is amended—

(i) by striking ''paragraph (2)'' and inserting ''paragraph (3)'',

(ii) by striking ''paragraph (3)(B)(iv)'' and inserting ''paragraph (4)(B)(iv)'',

(iii) by striking ''paragraph (3)'' in subparagraph (A) thereof and inserting ''paragraph (4)'',

(iv) by striking ''paragraph (3)(A)'' in subparagraph (A) thereof and inserting ''paragraph (4)(A)'',

(v) by striking ''paragraph (2)'' in subparagraph (B) thereof and inserting ''paragraph (3)'', and

(vi) by striking ''subsection (e)(4)(B)'' in subparagraph (C) thereof and inserting ''subsection (f)(4)(B)''.

(E) Section 432(b)(6)(A) of such Code, as so redesignated, is amended—

(i) by striking ''paragraph (3)(A)'' and inserting ''paragraph (4)(A)'',

(ii) by striking ''paragraph (1)(A)'' and inserting ''paragraph (2)(A)'', and

(iii) by striking ''paragraph (1)(B)'' and inserting ''paragraph (2)(B)''.

(F) Section 432(b)(7) of such Code, as so redesignated, is amended by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(G) Paragraphs (1)(A), (4)(A)(ii), (4)(C)(i), (4)(C)(ii), (4)(D), (5)(A)(i), (5)(B), and (8) of subsection (d), and subsections (e)(2), (f)(1)(A), (f)(4)(B)(i), (f)(4)(B)(ii)(I), (f)(5), and (g)(3) of section 432 of such Code, as respectively redesignated by paragraph (2), are each amended by striking ''subsection (b)(3)(A)'' and inserting ''subsection (b)(4)(A)''.

(H) Section 432(d)(3)(A)(i)(I) of such Code, as so redesignated, is amended by striking ''paragraph (b)(3)'' and inserting ''subsection (b)(4)''.

(I) Section 432(d)(4)(D) of such Code, as so redesignated, is amended by striking ''subsection (d)'' and inserting ''subsection (e)''.

(J) Section 432(e) of such Code, as so redesignated, is amended to read as follows:

''(e) RULES FOR OPERATION OF PLAN DURING ADOPTION AND IMPROVEMENT PERIODS.—A plan may not be amended after the date of the adoption of a funding improvement plan under subsection (d) so as to be inconsistent with the funding improvement plan or the requirements of subsection (c).''.

(K) Clauses (i)(I) and (ii)(I) of section 432(f)(4)(B) of such Code, as so redesignated, are each amended by striking ''subsection (b)(2)'' and inserting ''subsection (b)(3)''.

(L) Subsections (f)(8)(A)(ii) and (g)(2)(A) of section 432 of such Code, as so redesignated, are each amended by striking ''subsection (b)(3)(D)'' and inserting ''subsection (b)(4)(D)''.

(M) Section 432(f)(9)(J) of such Code, as so redesignated, is amended—

(i) by striking ''subsection (b)(3)'' and inserting ''subsection (b)(4)'', and

(ii) by striking ''paragraphs (1) and (2)'' in clause (i) thereof and inserting ''paragraphs (2) and (3)''.

(N) Subparagraphs (A) and (B) of section 432(g)(1) of such Code, as so redesignated, are each amended by striking ''subsection (e)'' and inserting ''subsection (f)''.

(O) Paragraph (2)(A) of section 432(g) of such Code, as so redesignated, is amended by striking ''(b)(3)(D)'' and inserting ''(b)(4)(D)''.

(P) Section 432(h) of such Code, as so redesignated, is amended—

(i) by striking ''subsection (e)(8) or (f)'' in paragraph (1) thereof and inserting ''subsection (f)(8) or (g)'',

(ii) by striking ''subsection (e)(9)'' in paragraph (1) thereof and inserting ''subsection (f)(9)'',

(iii) by striking ''subsection (e)(7)'' in paragraph (2) thereof and inserting ''subsection (f)(7)'', and

(iv) by striking ''rehabilitation plan'' and all that follows in paragraph (3)(B) thereof and inserting ''rehabilitation plan. The preceding sentence shall not apply to any increase in contribution requirements due to increased levels of work, employment, or periods for which compensation is provided, except to the extent such an increase is used to provide an increased accrual rate of benefits or change in the rate at which benefits become nonforfeitable which increases plan liabilities.''.

(Q) Section 432(i) of such Code, as so redesignated, is amended—

(i) by striking ''subsection (c)'' and inserting ''subsection (d)'', and

(ii) by striking ''subsection (e)'' and inserting ''subsection (f)''.

(R) Section 432(j)(2) of such Code, as so redesignated, is amended by striking ''subsections (c) and (e)'' and inserting ''subsections (d) and (f)''.

(S) Section 412(b)(3) of such Code is amended by striking ''section 432(e)'' and inserting ''section 432(f)''.

(T) Section 418E of such Code, as amended by this Act, is further amended—

(i) by striking ''432(b)(2)'' each place it appears in subsections (c)(1), (c)(2), (d)(1), and (d)(2), as redesignated by section 112, and inserting ''432(b)(3)'', and

(ii) by striking ''432(e)(9)'' in subsection (g), as so redesignated, and inserting ''432(f)(9)''.

(U) Section 4971(g) of such Code is amended—

(i) by striking ''432(e)'' in paragraph (3)(B)(i) and inserting ''432(f)'',

(ii) by striking ''432(b)(3)(A)(ii)'' in paragraph (3)(B)(ii) and inserting ''432(b)(4)(A)(i)(II)'',

(iii) by striking ''432(e)(1)(A)'' in paragraph (4)(B)(ii) and inserting ''432(f)(1)(A)'', and

(iv) by striking ''432(j)(9)'' in paragraph (4)(C)(ii) and inserting ''432(k)(9)''.

(V) Subsection (c)(1) of section 4980I of such Code, as added by this Act, is amended by adding at the end the following: ''Such term shall not include such an original plan for any plan year in which the plan is in unrestricted status (as defined in section 432(b)(1)(B)).''.

(W) The heading of section 432 of such Code is amended by striking ''**IN ENDANGERED STATUS OR CRITICAL STATUS**''.

(6) WITHDRAWAL LIABILITY DETERMINATION FOR PLANS EMERGING FROM ENDANGERED OR CRITICAL STATUS.—Section 432(h) of such Code, as redesignated by paragraph (2) and as amended by paragraph (5), is further amended by striking paragraph (4) and by inserting after paragraph (3) the following new paragraph:

''(4) EMERGENCE FROM ENDANGERED OR CRITICAL STATUS.—

''(A) IN GENERAL.—In the case of increases in the contribution rate (or other increases in contribution requirements unless due to increased levels of work, employment, or periods for which compensation is provided) disregarded pursuant to paragraph (3), this subsection shall cease to apply as of the later of—

''(i) the end of the first plan year following the plan year in which the plan is no longer in endangered or critical status, or

''(ii) the end of the plan year which includes the expiration date of the first collective bargaining agreement requiring plan contributions which expires after the plan is no longer in endangered or critical status.

''(B) HIGHEST CONTRIBUTION RATE.—Notwithstanding subparagraph (A), once the plan emerges from endangered or critical status—

''(i) increases in the contribution rate disregarded pursuant to paragraph (3) shall continue to be disregarded in determining the highest contribution rate under section 4219(c) of such Act for plan years during which the plan was in endangered or critical status, and

''(ii) the highest contribution rate for purposes of such section shall be the greater of—

''(I) the sum of—

''(aa) the employer's contribution rate as of the later of the last day of the last plan year ending before December 31, 2014, and the last day of the plan year for which the employer first had an obligation to contribute to the plan, and

''(bb) any contribution increases determined in accordance with this section after such later date and before the date the employer withdraws from the plan, or

''(II) the highest contribution rate for any plan year after the plan year which includes the earlier of—

''(aa) the expiration date of the first collective bargaining agreement applicable to the withdrawing employer requiring plan contributions which expires after the plan is no longer in endangered or critical status, or

''(bb) the date as of which the withdrawing employer negotiated a contribution rate effective after the plan year in which the plan is no longer in endangered or critical status.''.

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(b) DETERMINATION OF ENDANGERED STATUS.—Paragraph (2) of section 432(b) of the Internal Revenue Code of 1986, as redesignated by subsection (a)(3), is amended to read as follows:

''(2) ENDANGERED STATUS.—A multiemployer plan is in endangered status for a plan year if, as determined by the plan actuary under paragraph (5), the plan is not in critical or declining status for the plan year and is not described in paragraph (7), and, as of the beginning of the plan year—

''(A) the plan's funded percentage for such plan year is less than 80 percent,

''(B) the plan is projected to have an accumulated funding deficiency for any of the 9 succeeding plan years, taking into account any extension of amortization periods under section 431(d), or

''(C) the plan's projected funded percentage as of the first day of the 15th succeeding plan year is less than 100 percent.''.

(c) DETERMINATION OF CRITICAL STATUS.—Paragraph (3) of section 432(b) of the Internal Revenue Code of 1986, as redesignated by subsection (a)(3), is amended to read as follows:

''(3) CRITICAL STATUS.—

''(A) IN GENERAL.—A multiemployer plan is in critical status for a plan year if, as determined by the plan actuary under paragraph (5), the plan is not in declining status for the plan year and, as of the beginning of the plan year—

''(i) the plan's funded percentage is less than 65 percent,

''(ii) the plan has an accumulated funding deficiency for the plan year, or is projected to have such an accumulated funding deficiency for any of the 6 succeeding plan years, taking into account any extension of amortization periods under section 431(d), or

''(iii) the plan's projected funded percentage as of the first day of the 15th succeeding plan year is less than 80 percent.

''(B) ORIGINAL PLANS.—Notwithstanding subparagraph (A), a multiemployer plan which is an original plan pursuant to section 4233A(d)(3) of the Employee Retirement Income Security Act of 1974 shall be treated as being in critical status for the period of 15 consecutive plan years beginning with the

plan year that includes the date of the partition under such section 4233A.''.

(d) DECLINING STATUS.—

(1) IN GENERAL.—

(A) The following provisions of section 432 of the Internal Revenue Code of 1986 are each amended by striking ''critical and declining'' each place it appears and inserting ''declining'':

(i) Subsection (a)(4) (as redesignated by subsection (a)(1)).

(ii) Subparagraphs (A) and (B)(i) of subsection (b)(1), as added by subsection (a)(3).

(iii) Subsection (b)(4)(B)(v) (as redesignated by subsection (a)(3)), and the heading thereof.

(iv) Paragraph (1)(B), and the heading of such paragraph (1)(B), of subsection (c), as added by subsection (a)(2).

(v) The heading of paragraph (9) of subsection (f) (as redesignated by subsection (a)(2)).

(vi) Subparagraphs (A), (C), (G)(i), and (J) of subsection (f)(9) (as so redesignated).

(vii) Subsection (h)(1) (as so redesignated).

(B) Section 418E(g) of such Code, as amended by section 112 and subsection (a), is further amended by striking ''critical and declining status'' and inserting ''declining status''.

(2) DETERMINATION OF DECLINING STATUS.—

(A) IN GENERAL.—Subsection (b) of section 432 of such Code is amended—

(i) by striking paragraph (7), as redesignated by subsection (a)(3),

(ii) by redesignating paragraphs (4), (5), and (6), as so redesignated, as paragraphs (5), (6), and (7), respectively, and

(iii) by inserting after paragraph (3), as so redesignated, the following new paragraph:

''(4) DECLINING STATUS.—A multiemployer plan is in declining status for a plan year if—

''(A) as determined by the plan actuary under paragraph (5), as of the beginning of the plan year the plan is projected to become insolvent within the plan year or any of the 29 succeeding plan years,

''(B) the plan is otherwise in critical status for the plan year as determined by the plan actuary under paragraph (5), and the plan sponsor determines that, based on reasonable actuarial assumptions and upon exhaustion of all reasonable measures, the plan cannot reasonably be expected to emerge from critical status within the next 30 plan years, or

''(C) the plan has a funded percentage for the plan year which is greater than the projected funded percentage as of the first day of the 15th succeeding plan year, unless the funded percentage for the plan year is 100 percent or greater and the projected funded percentage as of the first day of such 15th succeeding plan year is less than 100 percent.''.

(B) CONFORMING AMENDMENTS.—

(i) Paragraph (1) of section 432(b) of such Code, as added by subsection (a)(3), is amended—

(I) by striking ''paragraph (4)'' each place it appears in subparagraphs (A) and (B) and inserting ''paragraph (5)'', and

(II) by striking ''paragraph (6)'' each place it appears in subparagraphs (A) and (B) and inserting ''paragraph (7)''.

(ii) Subsection (c) of section 432 of such Code, as added by subsection (a)(2), is amended by striking ''(b)(4)'' each place it appears in paragraphs (1)(A)(i), (1)(A)(ii), (1)(A)(iii), (2)(A), and (2)(B) and inserting ''(b)(5)''.

(iii) Section 432(b)(5) of such Code, as further redesignated by subparagraph (A) and as amended by section 321 and subsection (a), is further amended—

(I) by striking ''paragraph (5)'' in subparagraph (B)(iv) thereof and inserting ''paragraph (6)'',

(II) by striking ''paragraph (5)'' each place it appears in subparagraphs (D)(i) and (D)(vi) thereof and inserting ''paragraph (6)'', and

(III) by striking ''paragraph (6)'' in subparagraph (D)(iv) thereof and inserting ''paragraph (7)''.

(iv) Section 432(b)(6) of such Code, as so further redesignated and amended, is further amended—

(I) by striking ''paragraph (4)(B)(iv)'' and inserting ''paragraph (5)(B)(iv)'',

(II) by striking ''paragraph (4)'' in subparagraph (A) thereof and inserting ''paragraph (5)'', and

(III) by striking ''paragraph (4)(A)'' in subparagraph (A) thereof and inserting ''paragraph (5)(A)''.

(v) Section 432(b)(7)(A) of such Code, as so further redesignated and amended, is further amended—

(I) by striking ''paragraph (4)(A)'' and inserting ''paragraph (5)(A)'', and

(II) by striking ''either paragraph (2)(A) or paragraph (2)(B)'' and inserting ''any subparagraph of paragraph (2)''.

(vi) Section 432(b)(7)(B) of such Code, as so further redesignated, is amended by striking ''critical or endangered'' and inserting ''endangered, critical, or declining''.

(vii) Paragraphs (1)(A), (4)(A)(ii), (4)(C)(i), (4)(C)(ii), (4)(D), and (8) of subsection (d), and subsections (f)(1)(A), (f)(4)(B)(i), (f)(4)(B)(ii)(I), (f)(5), and (g)(3) of section 432 of such Code, as redesignated and amended by subsection (a), are each further amended by striking ''subsection (b)(4)(A)'' and inserting ''subsection (b)(5)(A)''.

(viii) Section 432(d)(3)(A)(i)(I) of such Code, as so redesignated and amended, is further amended by striking ''subsection (b)(4)'' and inserting ''subsection (b)(5)''.

(ix) Subsections (f)(8)(A)(ii) and (g)(2)(A) of section 432 of such Code, as so redesignated and amended, are each further amended by striking ''subsection (b)(4)(D)'' and inserting ''subsection (b)(5)(D)''.

(x) Section 432(f)(9)(J) of such Code, as so redesignated and amended, is further amended by striking ''subsection (b)(4)'' and inserting ''subsection (b)(5)''.

(3) SOLVENCY PLAN.—

(A) IN GENERAL.—Paragraph (4) (as redesignated by subsection (a)(1) and amended by paragraph (1)) of section 432(a) of such Code is amended—

(i) by redesignating subparagraph (B) as subparagraph (D), and

(ii) by striking subparagraph (A) and inserting before subparagraph (D) (as so redesignated) the following new subparagraphs:

''(A) the plan sponsor shall adopt and implement a solvency plan in accordance with the requirements of subsection (h),

''(B) any rehabilitation plan in place as of the date the plan enters declining status shall continue to apply throughout the solvency plan adoption period,

''(C) the requirements of subsection (i) and paragraphs (6) and (7) of subsection (f) shall apply during the solvency plan adoption period and the solvency attainment period, and''.

(B) ADOPTION OF PLAN.—Section 432 of such Code, as amended by this section, is further amended—

(i) by redesignating subsection (l), as added by title V of this Act, as subsection (n), and by further redesignating subsections (h), (i), (j), and (k), as redesignated by subsection (a)(2), as subsections (j), (k), (l), and (m), respectively, and

(ii) by inserting after subsection (g), as redesignated by subsection (a)(2), the following new subsections:

''(h) SOLVENCY PLAN MUST BE ADOPTED FOR MULTIEMPLOYER PLANS IN DECLINING STATUS.—

''(1) IN GENERAL.—In any case in which a multiemployer plan is in declining status for a plan year, the plan sponsor, in accordance with this subsection—

''(A) shall adopt a solvency plan not later than 240 days following the required date for the actuarial certification of declining status under subsection (b)(5)(A), and

''(B) within 30 days after the adoption of the solvency plan shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to meet the requirements of paragraph (3), including—

''(i) one default proposal under which—

''(I) all adjustable benefits in the form of early retirement subsidies (including early reduction factors which are not provided on an actuarially equivalent basis) under the plan are eliminated, and

''(II) the future monthly benefit accrual rate under the plan is reduced to the equivalent of 1 percent of annual contributions (or, if lower, the current accrual rate) based on the contribution rate in effect as of the later of the first day of the plan year in which the plan enters declining status or the date of a partition under section 4233A of the Employee Retirement Income Security Act of 1974, and

which may also include reduction or elimination of any other adjustable benefits under the plan, and

''(ii) any additional schedules which reduce or eliminate adjustable benefits under the plan which the plan sponsor deems appropriate to provide as an alternative to the default proposal.

No schedule provided to or adopted by the bargaining parties shall provide for a monthly benefit accrual rate in excess of the rate described in subparagraph (B)(i)(II).

''(2) EXCEPTION FOR YEARS AFTER PROCESS BEGINS.—Paragraph (1) shall not apply to a plan year if such year is in a solvency plan adoption period or solvency attainment period by reason of the plan being in declining status for a preceding plan year, except that the next update of the solvency plan shall fulfill the requirement of paragraph (1)(B)(i). For purposes of this section, such preceding plan year shall be the initial determination year with respect to the solvency plan to which it relates.

''(3) SOLVENCY PLAN.—For purposes of this section, a solvency plan is a plan which consists of the actions, including options or a range of options to be proposed to the bargaining parties, formulated, based on reasonably anticipated experience and reasonable actuarial assumptions, to enable the plan to delay or avoid the projected insolvency.

''(4) SOLVENCY ATTAINMENT PERIOD.—For purposes of this section—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the solvency attainment period for any solvency plan adopted pursuant to this subsection is the period—

''(i) beginning on the first day of the first plan year of the multiemployer plan beginning after the earlier of—

''(I) the second anniversary of the date of the adoption of the solvency plan, or

''(II) the expiration of the collective bargaining agreements in effect on the due date for the actuarial certification of declining status for the initial determination year under subsection (b)(5)(A) and covering, as of such due date, at least 75 percent of the active participants in such plan, and

''(ii) ending on the date the plan either emerges from declining status or becomes insolvent.

''(B) COORDINATION WITH CHANGES IN STATUS.—

''(i) PLANS NO LONGER IN DECLINING STATUS.—If the plan's actuary certifies in accordance with subparagraph (C) for a plan year in any solvency plan adoption period or solvency attainment period that the plan is no longer in declining status, the solvency plan adoption period or solvency attainment period, whichever is applicable, shall end as of the date of such certification.

''(ii) PLANS IN CRITICAL OR ENDANGERED STATUS.—If the plan's actuary certifies under subsection (b)(5)(A) for the plan year described in clause (i) that the plan is in critical or endangered rather than declining status, the provisions of subsections (d) and (e), or subsections (f) and (g), whichever are applicable, shall be applied as if such plan year were an initial determination year, except that the plan may not be amended in a manner inconsistent with the solvency plan in effect for the preceding plan year until a new funding improvement plan or rehabilitation plan, whichever is applicable, is adopted.

''(C) EMERGENCE.—A plan in declining status shall remain in such status until a plan year for which the plan actuary certifies, in accordance with subsection (b)(5)(A), that the plan is not described in one or more of the subparagraphs in subsection (b)(4) as of the beginning of the plan year.

''(5) UPDATES TO SOLVENCY PLANS AND SCHEDULES.—

''(A) SOLVENCY PLAN.—The plan sponsor shall annually update the solvency plan and shall file the update with the plan's annual report under section 104 of the Employee Retirement Income Security Act of 1974.

''(B) SCHEDULES.—The plan sponsor shall annually update any schedule of contribution rates provided under this subsection to reflect the experience of the plan.

''(C) DURATION OF SCHEDULE.—A schedule of contribution rates provided by the plan sponsor and relied upon by bargaining parties in negotiating a collective bargaining agreement shall remain in effect for the duration of that collective bargaining agreement.

''(6) IMPOSITION OF SCHEDULE WHERE FAILURE TO ADOPT SOLVENCY PLAN.—

''(A) INITIAL CONTRIBUTION SCHEDULE.—If—

''(i) a collective bargaining agreement providing for contributions under a multiemployer plan that was in effect at the time the plan entered declining status expires, and

''(ii) after receiving one or more schedules from the plan sponsor under paragraph (1)(B), the bargaining parties with respect to such agreement fail to adopt a contribution schedule with terms consistent with the solvency plan and a schedule from the plan sponsor,

the plan sponsor shall implement the schedule described in paragraph (1)(B)(i) beginning on the date specified in subparagraph (C).

''(B) SUBSEQUENT CONTRIBUTION SCHEDULE.—If—

''(i) a collective bargaining agreement providing for contributions under a multiemployer plan in accordance with a schedule provided by the plan sponsor pursuant to a solvency plan (or imposed under subparagraph (A)) expires while the plan is still in declining status, and

''(ii) after receiving one or more updated schedules from the plan sponsor under paragraph (5)(B), the bargaining parties with respect to such agreement fail to adopt a contribution schedule with terms consistent with the updated solvency plan and a schedule from the plan sponsor,

then the contribution schedule applicable under the expired collective bargaining agreement, as updated and in effect on the date the collective bargaining agreement expires, shall be implemented by the plan sponsor beginning on the date specified in subparagraph (C).

''(C) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) or (B) expires.

''(7) SOLVENCY PLAN ADOPTION PERIOD.—For purposes of this section, the term 'solvency plan adoption period' means the period beginning on the date of the certification under subsection (b)(5)(A) for the initial determination year and ending on the day before the first day of the solvency attainment period.

''(i) RULES FOR OPERATION OF PLAN DURING ADOPTION AND ATTAINMENT PERIODS.—

''(1) COMPLIANCE WITH SOLVENCY PLAN.—

''(A) IN GENERAL.—A plan may not be amended after the date of the adoption of a solvency plan under subsection (h) so as to be inconsistent with the solvency plan.

''(B) SPECIAL RULES FOR BENEFIT INCREASES.—A plan may not be amended after the date of the adoption of a solvency plan under subsection (h) so as to increase benefits, including future benefit accruals, unless the increase is required by law or is a de minimis change.

''(C) SPECIAL RULES FOR INCREASES IN COMPENSATION OR CONTRIBUTION RATE.—Any increase in employee compensation or contribution rates which takes effect after the first day of the plan year in which the plan enters declining status shall not give rise to an increase in benefits or future benefit accruals under the plan.

''(2) RESTRICTION ON LUMP SUMS AND SIMILAR BENEFITS.—

''(A) IN GENERAL.—Effective on the date the notice of certification of the plan's declining status for the initial determination year under subsection (b)(5)(D) is sent, and notwithstanding section 411(d)(6), the plan shall not pay—

''(i) any payment, in excess of the monthly amount paid under a single life annuity (plus any social security supplements described in the last sentence of section 411(a)(9)), to a participant or beneficiary whose annuity starting date (as defined in section 417(f)(2)) occurs after the date such notice is sent,

''(ii) any payment for the purchase of an irrevocable commitment from an insurer to pay benefits, or

''(iii) any other payment specified by the Secretary by regulations,

unless it is a de minimis amount.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to a benefit which under section 411(a)(11) may be immediately distributed without the consent of the participant or to any makeup payment in the case of a retroactive annuity starting date or any similar payment of benefits owed with respect to a prior period.

''(3) SPECIAL RULES FOR PLAN ADOPTION PERIOD.—During the period beginning on the date of the certification under subsection (b)(5)(A) for the initial determination year and ending on the date of the adoption of a solvency plan—

''(A) the plan sponsor may not accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

''(i) a reduction in the level of contributions for any participants,

''(ii) a suspension of contributions with respect to any period of service, or

''(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation,

unless the plan sponsor reasonably determines that the acceptance of such an agreement is in the best interests of participants and beneficiaries and that rejection of such agreement would adversely affect the plan, and

''(B) no amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 or to comply with other applicable law.''.

(C) SUSPENSION OF BENEFITS.—Section 432 of such Code, as amended by this section, is further amended—

(i) by redesignating paragraph (9) of subsection (f) (as redesignated by subsection (a)(2)) as paragraph (8) of subsection (h) (as added by subparagraph (B)), and

(ii) by moving such paragraph to the position immediately after paragraph (7) of such subsection (h).

(4) CONFORMING AMENDMENTS.—

(A) Subsection (a)(4)(D) of section 432 of such Code, as redesignated and amended by the preceding provisions of this section, is further amended by striking ''subsection (f)(9)'' and inserting ''subsection (h)(8)''.

(B) Paragraph (5) of section 432(b) of such Code, as so redesignated and as amended by section 321 and the preceding provisions of this section, is further amended—

(i) by striking ''critical'' in subparagraph (A)(i)(I) and inserting ''critical or declining'',

(ii) by striking ''funding improvement or rehabilitation period'' in subparagraph (A)(i)(II) and inserting ''funding improvement, rehabilitation, or solvency attainment period'',

(iii) by striking ''funding improvement or rehabilitation plan'' in subparagraph (A)(i)(II) and inserting ''funding improvement, rehabilitation, or solvency plan'',

(iv) by striking ''endangered or critical'' in subparagraph (A)(i)(V)(bb) and inserting ''endangered, critical, or declining'',

(v) by striking ''funding improvement plan or rehabilitation'' in subparagraph (A)(iv) and inserting ''funding improvement, rehabilitation, or solvency'',

(vi) by striking ''critical'' each place it appears in subparagraph (A)(vi) and inserting ''critical or declining'',

(vii) by striking ''rehabilitation period'' in subparagraph (A)(vi) and inserting ''rehabilitation or solvency attainment period'',

(viii) by striking ''as described in subsection (f)(9)'' in subparagraph (B)(v),

(ix) by inserting ''if the plan is already in a rehabilitation period, and'' before ''if reasonable'' in subparagraph (B)(v)(I),

(x) by striking ''subsection (f)(9)'' in subparagraph (B)(v)(II) and inserting ''subsection (h)(8)'',

(xi) by striking ''endangered or critical'' both places it appears in subparagraph (D)(i) and inserting ''endangered, critical, or declining'',

(xii) by striking ''ENDANGERED OR CRITICAL'' in the heading of subparagraph (D)(ii) and inserting ''ENDANGERED, CRITICAL, OR DECLINING'',

(xiii) by striking ''endangered or critical'' in subparagraph (D)(ii) and inserting ''endangered, critical, or declining'',

(xiv) by striking ''funding improvement or rehabilitation plan'' both places it appears in subclauses (I) and (II) of subparagraph (D)(ii) and inserting ''funding improvement, rehabilitation, or solvency plan'', and

(xv) by adding at the end of subparagraph (D) the following new clause:

''(vii) NOTICE OF PROJECTION TO BE IN DECLINING STATUS IN A FUTURE PLAN YEAR.—In any case in which it is certified under subparagraph (A)(i) that a multiemployer plan will be in declining status for any of 5 succeeding plan years (but not for the current plan year), the plan sponsor shall, not later

than 30 days after the date of the certification, provide notification of the projected declining status to the Pension Benefit Guaranty Corporation.''.

(C) Subparagraph (J) of section 432(h)(8) of such Code, as so redesignated and amended, is further amended—

(i) by striking ''CRITICAL'' in the heading and inserting ''DECLINING'', and

(ii) by striking ''shall not emerge from critical status under paragraph (4)(B),'' and inserting ''shall not emerge from declining status''.

(D) Subsection (j) of section 432 of such Code, as so redesignated and amended, is further amended—

(i) by striking ''(f)(8) or (g)'' in paragraph (1) and inserting ''(f)(8), (g), or (i)'',

(ii) by striking ''subsection (f)(9)'' in paragraph (1) and inserting ''subsection (h)(8)'',

(iii) by striking ''FUNDING IMPROVEMENT OR REHABILITATION PLAN'' in the heading of paragraph (3) and inserting ''FUNDING IMPROVEMENT, REHABILITATION, OR SOLVENCY'',

(iv) by striking ''funding improvement plan or rehabilitation plan'' both places it appears in subparagraphs (A) and (B) of paragraph (3) and inserting ''funding improvement, rehabilitation, or solvency plan'',

(v) by striking ''ENDANGERED OR CRITICAL'' in the heading of paragraph (4), as amended by subsection (a), and inserting ''ENDANGERED, CRITICAL, OR DECLINING'',

(vi) by striking ''endangered or critical'' each place it appears in paragraph (4), as so amended, and inserting ''endangered, critical, or declining'', and

(vii) by striking ''critical or endangered'' in paragraph (4) and inserting ''endangered, critical, or declining''.

(E) Subsection (k) of section 432 of such Code, as so redesignated and amended, is further amended—

(i) by striking ''or a rehabilitation plan under subsection (f)'' and inserting '', a rehabilitation plan under subsection (f), or a solvency plan under subsection (h)'',

(ii) by striking ''endangered status or a plan in critical status'' and inserting ''endangered, critical, or declining status'',

(iii) by striking ''has not agreed on a funding improvement plan or rehabilitation plan'' and inserting ''has not agreed on a funding improvement, rehabilitation, or solvency plan (whichever is applicable)'', and

(iv) by striking ''adoption of a funding improvement plan or rehabilitation plan'' and inserting ''adoption of a funding improvement, rehabilitation, or solvency plan''.

(F) Subsection (l) of section 432 of such Code, as so redesignated and amended, is further amended—

(i) by striking ''endangered status or in critical status'' in paragraph (1) and inserting ''endangered, critical, or declining status'',

(ii) by striking ''endangered or critical'' in paragraph (1) and inserting ''endangered, critical, or declining'', and

(iii) by striking ''(d) and (f)'' in paragraph (2) and inserting ''(d), (f), and (h)''.

(G) Section 418E of such Code, as amended by section 112 and this section, is further amended—

(i) by striking ''432(b)(3)'' each place it appears in subsections (c)(1), (c)(2), (d)(1), and (d)(2) and inserting ''432(b)(3), or a plan in declining status, as described in section 432(b)(4)'', and

(ii) by striking ''432(f)(9)'' in subsection (g) and inserting ''432(h)(8)''.

(H) Section 4971(g) of such Code, as amended by this section, is further amended—

(i) by striking ''ENDANGERED OR CRITICAL'' in the heading and inserting ''ENDANGERED, CRITICAL, OR DECLINING'',

(ii) by striking ''critical status'' in paragraph (1)(A) and inserting ''critical or declining status'',

(iii) by striking ''OR REHABILITATION PLAN'' in the heading of paragraph (2) and inserting '', REHABILITATION, OR SOLVENCY PLAN'',

(iv) by striking ''plan or rehabilitation plan'' in paragraph (2)(A) and inserting '', rehabilitation, or solvency plan'',

(v) by striking ''rehabilitation plan'' in paragraph (2)(C) and inserting ''funding improvement, rehabilitation, or solvency plan'',

(vi) by striking paragraph (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively,

(vii) by striking ''REHABILITATION PLAN'' in the heading of paragraph (3), as so redesignated, and inserting ''REHABILITATION OR SOLVENCY PLAN'',

(viii) by striking ''critical status'' in paragraph (3)(A), as so redesignated, and inserting ''critical or declining status'',

(ix) by striking ''rehabilitation plan'' in paragraph (3)(A), as so redesignated, and inserting ''rehabilitation or solvency plan'',

(x) by striking ''described in section 432(f)(1)(A) and ending on the day on which the rehabilitation plan is adopted'' in paragraph (3)(B)(ii), as so redesignated, and inserting ''described in section 432(f)(1)(A) or 432(h)(1)(A), whichever is applicable, and ending on the day on which the rehabilitation plan or solvency plan is adopted'',

(xi) by striking ''432(k)(9)'' in paragraph (3)(C)(ii), as so redesignated, and inserting ''432(n)(9)'', and

(xii) by striking ''or (3)'' in paragraph (4), as so redesignated.

(e) ADJUSTMENT OF BENEFITS.—

(1) IN GENERAL.—Section 432 of the Internal Revenue Code of 1986, as amended by this section, is further amended—

(A) by further redesignating subsections (m) and (n), as redesignated by subsection (d), as subsections (n) and (o), respectively,

(B) by redesignating paragraph (8) of subsection (f), as redesignated by subsection (a)(2), as subsection (m), and

(C) by moving such subsection to the position immediately after subsection (l).

(2) CLERICAL AND CONFORMING AMENDMENTS.—

(A) The heading of subsection (m) of section 432 of such Code, as redesignated by paragraph (1), is amended to read as follows:

''(m) ADJUSTMENT OF BENEFITS.—''.

(B) The following provisions of such subsection (m) are amended as follows:

(i) Subparagraphs (A), (B), and (C) are redesignated as paragraphs (1), (2), and (4), respectively, and moved 2 ems to the left.

(ii) Clauses (i), (ii), (iii), and (iv) of paragraph (1) (as so redesignated) are redesignated as subparagraphs (A), (B), (C), and (D), respectively, and moved 2 ems to the left.

(iii) Subclauses (I), (II), and (III) of paragraph (1)(D) (as so redesignated) are redesignated as clauses (i), (ii), and (iii), respectively, and moved 2 ems to the left.

(iv) Clauses (i), (ii), and (iii) of paragraph (4) (as so redesignated) are redesignated as subparagraphs (A), (B), and (C), respectively, and moved 2 ems to the left, and the flush sentence at the end of subparagraph (C) (as so redesignated) is moved 2 ems to the left.

(v) Subclauses (I), (II), and (III) of paragraph (4)(A) (as so redesignated) are redesignated as clauses (i), (ii), and (iii), respectively, and moved 2 ems to the left.

(vi) Subclauses (I) and (II) of paragraph (4)(B) (as so redesignated) are redesignated as clauses (i) and (ii), respectively, and moved 2 ems to the left.

(vii) Subclauses (I), (II), and (III) of paragraph (4)(C) (as so redesignated) are redesignated as clauses (i), (ii), and (iii), respectively, and moved 2 ems to the left.

(viii) Paragraph (1)(A), as so redesignated, is amended by striking ''subparagraph (C)'' and inserting ''paragraph (4)''.

(ix) Paragraph (1)(B), as so redesignated, is amended by striking ''clause (iv)(III)'' and inserting ''subparagraph (D)(iii)''.

(x) Paragraph (1)(D), as so redesignated, is amended by striking ''this paragraph'' and inserting ''this subsection''.

(xi) Paragraph (2), as so redesignated, is amended—

(I) by striking ''subparagraph (A)(iv)(III)'' and inserting ''paragraph (1)(D)(iii)'', and

(II) by striking ''this paragraph'' and inserting ''this subsection''.

(xii) Paragraph (4)(A), as so redesignated, is amended by striking ''subparagraph (A)'' and inserting ''paragraph (1)''.

(xiii) Paragraphs (4)(B) and (4)(C), as so redesignated, are each amended by striking ''clause (i)'' each place it appears and inserting ''subparagraph (A)''.

(xiv) The last sentence of paragraph (4)(C), as so redesignated, is amended—

(I) by striking ''subclause (I)'' and inserting ''clause (i)'', and

(II) by striking ''this subparagraph'' and inserting ''this paragraph''.

(3) APPLICATION TO ALL PLANS IN ENDANGERED, CRITICAL, OR DECLINING STATUS.—

(A) IN GENERAL.—Subparagraph (A) of section 432(m)(1) of such Code, as redesignated and amended by this section, is further amended—

(i) by striking ''the plan sponsor shall'' and inserting ''the plan sponsor of a multiemployer plan in endangered, critical, or declining status may'', and

(ii) by striking ''paragraph (1)(B)(i)'' and inserting ''subsection (d)(1)(B), (f)(1)(B), or (h)(1)(B), whichever is applicable''.

(B) CONFORMING AMENDMENT.—Subparagraph (B) of section 432(m)(1) of such Code, as redesignated and amended by this section, is further amended by striking ''critical'' both places it appears and inserting ''endangered, critical, or declining''.

(4) ADDITIONAL ADJUSTABLE BENEFITS.—

(A) IN GENERAL.—Subparagraph (D) of section 432(m)(1) of such Code, as redesignated by this section, is amended—

(i) by inserting '', including early reduction factors which are not provided on an actuarially equivalent basis,'' after ''(i))'' in clause (ii), as so redesignated,

(ii) by striking ''and'' at the end of clause (ii) (as so redesignated),

(iii) by striking ''that would not be eligible'' and all that follows through the period in clause (iii) (as so redesignated) and inserting ''which were adopted (or, if later, took effect) less than 120 months before the first day of the first plan year in which the plan was in endangered, critical, or declining status,'', and

(iv) by adding at the end the following new clauses:

''(iv) any one-time bonus payment or 'thirteenth check' provision, and

''(v) benefits granted for periods of service prior to participation in the plan.''.

(B) CONFORMING AMENDMENTS.—

(i) Subparagraph (B) of section 432(m)(1) of such Code, as redesignated and amended by this section, is further amended by striking ''subparagraph (D)(iii)'' and inserting ''clause (iii), (iv), or (v) of subparagraph (D)''.

(ii) Paragraph (2) of section 432(m) of such Code, as amended by paragraph (2)(B), is further amended by striking ''paragraph (1)(D)(iii)'' and inserting ''clause (iii), (iv), or (v) of paragraph (1)(D)''.

(5) RULES RELATING TO SUSPENSION OF BENEFITS UPON RETURN TO WORK.—Subsection (m) of section 432 of such Code, as redesignated and amended by this section, is further

amended by inserting after paragraph (2) the following new paragraph:

''(3) RULES RELATING TO SUSPENSION OF BENEFITS UPON RETURN TO WORK.—The plan sponsor of a multiemployer plan in endangered, critical, or declining status may amend rules regarding the suspension of a participant's benefits upon a return to work after commencement of benefits, or the commencement of benefits after normal retirement age (including in the case of continued employment after normal retirement age). Any such changes shall apply only to future payments of benefits.''.

(6) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 432(b)(5)(D) of such Code, as redesignated and amended by this section, is further amended—

(i) by striking ''CRITICAL'' in the heading and inserting ''ENDANGERED, CRITICAL, OR DECLINING'',

(ii) by striking ''critical status'' both places it appears and inserting ''endangered, critical, or declining status'', and

(iii) by striking ''subsection (f)(8)'' in subclause (I) and inserting ''subsection (m)(1)(D)''.

(B) Subsection (j) of section 432 of such Code, as amended by subsection (d), is further amended by striking ''(f)(8), (g), or (i)'' and inserting ''(e), (g), (i), or (m)''.

(f) ELECTIONS TO BE IN CRITICAL OR ENDANGERED STATUS.—

(1) IN GENERAL.—Paragraph (6) of section 432(b) of the Internal Revenue Code of 1986, as redesignated and amended by this section, is further amended—

(A) by striking ''is not in critical status'' in subparagraph (A) and inserting ''is not in critical or declining status'',

(B) by striking ''but that is projected'' in subparagraph (A) and inserting ''but—

''(i) that is projected'',

(C) by striking ''5 plan years may, not later than'' in subparagraph (A) and inserting ''5 plan years, or

''(ii) that is in endangered status and is not reasonably projected to be able to emerge from endangered status within the funding improvement period under the funding improvement plan in effect,

may, not later than'', and

(D) by striking ''under paragraph (3)'' in subparagraph (B) and inserting ''under paragraph (3) or for endangered status under paragraph (2)''.

(2) ELECTION TO BE IN ENDANGERED STATUS.—Subsection (b) of section 432 of such Code, as so redesignated and amended, is further amended by adding at the end the following new paragraph:

''(8) ELECTION TO BE IN ENDANGERED STATUS.—Notwithstanding paragraph (2)—

''(A) the plan sponsor of a multiemployer plan that is not in endangered, critical, or declining status for a plan year but that is projected by the plan actuary, pursuant to the determination under paragraph (5), to be in endangered status in any of the 5 succeeding plan years, may, not later than 30 days after the date of the certification under paragraph (5)(A), elect to be in endangered status effective for the current plan year,

''(B) the plan year in which the plan sponsor elects to be in endangered status under subparagraph (A) shall be treated for purposes of this section as the first year in which the plan is in endangered status, regardless of the date on which the plan first satisfies the criteria for endangered status under paragraph (2), and

''(C) a plan that is in endangered status under this paragraph shall not emerge from endangered status unless the plan's actuary certifies under paragraph (5)(A) that the plan is no longer in endangered status and is not in critical or declining status.''.

(g) AMENDMENTS RELATING TO FUNDING IMPROVEMENT PLAN.—

(1) IN GENERAL.—Paragraph (1) of section 432(d) of the Internal Revenue Code of 1986, as redesignated and amended by this section, is further amended—

(A) by striking the last sentence, and

(B) in subparagraph (B), by striking ''funding improvement plan—'' and all that follows and inserting ''funding improvement plan, shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to meet the requirements of paragraph (3), including—

''(i) one default proposal under which—

''(I) all adjustable benefits in the form of early retirement subsidies (including early reduction factors which are not provided on an actuarially equivalent basis) under the plan are eliminated, and

''(II) the future monthly benefit accrual rate under the plan is reduced to the equivalent of 1 percent of annual contributions (or, if lower, the accrual rate as of the date of the enactment of the Chris Allen Multiemployer Pension Recapitalization and Reform Act of 2020) based on the contribution rate in effect as of the first day of the plan year in which the plan enters endangered status, and which may also include reduction or elimination of any other adjustable benefits under the plan, and

''(ii) any additional schedules which reduce or eliminate adjustable benefits under the plan which the plan sponsor deems appropriate to provide as an alternative to the default proposal.''.

(2) FUNDING IMPROVEMENT PLAN.—Paragraph (3) of section 432(d) of such Code, as so redesignated and amended, is further amended—

(A) by striking ''For purposes of this section—'' and all that follows through ''which consists of'' in subparagraph (A) and inserting ''For purposes of this section, a funding improvement plan is a plan which consists of'', and

(B) by striking ''formulated to provide'' and all that follows and inserting ''formulated, based on reasonably anticipated experience and reasonable actuarial assumptions, to—

''(A) enable the plan to no longer be in endangered status (as certified by the plan actuary) by the end of the funding improvement period, and

''(B) avoid any accumulated funding deficiencies during the funding improvement period (taking into account any extension of amortization periods under section 431(d)).''.

(3) FUNDING IMPROVEMENT PERIOD.—Paragraph (4) of section 432(d) of such Code, as so redesignated and amended, is further amended by striking subparagraph (B) and inserting after subparagraph (A) the following new subparagraph:

''(B) NEW PERIOD BASED ON ADVERSE EXPERIENCE.—

''(i) IN GENERAL.—If the plan's actuary determines necessary based on adverse plan experience, the plan sponsor may provide for a new 10-year period as of the first day of any plan year in the original funding improvement period, but only if the plan is still projected to meet the requirements of the funding improvement plan and emerge from endangered status at the end of the new funding improvement period.

''(ii) LIMITATION.—A plan sponsor may provide a new 10-year period under clause (i) not more than 1 time in any 20-consecutive-year period, unless the plan sponsor submits to the Secretary an application for an additional new period. Such application shall include a certification that the plan is projected to emerge from endangered status in the proposed new 10-year period and a description of key assumptions, to be specified in regulations promulgated by the Secretary in consultation with the Pension Benefit Guaranty Corporation.''.

(4) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 432(d)(4) of such Code, as so redesignated and amended, is further amended—

(i) by striking ''critical status'' both places it appears in clauses (i) and (ii) and inserting ''critical or declining status'',

(ii) by striking ''rehabilitation period'' in clause (ii) and inserting ''rehabilitation or solvency attainment period'', and

(iii) by striking ''CRITICAL STATUS'' in the heading of clause (ii) and inserting ''CRITICAL OR DECLINING STATUS''.

(B) Subsection (d) of section 432 of such Code, as so redesignated and amended, is further amended by striking paragraph (5) and by redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7), respectively.

(C) Paragraph (6) of section 432(d) of such Code, as so redesignated, is amended—

(i) by striking ''(1)(B)(i)(I)'' in subparagraph (A) and inserting ''(1)(B)(i)'', and

(ii) by striking ''paragraph (6)(B)'' in subparagraph (B)(ii) and inserting ''paragraph (5)(B)''.

(D) Paragraph (2) of section 432(d) of such Code, as so redesignated, is amended by inserting '', except that the next update of the funding improvement plan shall fulfill the requirement of paragraph (1)(B)(i)'' after ''for a preceding plan year''.

(h) AMENDMENTS RELATING TO REHABILITATION PLAN.—

(1) IN GENERAL.—Paragraph (1) of section 432(f) of the Internal Revenue Code of 1986, as redesignated and amended by this section, is further amended—

(A) by striking the last 2 sentences, and

(B) in subparagraph (B), by striking ''rehabilitation plan—'' and all that follows and inserting ''rehabilitation plan, shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to meet the requirements of paragraph (3), including—

''(i) one default proposal under which—

''(I) all adjustable benefits in the form of early retirement subsidies (including early reduction factors which are not provided on an actuarially equivalent basis) under the plan are eliminated, and

''(II) the future monthly benefit accrual rate under the plan is reduced to the equivalent of 1 percent of annual contributions (or, if lower, the accrual rate as of the date of the enactment of the Chris Allen Multiemployer Pension Recapitalization and Reform Act of 2020) based on the contribution rate in effect as of the first day of the plan year in which the plan enters critical status, and

which may also include reduction or elimination of any other adjustable benefits under the plan, and

''(ii) any additional schedules which reduce or eliminate adjustable benefits under the plan which the plan sponsor deems appropriate to provide as an alternative to the default proposal.

In the case of a plan adopting a rehabilitation plan described in paragraph (3)(A)(ii), no schedule provided to or adopted by the bargaining parties shall provide for a monthly benefit accrual rate in excess of the rate described in subparagraph (B)(i)(II).''.

(2) REHABILITATION PLAN.—

(A) IN GENERAL.—Subparagraph (A) of section 432(f)(3) of such Code, as so redesignated, is amended—

(i) by striking ''and may include'' and all that follows through ''such actions'' in clause (i),

(ii) by inserting '', while delaying insolvency for as long as possible and maximizing the income of the plan, including income after insolvency'' before the period in clause (ii), and

(iii) by striking ''(1)(B)(i)'' in the last sentence and inserting ''(1)(B)''.

(B) CONFORMING AMENDMENTS.—Clause (i) of section 432(f)(3)(C) of such Code, as so redesignated, is amended—

(i) by striking ''(1)(B)(i)'' in subclause (II) and inserting ''(1)(B)'', and

(ii) by striking ''the last sentence of paragraph (1)'' and inserting ''paragraph (1)(B)(i)''.

(3) REHABILITATION PERIOD.—

(A) IN GENERAL.—Subparagraph (A) of section 432(f)(4) of such Code, as so redesignated and amended, is further amended—

(i) by striking ''The rehabilitation period'' and inserting ''Except as otherwise provided in this subparagraph, the rehabilitation period'', and

(ii) by adding at the end the following: ''If, upon exhaustion of all reasonable measures, the plan is not reasonably expected to emerge from critical status by the end of such 10-year period, the rehabilitation period shall be extended to take into account the projected date of emergence from critical status (if the rehabilitation plan remained in effect until such date) or the projected date of insolvency (if applicable) (unless the plan enters declining status).''.

(B) EMERGENCE FROM CRITICAL STATUS.—Subparagraph (B) of section 432(f)(4) of such Code, as so redesignated and amended, is further amended—

(i) by inserting ''and is not in declining status,'' after the comma in clause (i)(I),

(ii) by striking subclause (III) of clause (i) and inserting the following:

''(III) the plan's projected funded percentage as of the first day of the 15th succeeding plan year is at least 100 percent and is projected to increase after such date.'',

(iii) by striking ''that—'' and all that follows through ''regardless of whether'' in clause (ii)(I) and inserting ''that the plan meets the requirements of subclauses (II) and (III) of clause (i), regardless of whether'', and

(iv) by striking ''unless—'' and all that follows in clause (ii)(II) and inserting ''unless, as of such plan year, the plan fails to meet the requirements of subclause (II) or (III) of clause (i).''.

(4) RULES RELATING TO BENEFIT INCREASES DURING REHABILITATION PERIOD.—Subparagraph (B) of section 432(g)(1) of such Code, as so redesignated and amended, is further amended by striking ''unless'' and all that follows and inserting ''unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 or to comply with other applicable law, or the amendment provides for only a de minimis increase in the liabilities of the plan.''.

(5) CONFORMING AMENDMENTS.—

(A) Paragraph (6) of section 432(f) of such Code, as so redesignated, is amended by striking ''the last sentence of paragraph (1)'' and inserting ''paragraph (1)(B)(i)''.

(B) Paragraph (2) of section 432(f) of such Code, as so redesignated, is amended by inserting '', except that the next update of the rehabilitation plan shall fulfill the requirement of paragraph (1)(B)(i)'' after ''for a preceding plan year''.

(i) ACTUARIAL ASSUMPTIONS.—

(1) IN GENERAL.—Subsection (n) of section 432 of the Internal Revenue Code of 1986, as redesignated by subsections (a), (d), and (e), is amended—

(A) by striking ''METHOD'' in the heading and inserting ''METHOD AND ASSUMPTIONS'', and

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

''(11) ACTUARIAL ASSUMPTIONS.—

''(A) IN GENERAL.—The actuarial assumptions relied upon for purposes of this section by a plan actuary shall be individually reasonable and, in the aggregate, shall be reasonable and (with the exception of assumptions regarding future contributions) represent the actuary's best estimate of future plan experience, within limitations prescribed by the Secretary. A plan actuary shall avoid conservatism or optimism in individual assumptions to the extent that they would result in a set of assumptions that is unreasonable in the aggregate.

''(B) INVESTMENT RETURNS.—The investment return assumption for projecting plan assets may differ from the actuarial valuation interest rate. In selecting the investment return assumption for projecting plan assets, the plan actuary shall estimate the expected return of the plan's investments as currently invested and as expected to be invested in the future, consistent with the plan's adopted investment policy, if applicable. It is reasonable for an actuary to expect that the plan's investment decisions will consider risk, expected returns over time, and expected future benefit payments. The investment return assumption shall not exceed the interest rate used to determine past service liability under section 431(b)(6).

''(C) CONTRIBUTIONS.—

''(i) IN GENERAL.—The plan actuary shall develop assumptions for the projection of future contributions, including assumptions regarding industry activity among contributing employers and contribution rates, based on information provided by the plan sponsor, which must act reasonably and in good faith. The plan actuary shall certify the reasonableness of all assumptions.

''(ii) PROJECTED INDUSTRY ACTIVITY.—Any projection of activity in the industry or industries covered by the plan, including future covered employment and contribution levels, shall be based on information provided by the plan sponsor acting reasonably and in good faith.

''(iii) FUTURE CONTRIBUTION BASE UNITS.—

''(I) DECLINING CONTRIBUTION BASE UNITS.—If recent experience of the plan has been declining contribution base units, the plan actuary may assume future contribution base units will continue to decline at the same annualized trend as over the 5 immediately preceding plan years, unless the actuary determines that there have been significant changes that would make such assumption unreasonable.

''(II) FLAT OR INCREASING CONTRIBUTION BASE UNITS.—If recent experience of the plan has been increasing, or neither increasing nor decreasing, contribution base units, the plan actuary may assume future contribution base units will remain unchanged indefinitely, unless the actuary determines that there have been significant changes that would make such assumption unreasonable.

''(iv) FUTURE CONTRIBUTION RATES.—

''(I) IN GENERAL.—Projections of contributions shall be based on the contribution rates consistent with the terms of collective bargaining and participation agreements currently in effect.

''(II) FUTURE INCREASES IN ACCORDANCE WITH CORRECTION PLANS.—If reasonable and applicable, the plan actuary may assume future increases in contribution rates consistent with the adopted funding improvement plan, rehabilitation plan, or solvency plan.

''(III) ADDITIONAL FACTORS.—Information provided by the plan sponsor to the plan actuary in setting the assumption regarding future increases in contribution rates shall take into account the ability of the participating employers to make contributions at the scheduled rates over time, considering relevant factors such as projected industry activity, the financial strength of participating employers, market competition, and the scheduled contribution rate to the plan relative to the overall wage package.

''(D) ASSUMPTIONS FOR DEVELOPING SCHEDULES.—All schedules under any funding improvement plan, rehabilitation plan, or solvency plan must be developed based on the same set of actuarial assumptions unless it would be unreasonable to do so, taking into account the anticipated impact of the schedules on participant behavior and employer participation.''.

(2) ADDITIONS TO FORM 5500 SCHEDULE MB.—Subparagraph (B) of section 432(b)(5) of such Code, as redesignated and amended by this section, is further amended by adding at the end the following new clause:

''(vi) ADDITIONAL ATTACHMENTS.—The plan actuary shall attach to the certification required under subparagraph (A)—

''(I) documentation supporting the certification of status under subparagraph (A), including projections of the funding standard account, funded percentage, and solvency of the plan,

''(II) a clear description of the key assumptions used in performing the projections, including investment returns, contribution base units, and contribution rates,

''(III) a 5-year history of contributions, including contribution base units, average contribution rates, and withdrawal liability payments, and a comparison of such contribution base units, rates, and payments to projections made by the plan, and

''(IV) an alternate projection of the funding standard account, funded percentage, and solvency, based on the following assumptions:

''(aa) Annual future investment returns on plan assets equal the actuarial interest rate assumption minus 1 percent.

''(bb) Future contribution base units projected using a trend equal to the lesser of—

''(AA) the annualized trend of actual contribution base units over the 5 preceding plan years, and

''(BB) no change in future contribution base units.

''(cc) No increases in future contribution rates beyond those consistent with the collective bargaining agreements and participation agreements in effect for the plan year.

''(dd) The withdrawal from the plan of the employer which has contributed the greatest total amount of contributions over the 5 preceding plan years, if such employer has contributed at least 10 percent of the total contributions to the plan over such 5 plan years and such employer has a below investment grade credit rating (but only if obtaining the credit rating of such employer is not an undue burden).

''(ee) If such credit rating cannot be obtained without undue burden, the withdrawal of the employer which has contributed the greatest total amount of contributions over the 5 preceding plan years, if such employer has contributed at least 10 percent of the total contributions to the plan over such 5 plan years without regard to collection of any withdrawal liability.

''(ff) If no employer has contributed at least 10 percent of the total contributions to the plan over the 5 preceding plan years, the

withdrawal of the employer which contributed the greatest total amount of contributions for the current plan year, without regard to collection of any withdrawal liability, unless the employer contributed less than 1 percent of the total contributions to the plan for such plan year.

''(gg) Other assumptions consistent with the projection based on the actuary's best estimate assumptions.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 432(b)(5)(B)(i) of such Code, as redesignated by this section, is amended by striking ''assumptions'' and inserting ''assumptions meeting the requirements of subsection (n)(11)''.

(B) Section 432(b)(5)(A)(vi) of such Code, as amended by this section and section 321, is further amended by striking ''reasonable actuarial assumptions'' and inserting ''assumptions meeting the requirements of subsection (n)(11)''.

(C) Paragraph (3) of section 432(d) of such Code, as amended by subsection (g), is further amended by striking ''reasonable actuarial assumptions'' and inserting ''assumptions meeting the requirements of subsection (n)(11)''.

(D) Clause (i) of section 432(f)(3)(A) of such Code, as amended by subsection (h), is further amended by striking ''reasonable actuarial assumptions'' and inserting ''assumptions meeting the requirements of subsection (n)(11)''.

(E) Section 432(h)(3) of such Code, as added by subsection (d), is amended by striking ''reasonable actuarial assumptions'' and inserting ''assumptions meeting the requirements of subsection (n)(11)''.

(j) CONFORMING AMENDMENTS RELATING TO LEGACY PLANS.—

(1) Subsections (a)(3)(F), (b)(1)(B)(i), (b)(1)(H)(iv), and (d)(6)(A) of section 411 of the Internal Revenue Code of 1986, as amended by title V, are each further amended by striking ''432(f)'' each place it appears and inserting ''432(h)(8)''.

(2) Sections 431(b)(10), 440A(d)(2)(D), and 440A(d)(4) of such Code, as added by title V, are each amended by striking ''endangered or critical'' and inserting ''endangered, critical, or declining''.

(3) Section 437(b)(1) of such Act, as so added, is amended by striking ''endangered or critical'' both places it appears and inserting ''endangered, critical, or declining''.

(4) Sections 437(b)(5)(B) and 440A(b)(1)(A) of such Code, as so added, are each amended by striking ''endangered or critical'' and inserting ''endangered, critical, or declining''.

(5) Sections 437(b)(1), 437(b)(5)(B), 440A(b)(1)(A), and 440A(e)(3) of such Code, as so added, are each amended by striking ''432(b)(4)'' and inserting ''432(b)(5)''.

(6) Sections 438(b)(5) and 440A(d)(2)(A) of such Code, as so added, are each amended by striking ''432(b)(4)(B)'' and inserting ''432(b)(5)(B)''.

(7) Section 438(b)(1) of such Code, as so added, is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) consistent with the principles of subparagraphs (B), (C), and (D) of section 432(n)(11).''.

(8) Section 439(a)(2)(D) of such Code, as so added, is amended by striking ''432(f)(9)(D)(vi)'' and inserting ''432(h)(8)(D)(vi)''.

(9) Section 439(a)(3) of such Code, as so added, is amended by striking ''432(f)(8)'' and inserting ''432(m)(1)(D)''.

(10) Section 440A(d)(2)(D) of such Code, as so added and amended, is further amended by striking ''funding improvement or rehabilitation plan'' and inserting ''funding improvement, rehabilitation, or solvency plan''.

(k) EFFECTIVE DATE.—Except as otherwise provided in subsection (a)(7), the amendments made by this section shall apply to plan years beginning after December 31, 2020.

(l) CREDIT RATINGS.—No requirement of section 939 or 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act (124 Stat. 1887; 15 U.S.C. 78o–7 note) shall apply with respect to the amendment made by subsection (i)(2).

SEC. 212. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) RULES APPLYING TO ALL MULTIEMPLOYER PLANS.—

(1) IN GENERAL.—Subsection (a) of section 305 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085) is amended—

(A) by striking ''a multiemployer plan in effect on July 16, 2006—'' and inserting ''any multiemployer plan—'',

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively,

(C) by inserting before paragraph (2), as so redesignated, the following new paragraph:

''(1) the rules of subsection (c) shall apply,'',

(D) by striking ''subsection (c)'' in paragraph (2)(A), as so redesignated, and inserting ''subsection (d)'',

(E) by striking ''subsection (d)'' in paragraph (2)(B), as so redesignated, and inserting ''subsection (e)'',

(F) by striking ''subsection (e)'' in paragraph (3)(A), as so redesignated, and inserting ''subsection (f)'',

(G) by striking ''subsection (f)'' in paragraph (3)(B), as so redesignated, and inserting ''subsection (g)'', and

(H) by striking ''subsection (e)(9)'' in paragraph (4)(B), as so redesignated, and inserting ''subsection (f)(9)''.

(2) RULES OF IMMEDIATE APPLICATION.—Section 305 of such Act (29 U.S.C. 1085) is amended—

(A) by redesignating subsections (c), (d), (e), (f), (g), (h), (i), and (j) as subsections (d), (e), (f), (g), (h), (i), (j), and (k), respectively, and

(B) by inserting after subsection (b) the following new subsection:

''(c) RULES APPLYING TO ALL MULTIEMPLOYER PLANS.—

''(1) BENEFIT INCREASES.—

''(A) INCREASES BY PLAN AMENDMENT.—The plan sponsor of any multiemployer plan shall not adopt a plan amendment which increases plan liabilities (as determined as of the date of the adoption of the amendment) due to any increase in benefits, any change in the accrual rate of benefits, or any change in the rate at which benefits become nonforfeitable, unless—

''(i) if the plan is in unrestricted status as of the adoption of such amendment, the plan actuary certifies in accordance with subsection (b)(4) that the increase in liabilities will not cause the plan to no longer be in unrestricted status,

''(ii) if the plan is in stable status as of the adoption of such amendment, the plan actuary certifies in accordance with subsection (b)(4) that any such increase or change in benefits will be paid from additional contributions not required by any collective bargaining agreement in effect as of the adoption of the amendment,

''(iii) if the plan is in endangered status as of the adoption of such amendment, the plan actuary certifies in accordance with subsection (b)(4) that any such increase or change in benefits will be paid from additional contributions not contemplated in any current funding improvement plan, or

''(iv) the increase or change in benefits is required by law or is a de minimis change.

''(B) INCREASES UNDER CRITICAL OR CRITICAL AND DECLINING STATUS.—Unless required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law, in the case of a plan which is in critical or critical and declining status, no increase in benefits, change in the accrual rate of benefits, or change in the rate at which benefits become nonforfeitable which increases plan liabilities shall take effect while the plan is in such status, without regard to whether such increase or change would otherwise occur under the provisions of the plan, unless the increase in plan liabilities due to the change is de minimis.

''(2) CONTRIBUTION REDUCTIONS.—The plan sponsor of any multiemployer plan shall not accept any collective bargaining agreement or participation agreement which reduces the rate of contributions under the plan for any participants, suspends contributions with respect to any period of service, or directly or indirectly excludes younger, probationary, or newly hired employees from participation in the plan, unless—

''(A) the plan is in unrestricted status as of the adoption of such agreement and the plan actuary certifies in accordance with subsection (b)(4) that the reduction in contributions will not cause the plan to no longer be in unrestricted status,

''(B) the reduction in contributions is accompanied by a reduction in future accruals for the affected participants, and the plan actuary certifies in accordance with subsection (b)(4) that the combined effect of the changes in contributions and benefits is not projected to reduce the funded percentage of the plan in any year, or

''(C) subject to regulations issued by the Secretary of the Treasury, the plan sponsor reasonably determines that the acceptance of such an agreement is in the best interests of plan participants and beneficiaries and that rejection of the agreement would have an adverse financial effect on the plan.''.

(3) STABLE AND UNRESTRICTED PLANS.—Subsection (b) of section 305 of such Act (29 U.S.C. 1085) is amended—

(A) by striking ''ENDANGERED AND CRITICAL'' in the heading,

(B) by redesignating paragraphs (1), (2), (3), (4), (5), and (6) as paragraphs (2), (3), (4), (5), (6), and (7), respectively, and

(C) by inserting before paragraph (2) the following new paragraph:

''(1) STABLE AND UNRESTRICTED STATUS.—

''(A) STABLE.—A multiemployer plan is in stable status for a plan year if, as determined by the plan actuary under paragraph (4), the plan is not in unrestricted status for the plan year, is not in endangered, critical, or critical and declining status for the plan year, and is not described in paragraph (6).

''(B) UNRESTRICTED.—A multiemployer plan is in unrestricted status for a plan year if, as determined by the plan actuary under paragraph (4)—

''(i) the plan is not in endangered, critical, or critical and declining status for the plan year,

''(ii) the plan is not described in paragraph (6), and

''(iii) as of the beginning of the plan year—

''(I) the plan's current liability funded percentage for such plan year is at least 70 percent and the plan's projected funded percentage as of the first day of the 15th succeeding plan year is at least 115 percent, or

''(II) the plan's current liability funded percentage for such plan year is at least 80 percent.

''(C) CURRENT LIABILITY FUNDED PERCENTAGE.—For purposes of this section, the term 'current liability funded percentage' means

the percentage equal to a fraction the numerator of which is the value of plan assets (as determined for purposes of section 304(c)(6)(A)(ii)(II)) and the denominator of which is the current liabilities of the plan (as defined in section 304(c)(6)(D)).''.

(4) AMENDMENT TO ANNUAL CERTIFICATION BY PLAN ACTUARY.—Subparagraph (A) of paragraph (4) (as redesignated by paragraph (3)) of section 305(b) of such Act (29 U.S.C. 1085(b)) is amended by inserting ''whether or not the plan is in unrestricted or stable status for such plan year,'' in clause (i) before ''whether or not the plan is in endangered status''.

(5) CONFORMING AND TECHNICAL AMENDMENTS.—

(A) TECHNICAL CORRECTION.—Section 305(b)(3)(B) of such Act (29 U.S.C. 1085(b)(3)(B)) is amended by redesignating the clause (iv) relating to projections of critical and declining status, as added by section 201(a)(5) of the Consolidated and Further Continuing Appropriations Act, 2015, as clause (v), and by moving such clause to the position immediately after clause (iv).

(B) CONFORMING AMENDMENTS.—

(i) Paragraphs (2) and (3) of section 305(b) of such Act (29 U.S.C. 1085(b)), as redesignated by paragraph (3), are each amended by striking ''paragraph (3)'' and inserting ''paragraph (4)''.

(ii) Section 305(b)(2) of such Act (29 U.S.C. 1085(b)(2)), as so redesignated and amended, is further amended by striking ''paragraph (5)'' and inserting ''paragraph (6)''.

(iii) Section 305(b)(4) of such Act (29 U.S.C. 1085(b)(4)), as so redesignated, is amended—

(I) by striking ''paragraph (4)'' in subparagraph (B)(iv) thereof and inserting ''paragraph (5)'',

(II) by striking ''subsection (e)(9)'' both places it appears in subparagraph (B)(v), as redesignated by subparagraph (A), and inserting ''subsection (f)(9)'',

(III) by striking ''subsection (e)(3)(A)(ii)'' in subparagraph (B)(v), as so redesignated, and inserting ''subsection (f)(3)(A)(ii)'',

(IV) by striking ''subsection (e)'' in subparagraph (B)(v), as so redesignated, and inserting ''subsection (f)'',

(V) by striking ''paragraph (4)'' each place it appears in subparagraphs (D)(i) and (D)(v) thereof and inserting ''paragraph (5)'',

(VI) by striking ''subsection (e)(8)'' in subparagraph (D)(iii)(I) thereof and inserting ''subsection (f)(8)'',

(VII) by striking ''paragraph (5)'' in subparagraph (D)(iii) thereof and inserting ''paragraph (6)'', and

(VIII) by striking ''(iii) In the case of'' in subparagraph (D)(iii) thereof and inserting ''(iii) SPECIAL RULE.—''.

(iv) Section 305(b)(5) of such Act (29 U.S.C. 1085(b)(5)), as redesignated by paragraph (3), is amended—

(I) by striking ''paragraph (2)'' and inserting ''paragraph (3)'',

(II) by striking ''paragraph (3)(B)(iv)'' and inserting ''paragraph (4)(B)(iv)'',

(III) by striking ''paragraph (3)'' in subparagraph (A) thereof and inserting ''paragraph (4)'',

(IV) by striking ''paragraph (3)(A)'' in subparagraph (A) thereof and inserting ''paragraph (4)(A)'',

(V) by striking ''paragraph (2)'' in subparagraph (B) thereof and inserting ''paragraph (3)'', and

(VI) by striking ''subsection (e)(4)(B)'' in subparagraph (C) thereof and inserting ''subsection (f)(4)(B)''.

(v) Section 305(b)(6)(A) of such Act (29 U.S.C. 1085(b)(6)(A)), as so redesignated, is amended—

(I) by striking ''paragraph (3)(A)'' and inserting ''paragraph (4)(A)'',

(II) by striking ''paragraph (1)(A)'' and inserting ''paragraph (2)(A)'', and

(III) by striking ''paragraph (1)(B)'' and inserting ''paragraph (2)(B)''.

(vi) Section 305(b)(7) of such Act (29 U.S.C. 1085(b)(7)), as so redesignated, is amended by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(vii) Paragraphs (1)(A), (4)(A)(ii), (4)(C)(i), (4)(C)(ii), (4)(D), (5)(A)(i), (5)(B), and (8) of subsection (d), and subsections (e)(2), (f)(1)(A), (f)(4)(B)(i), (f)(4)(B)(ii)(I), (f)(5), and (g)(3) of section 305 of such Act (29 U.S.C. 1085), as respectively redesignated by paragraph (2), are each amended by striking ''subsection (b)(3)(A)'' and inserting ''subsection (b)(4)(A)''.

(viii) Section 305(d)(3)(A)(i)(I) of such Act (29 U.S.C. 1085(d)(3)(A)(i)(I)), as so redesignated, is amended by striking ''paragraph (b)(3)'' and inserting ''subsection (b)(4)''.

(ix) Section 305(d)(4)(D) of such Act (29 U.S.C. 1085(d)(4)(D)), as so redesignated, is amended by striking ''subsection (d)'' and inserting ''subsection (e)''.

(x) Section 305(e) of such Act (29 U.S.C. 1085(e)), as so redesignated, is amended to read as follows:

''(e) RULES FOR OPERATION OF PLAN DURING ADOPTION AND IMPROVEMENT PERIODS.—A plan may not be amended after the date of the adoption of a funding improvement plan under subsection (d) so as to be inconsistent with the funding improvement plan or the requirements of subsection (c).''.

(xi) Clauses (i)(I) and (ii)(I) of section 305(f)(4)(B) of such Act (29 U.S.C. 1085(f)(4)(B)), as so redesignated, are each amended by striking ''subsection (b)(2)'' and inserting ''subsection (b)(3)''.

(xii) Subsections (f)(8)(A)(ii) and (g)(2)(A) of section 305 of such Act (29 U.S.C. 1085), as so redesignated, are each amended by striking ''subsection (b)(3)(D)'' and inserting ''subsection (b)(4)(D)''.

(xiii) Section 305(f)(9)(J) of such Act (29 U.S.C. 1085(f)(9)(J)), as so redesignated, is amended—

(I) by striking ''subsection (b)(3)'' and inserting ''subsection (b)(4)'', and

(II) by striking ''paragraphs (1) and (2)'' in clause (i) thereof and inserting ''paragraphs (2) and (3)''.

(xiv) Subparagraphs (A) and (B) of section 305(g)(1) of such Act (29 U.S.C. 1085(g)(1)), as so redesignated, are each amended by striking ''subsection (e)'' and inserting ''subsection (f)''.

(xv) Paragraph (2)(A) of section 305(g) of such Act (29 U.S.C. 1085(g)), as so redesignated, is amended by striking ''(b)(3)(D)'' and inserting ''(b)(4)(D)''.

(xvi) Section 305(h) of such Act (29 U.S.C. 1085(h)), as so redesignated, is amended—

(I) by striking ''subsection (e)(8) or (f)'' in paragraph (1) thereof and inserting ''subsection (f)(8) or (g)'',

(II) by striking ''subsection (e)(9)'' in paragraph (1) thereof and inserting ''subsection (f)(9)'',

(III) by striking ''subsection (e)(7)'' in paragraph (2) thereof and inserting ''subsection (f)(7)'', and

(IV) by striking ''rehabilitation plan'' and all that follows in paragraph (3)(B) thereof and inserting ''rehabilitation plan. The preceding sentence shall not apply to any increase in contribution requirements due to increased levels of work, employment, or periods for which compensation is provided, except to the extent such an increase is used to provide an increased accrual rate of benefits or change in the rate at which benefits become nonforfeitable which increases plan liabilities.''.

(xvii) Section 305(i) of such Act (29 U.S.C. 1085(i)), as so redesignated, is amended—

(I) by striking ''subsection (c)'' and inserting ''subsection (d)'', and

(II) by striking ''subsection (e)'' and inserting ''subsection (f)''.

(xviii) Section 305(j)(2) of such Act (29 U.S.C. 1085(j)(2)), as so redesignated, is amended by striking ''subsections (c) and (e)'' and inserting ''subsections (d) and (f)''.

(xix) Section 101(f)(2)(B) of such Act (29 U.S.C. 1021(f)(2)(B)) is amended—

(I) by striking ''305(i)'' in clause (i)(II) and inserting ''305(k)'', and

(II) by striking ''305(i)(8)'' in clause (ii)(II) and inserting ''305(k)(8)''.

(xx) Section 103(f)(1)(B)(ii) of such Act (29 U.S.C. 1023(f)(1)(B)(ii)) is amended by striking ''305(i)(2)'' and inserting ''305(k)(2)''.

(xxi) Section 302(b)(3) of such Act (29 U.S.C. 1082) is amended by striking ''section 305(e)'' and inserting ''section 305(f)''.

(xxii) Section 4231(e)(2)(A) of such Act (29 U.S.C. 1411(e)(2)(A)) is amended by striking ''section 305(b)(4)'' and inserting ''305(b)(7)''.

(xxiii) Section 4233 of such Act (29 U.S.C. 1413) is amended—

(I) by striking ''305(e)(9)'' each place it appears in subsections (b)(2) and (e)(1)(A) and inserting ''305(f)(9)'', and

(II) by striking ''305(e)(9)(E)(vi)'' in subsection (e)(2) and inserting ''305(f)(9)(E)(vi)''.

(xxiv) Section 4245 of such Act (29 U.S.C. 1426), as amended by this Act, is amended—

(I) by striking ''305(b)(2),,'' in subsection (c)(1), as redesignated by section 112, and inserting ''305(b)(3),'',

(II) by striking ''305(b)(2)'' each place it appears in subsections (c)(2), (d)(1), and (d)(2), as so redesignated, and inserting ''305(b)(3)'', and

(III) by striking ''305(e)(9)'' in subsection (f), as so redesignated, and inserting ''305(f)(9)''.

(xxv) The heading of section 305 of such Act (29 U.S.C. 1085) is amended by striking ''**IN ENDANGERED STATUS OR CRITICAL STATUS**''.

(6) WITHDRAWAL LIABILITY DETERMINATION FOR PLANS EMERGING FROM ENDANGERED OR CRITICAL STATUS.—Section 305(h) of such Act (29 U.S.C. 1085(h)), as redesignated by paragraph (2) and as amended by paragraph (5), is further amended by striking paragraph (4) and by inserting after paragraph (3) the following new paragraph:

''(4) EMERGENCE FROM ENDANGERED OR CRITICAL STATUS.—

''(A) IN GENERAL.—In the case of increases in the contribution rate (or other increases in contribution requirements unless due to increased levels of work, employment, or periods for which compensation is provided) disregarded pursuant to paragraph (3), this subsection shall cease to apply as of the later of—

''(i) the end of the first plan year following the plan year in which the plan is no longer in endangered or critical status, or

''(ii) the end of the plan year which includes the expiration date of the first collective bargaining agreement requiring plan contributions which expires after the plan is no longer in endangered or critical status.

''(B) HIGHEST CONTRIBUTION RATE.—Notwithstanding subparagraph (A), once the plan emerges from endangered or critical status—

''(i) increases in the contribution rate disregarded pursuant to paragraph (3) shall continue to be disregarded in determining the highest contribution rate under section 4219(c) for plan years during which the plan was in endangered or critical status, and

''(ii) the highest contribution rate for purposes of such section shall be the greater of—

''(I) the sum of—

''(aa) the employer's contribution rate as of the later of the last day of the last plan year ending before December 31, 2014, and the

last day of the plan year for which the employer first had an obligation to contribute to the plan, and

''(bb) any contribution increases determined in accordance with this section after such later date and before the date the employer withdraws from the plan, or

''(II) the highest contribution rate for any plan year after the plan year which includes the earlier of—

''(aa) the expiration date of the first collective bargaining agreement applicable to the withdrawing employer requiring plan contributions which expires after the plan is no longer in endangered or critical status, or

''(bb) the date as of which the withdrawing employer negotiated a contribution rate effective after the plan year in which the plan is no longer in endangered or critical status.''.

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(b) DETERMINATION OF ENDANGERED STATUS.—Paragraph (2) of section 305(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(b)), as redesignated by subsection (a)(3), is amended to read as follows:

''(2) ENDANGERED STATUS.—A multiemployer plan is in endangered status for a plan year if, as determined by the plan actuary under paragraph (5), the plan is not in critical or declining status for the plan year and is not described in paragraph (7), and, as of the beginning of the plan year—

''(A) the plan's funded percentage for such plan year is less than 80 percent,

''(B) the plan is projected to have an accumulated funding deficiency for any of the 9 succeeding plan years, taking into account any extension of amortization periods under section 304(d), or

''(C) the plan's projected funded percentage as of the first day of the 15th succeeding plan year is less than 100 percent.''.

(c) DETERMINATION OF CRITICAL STATUS.—Paragraph (3) of section 305(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(b)), as redesignated by subsection (a)(3), is amended to read as follows:

''(3) CRITICAL STATUS.—

''(A) IN GENERAL.—A multiemployer plan is in critical status for a plan year if, as determined by the plan actuary under paragraph (5), the plan is not in declining status for the plan year and, as of the beginning of the plan year—

''(i) the plan's funded percentage is less than 65 percent,

''(ii) the plan has an accumulated funding deficiency for the plan year, or is projected to have such an accumulated funding deficiency for any of the 6 succeeding plan years, taking into account any extension of amortization periods under section 304(d), or

''(iii) the plan's projected funded percentage as of the first day of the 15th succeeding plan year is less than 80 percent.

''(B) ORIGINAL PLANS.—Notwithstanding subparagraph (A), a multiemployer plan which is an original plan pursuant to section 4233A(d)(3) shall be treated as being in critical status for the period of 15 consecutive plan years beginning with the plan year that includes the date of the partition under section 4233A.''.

(d) DECLINING STATUS.—

(1) IN GENERAL.—

(A) The following provisions of section 305 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085) are each amended by striking ''critical and declining'' each place it appears and inserting ''declining'':

(i) Subsection (a)(4) (as redesignated by subsection (a)(1)).

(ii) Subparagraphs (A) and (B)(i) of subsection (b)(1), as added by subsection (a)(3).

(iii) Subsection (b)(4)(B)(v) (as redesignated by subsection (a)(3)).

(iv) The heading of clause (v) of subsection (b)(4)(B), as redesignated by subsection (a)(3).

(v) Paragraph (1)(B), and the heading of such paragraph (1)(B), of subsection (c), as added by subsection (a)(2).

(vi) The heading of paragraph (9) of subsection (f) (as redesignated by subsection (a)(2)).

(vii) Subparagraphs (A), (C), (G)(i), and (J) of subsection (f)(9) (as so redesignated).

(viii) Subsection (h)(1) (as so redesignated).

(B) Subsections (c), as amended by section 221, and (e)(2)(A), as amended by this section, of section 4231 of such Act (29 U.S.C. 1411(e)(2)(A)) are each further amended by striking ''critical and declining status'' and inserting ''declining status''.

(C) Section 4233(b)(1) of such Act (29 U.S.C. 1413(b)(1)) is amended by striking ''critical and declining status'' and inserting ''declining status''.

(D) Section 4245(f) of such Act (29 U.S.C. 1426), as amended by section 112 and subsection (a), is further amended by striking ''critical and declining status'' and inserting ''declining status''.

(2) DETERMINATION OF DECLINING STATUS.—

(A) IN GENERAL.—Subsection (b) of section 305 of such Act (29 U.S.C. 1085) is amended—

(i) by striking paragraph (7), as redesignated by subsection (a)(3),

(ii) by redesignating paragraphs (4), (5), and (6), as so redesignated, as paragraphs (5), (6), and (7), respectively, and

(iii) by inserting after paragraph (3), as so redesignated, the following new paragraph:

''(4) DECLINING STATUS.—A multiemployer plan is in declining status for a plan year if—

''(A) as determined by the plan actuary under paragraph (5), as of the beginning of the plan year the plan is projected to become insolvent within the plan year or any of the 29 succeeding plan years,

''(B) the plan is otherwise in critical status for the plan year as determined by the plan actuary under paragraph (5), and the plan sponsor determines that, based on reasonable actuarial assumptions and upon exhaustion of all reasonable measures, the plan cannot reasonably be expected to emerge from critical status within the next 30 plan years, or

''(C) the plan has a funded percentage for the plan year which is greater than the projected funded percentage as of the first day of the 15th succeeding plan year, unless the funded percentage for the plan year is 100 percent or greater and the projected funded percentage as of the first day of such 15th succeeding plan year is less than 100 percent.''.

(B) CONFORMING AMENDMENTS.—

(i) Paragraph (1) of section 305(b) of such Act (29 U.S.C. 1085), as added by subsection (a)(3), is amended—

(I) by striking ''paragraph (4)'' each place it appears in subparagraphs (A) and (B) and inserting ''paragraph (5)'', and

(II) by striking ''paragraph (6)'' each place it appears in subparagraphs (A) and (B) and inserting ''paragraph (7)''.

(ii) Subsection (c) of section 305 of such Act (29 U.S.C. 1085), as added by subsection (a)(2), is amended by striking ''(b)(4)'' each place it appears in paragraphs (1)(A)(i), (1)(A)(ii), (1)(A)(iii), (2)(A), and (2)(B) and inserting ''(b)(5)''.

(iii) Section 305(b)(5) of such Act (29 U.S.C. 1085(b)(5)), as further redesignated by subparagraph (A) and as amended by section 321 and subsection (a), is further amended—

(I) by striking ''paragraph (5)'' in subparagraph (B)(iv) thereof and inserting ''paragraph (6)'',

(II) by striking ''paragraph (5)'' each place it appears in subparagraphs (D)(i) and (D)(vi) thereof and inserting ''paragraph (6)'', and

(III) by striking ''paragraph (6)'' in subparagraph (D)(iv) thereof and inserting ''paragraph (7)''.

(iv) Section 305(b)(6) of such Act (29 U.S.C. 1085(b)(6)), as so further redesignated and amended, is further amended—

(I) by striking ''paragraph (4)(B)(iv)'' and inserting ''paragraph (5)(B)(iv)'',

(II) by striking ''paragraph (4)'' in subparagraph (A) thereof and inserting ''paragraph (5)'', and

(III) by striking ''paragraph (4)(A)'' in subparagraph (A) thereof and inserting ''paragraph (5)(A)''.

(v) Section 305(b)(7)(A) of such Act (29 U.S.C. 1085(b)(7)(A)), as so further redesignated and amended, is further amended—

(I) by striking ''paragraph (4)(A)'' and inserting ''paragraph (5)(A)'', and

(II) by striking ''either paragraph (2)(A) or paragraph (2)(B)'' and inserting ''any subparagraph of paragraph (2)''.

(vi) Section 305(b)(7)(B) of such Act (29 U.S.C. 1085(b)(7)(B)), as so further redesignated, is amended by striking ''critical or endangered'' and inserting ''endangered, critical, or declining''.

(vii) Paragraphs (1)(A), (4)(A)(ii), (4)(C)(i), (4)(C)(ii), (4)(D), and (8) of subsection (d), and subsections (f)(1)(A), (f)(4)(B)(i), (f)(4)(B)(ii)(I), (f)(5), and (g)(3) of section 305 of such Act (29 U.S.C. 1085), as redesignated and amended by subsection (a), are each further amended by striking ''subsection (b)(4)(A)'' and inserting ''subsection (b)(5)(A)''.

(viii) Section 305(d)(3)(A)(i)(I) of such Act (29 U.S.C. 1085(d)(3)(A)(i)(I)), as so redesignated and amended, is further amended by striking ''subsection (b)(4)'' and inserting ''subsection (b)(5)''.

(ix) Subsections (f)(8)(A)(ii) and (g)(2)(A) of section 305 of such Act (29 U.S.C. 1085), as so redesignated and amended, are each further amended by striking ''subsection (b)(4)(D)'' and inserting ''subsection (b)(5)(D)''.

(x) Section 305(f)(9)(J) of such Act (29 U.S.C. 1085(f)(9)(J)), as so redesignated and amended, is further amended by striking ''subsection (b)(4)'' and inserting ''subsection (b)(5)''.

(xi) Section 4231(e)(2)(A) of such Act (29 U.S.C. 1411(e)(2)(A)), as amended by this section, is further amended by striking ''305(b)(7)'' and inserting ''305(b)(4)''.

(3) SOLVENCY PLAN.—

(A) IN GENERAL.—Paragraph (4) (as redesignated by subsection (a)(1) and amended by paragraph (1)) of section 305(a) of such Act (29 U.S.C. 1085(a)) is amended—

(i) by redesignating subparagraph (B) as subparagraph (D), and

(ii) by striking subparagraph (A) and inserting before subparagraph (D) (as so redesignated) the following new subparagraphs:

''(A) the plan sponsor shall adopt and implement a solvency plan in accordance with the requirements of subsection (h),

''(B) any rehabilitation plan in place as of the date the plan enters declining status shall continue to apply throughout the solvency plan adoption period,

''(C) the requirements of subsection (i) and paragraphs (6) and (7) of subsection (f) shall apply during the solvency plan adoption period and the solvency attainment period, and''.

(B) ADOPTION OF PLAN.—Section 305 of such Act (29 U.S.C. 1085), as amended by this section, is further amended—

(i) by redesignating subsection (l), as added by title V of this Act, as subsection (n), and by further redesignating subsections (h), (i), (j), and (k), as redesignated by subsection

(a)(2), as subsections (j), (k), (l), and (m), respectively, and

(ii) by inserting after subsection (g), as redesignated by subsection (a)(2), the following new subsections:

''(h) SOLVENCY PLAN MUST BE ADOPTED FOR MULTIEMPLOYER PLANS IN DECLINING STATUS.—

''(1) IN GENERAL.—In any case in which a multiemployer plan is in declining status for a plan year, the plan sponsor, in accordance with this subsection—

''(A) shall adopt a solvency plan not later than 240 days following the required date for the actuarial certification of declining status under subsection (b)(5)(A), and

''(B) within 30 days after the adoption of the solvency plan shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to meet the requirements of paragraph (3), including—

''(i) one default proposal under which—

''(I) all adjustable benefits in the form of early retirement subsidies (including early reduction factors which are not provided on an actuarially equivalent basis) under the plan are eliminated, and

''(II) the future monthly benefit accrual rate under the plan is reduced to the equivalent of 1 percent of annual contributions (or, if lower, the current accrual rate) based on the contribution rate in effect as of the later of the first day of the plan year in which the plan enters declining status or the date of a partition under section 4233A, and

which may also include reduction or elimination of any other adjustable benefits under the plan, and

''(ii) any additional schedules which reduce or eliminate adjustable benefits under the plan which the plan sponsor deems appropriate to provide as an alternative to the default proposal.

No schedule provided to or adopted by the bargaining parties shall provide for a monthly benefit accrual rate in excess of the rate described in subparagraph (B)(i)(II).

''(2) EXCEPTION FOR YEARS AFTER PROCESS BEGINS.—Paragraph (1) shall not apply to a plan year if such year is in a solvency plan adoption period or solvency attainment period by reason of the plan being in declining status for a preceding plan year, except that the next update of the solvency plan shall fulfill the requirement of paragraph (1)(B)(i). For purposes of this section, such preceding plan year shall be the initial determination year with respect to the solvency plan to which it relates.

''(3) SOLVENCY PLAN.—For purposes of this section, a solvency plan is a plan which consists of the actions, including options or a range of options to be proposed to the bargaining parties, formulated, based on reasonably anticipated experience and reasonable actuarial assumptions, to enable the plan to delay or avoid the projected insolvency.

''(4) SOLVENCY ATTAINMENT PERIOD.—For purposes of this section—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the solvency attainment period for any solvency plan adopted pursuant to this subsection is the period—

''(i) beginning on the first day of the first plan year of the multiemployer plan beginning after the earlier of—

''(I) the second anniversary of the date of the adoption of the solvency plan, or

''(II) the expiration of the collective bargaining agreements in effect on the due date for the actuarial certification of declining status for the initial determination year under subsection (b)(5)(A) and covering, as of such due date, at least 75 percent of the active participants in such plan, and

''(ii) ending on the date the plan either emerges from declining status or becomes insolvent.

''(B) COORDINATION WITH CHANGES IN STATUS.—

''(i) PLANS NO LONGER IN DECLINING STATUS.—If the plan's actuary certifies in accordance with subparagraph (C) for a plan year in any solvency plan adoption period or solvency attainment period that the plan is no longer in declining status, the solvency plan adoption period or solvency attainment period, whichever is applicable, shall end as of the date of such certification.

''(ii) PLANS IN CRITICAL OR ENDANGERED STATUS.—If the plan's actuary certifies under subsection (b)(5)(A) for the plan year described in clause (i) that the plan is in critical or endangered rather than declining status, the provisions of subsections (d) and (e), or subsections (f) and (g), whichever are applicable, shall be applied as if such plan year were an initial determination year, except that the plan may not be amended in a manner inconsistent with the solvency plan in effect for the preceding plan year until a new funding improvement plan or rehabilitation plan, whichever is applicable, is adopted.

''(C) EMERGENCE.—A plan in declining status shall remain in such status until a plan year for which the plan actuary certifies, in accordance with subsection (b)(5)(A), that the plan is not described in one or more of the subparagraphs in subsection (b)(4) as of the beginning of the plan year.

''(5) UPDATES TO SOLVENCY PLANS AND SCHEDULES.—

''(A) SOLVENCY PLAN.—The plan sponsor shall annually update the solvency plan and shall file the update with the plan's annual report under section 104.

''(B) SCHEDULES.—The plan sponsor shall annually update any schedule of contribution rates provided under this subsection to reflect the experience of the plan.

''(C) DURATION OF SCHEDULE.—A schedule of contribution rates provided by the plan sponsor and relied upon by bargaining parties in negotiating a collective bargaining agreement shall remain in effect for the duration of that collective bargaining agreement.

''(6) IMPOSITION OF SCHEDULE WHERE FAILURE TO ADOPT SOLVENCY PLAN.—

''(A) INITIAL CONTRIBUTION SCHEDULE.—If—

''(i) a collective bargaining agreement providing for contributions under a multiemployer plan that was in effect at the time the plan entered declining status expires, and

''(ii) after receiving one or more schedules from the plan sponsor under paragraph (1)(B), the bargaining parties with respect to such agreement fail to adopt a contribution schedule with terms consistent with the solvency plan and a schedule from the plan sponsor,

the plan sponsor shall implement the schedule described in paragraph (1)(B)(i) beginning on the date specified in subparagraph (C).

''(B) SUBSEQUENT CONTRIBUTION SCHEDULE.—If—

''(i) a collective bargaining agreement providing for contributions under a multiemployer plan in accordance with a schedule provided by the plan sponsor pursuant to a solvency plan (or imposed under subparagraph (A)) expires while the plan is still in declining status, and

''(ii) after receiving one or more updated schedules from the plan sponsor under paragraph (5)(B), the bargaining parties with respect to such agreement fail to adopt a contribution schedule with terms consistent with the updated solvency plan and a schedule from the plan sponsor,

then the contribution schedule applicable under the expired collective bargaining agreement, as updated and in effect on the date the collective bargaining agreement expires, shall be implemented by the plan sponsor beginning on the date specified in subparagraph (C).

''(C) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) or (B) expires.

''(7) SOLVENCY PLAN ADOPTION PERIOD.—For purposes of this section, the term 'solvency plan adoption period' means the period beginning on the date of the certification under subsection (b)(5)(A) for the initial determination year and ending on the day before the first day of the solvency attainment period.

''(i) RULES FOR OPERATION OF PLAN DURING ADOPTION AND ATTAINMENT PERIODS.—

''(1) COMPLIANCE WITH SOLVENCY PLAN.—

''(A) IN GENERAL.—A plan may not be amended after the date of the adoption of a solvency plan under subsection (h) so as to be inconsistent with the solvency plan.

''(B) SPECIAL RULES FOR BENEFIT INCREASES.—A plan may not be amended after the date of the adoption of a solvency plan under subsection (h) so as to increase benefits, including future benefit accruals, unless the increase is required by law or is a de minimis change.

''(C) SPECIAL RULES FOR INCREASES IN COMPENSATION OR CONTRIBUTION RATE.—Any increase in employee compensation or contribution rates which takes effect after the first day of the plan year in which the plan enters declining status shall not give rise to an increase in benefits or future benefit accruals under the plan.

''(2) RESTRICTION ON LUMP SUMS AND SIMILAR BENEFITS.—

''(A) IN GENERAL.—Effective on the date the notice of certification of the plan's declining status for the initial determination year under subsection (b)(5)(D) is sent, and notwithstanding section 204(g), the plan shall not pay—

''(i) any payment, in excess of the monthly amount paid under a single life annuity (plus any social security supplements described in the last sentence of section 204(b)(1)(G)), to a participant or beneficiary whose annuity starting date (as defined in section 205(h)(2)) occurs after the date such notice is sent,

''(ii) any payment for the purchase of an irrevocable commitment from an insurer to pay benefits, or

''(iii) any other payment specified by the Secretary of the Treasury by regulations,

unless it is a de minimis amount.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to a benefit which under section 203(e) may be immediately distributed without the consent of the participant or to any makeup payment in the case of a retroactive annuity starting date or any similar payment of benefits owed with respect to a prior period.

''(3) SPECIAL RULES FOR PLAN ADOPTION PERIOD.—During the period beginning on the date of the certification under subsection (b)(5)(A) for the initial determination year and ending on the date of the adoption of a solvency plan—

''(A) the plan sponsor may not accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

''(i) a reduction in the level of contributions for any participants,

''(ii) a suspension of contributions with respect to any period of service, or

''(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation,

unless the plan sponsor reasonably determines that the acceptance of such an agreement is in the best interests of participants and beneficiaries and that rejection of such

agreement would adversely affect the plan, and

''(B) no amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.''.

(C) SUSPENSION OF BENEFITS.—Section 305 of such Act (29 U.S.C. 1085), as amended by this section, is further amended—

(i) by redesignating paragraph (9) of subsection (f) (as redesignated by subsection (a)(2)) as paragraph (8) of subsection (h) (as added by subparagraph (B)), and

(ii) by moving such paragraph to the position immediately after paragraph (7) of such subsection (h).

(4) CONFORMING AMENDMENTS.—

(A) Subsection (a)(4)(D) of section 305 of such Act (29 U.S.C. 1085), as redesignated and amended by the preceding provisions of this section, is further amended by striking ''subsection (f)(9)'' and inserting ''subsection (h)(8)''.

(B) Paragraph (5) of section 305(b) of such Act (29 U.S.C. 1085(b)), as so redesignated and as amended by section 321 and the preceding provisions of this section, is further amended—

(i) by striking ''critical'' in subparagraph (A)(i)(I) and inserting ''critical or declining'',

(ii) by striking ''funding improvement or rehabilitation period'' in subparagraph (A)(i)(II) and inserting ''funding improvement, rehabilitation, or solvency attainment period'',

(iii) by striking ''funding improvement or rehabilitation plan'' in subparagraph (A)(i)(II) and inserting ''funding improvement, rehabilitation, or solvency plan'',

(iv) by striking ''endangered or critical'' in subparagraph (A)(i)(V)(bb) and inserting ''endangered, critical, or declining'',

(v) by striking ''funding improvement plan or rehabilitation'' in subparagraph (A)(iv) and inserting ''funding improvement, rehabilitation, or solvency'',

(vi) by striking ''critical'' each place it appears in subparagraph (A)(vi) and inserting ''critical or declining'',

(vii) by striking ''rehabilitation period'' in subparagraph (A)(vi) and inserting ''rehabilitation or solvency attainment period'',

(viii) by striking ''as described in subsection (f)(9)'' in subparagraph (B)(v),

(ix) by inserting ''if the plan is already in a rehabilitation period, and'' before ''if reasonable'' in subparagraph (B)(v)(I),

(x) by striking ''subsection (f)(9)'' in subparagraph (B)(v)(II) and inserting ''subsection (h)(8)'',

(xi) by striking ''endangered or critical'' both places it appears in subparagraph (D)(i) and inserting ''endangered, critical, or declining'',

(xii) by striking ''ENDANGERED OR CRITICAL'' in the heading of subparagraph (D)(ii) and inserting ''ENDANGERED, CRITICAL, OR DECLINING'',

(xiii) by striking ''endangered or critical'' in subparagraph (D)(ii) and inserting ''endangered, critical, or declining'',

(xiv) by striking ''funding improvement or rehabilitation plan'' both places it appears in subclauses (I) and (II) of subparagraph (D)(ii) and inserting ''funding improvement, rehabilitation, or solvency plan'', and

(xv) by adding at the end of subparagraph (D) the following new clause:

''(vii) NOTICE OF PROJECTION TO BE IN DECLINING STATUS IN A FUTURE PLAN YEAR.—In any case in which it is certified under subparagraph (A)(i) that a multiemployer plan will be in declining status for any of 5 succeeding plan years (but not for the current plan year), the plan sponsor shall, not later than 30 days after the date of the certification, provide notification of the projected declining status to the Pension Benefit Guaranty Corporation.''.

(C) Subparagraph (J) of section 305(h)(8) of such Act (29 U.S.C. 1085(h)(8)), as so redesignated and amended, is further amended—

(i) by striking ''CRITICAL'' in the heading and inserting ''DECLINING'', and

(ii) by striking ''shall not emerge from critical status under paragraph (4)(B),'' and inserting ''shall not emerge from declining status''.

(D) Subsection (j) of section 305 of such Act (29 U.S.C. 1085), as so redesignated and amended, is further amended—

(i) by striking ''(f)(8) or (g)'' in paragraph (1) and inserting ''(f)(8), (g), or (i)'',

(ii) by striking ''subsection (f)(9)'' in paragraph (1) and inserting ''subsection (h)(8)'',

(iii) by striking ''FUNDING IMPROVEMENT OR REHABILITATION PLAN'' in the heading of paragraph (3) and inserting ''FUNDING IMPROVEMENT, REHABILITATION, OR SOLVENCY'',

(iv) by striking ''funding improvement plan or rehabilitation plan'' both places it appears in subparagraphs (A) and (B) of paragraph (3) and inserting ''funding improvement, rehabilitation, or solvency plan'',

(v) by striking ''ENDANGERED OR CRITICAL'' in the heading of paragraph (4), as amended by subsection (a), and inserting ''ENDANGERED, CRITICAL, OR DECLINING'',

(vi) by striking ''endangered or critical'' each place it appears in paragraph (4), as so amended, and inserting ''endangered, critical, or declining'', and

(vii) by striking ''critical or endangered'' in paragraph (4) and inserting ''endangered, critical, or declining''.

(E) Subsection (k) of section 305 of such Act (29 U.S.C. 1085), as so redesignated and amended, is further amended—

(i) by striking ''or a rehabilitation plan under subsection (f)'' and inserting '', a rehabilitation plan under subsection (f), or a solvency plan under subsection (h)'',

(ii) by striking ''endangered status or a plan in critical status'' and inserting ''endangered, critical, or declining status'',

(iii) by striking ''has not agreed on a funding improvement plan or rehabilitation plan'' and inserting ''has not agreed on a funding improvement, rehabilitation, or solvency plan (whichever is applicable)'', and

(iv) by striking ''adoption of a funding improvement plan or rehabilitation plan'' and inserting ''adoption of a funding improvement, rehabilitation, or solvency plan''.

(F) Subsection (l) of section 305 of such Act (29 U.S.C. 1085), as so redesignated and amended, is further amended—

(i) by striking ''endangered status or in critical status'' in paragraph (1) and inserting ''endangered, critical, or declining status'',

(ii) by striking ''endangered or critical'' in paragraph (1) and inserting ''endangered, critical, or declining'', and

(iii) by striking ''(d) and (f)'' in paragraph (2) and inserting ''(d), (f), and (h)''.

(G) Section 101(f)(2)(B) of such Act (29 U.S.C. 1021(f)(2)(B)), as amended by this section, is amended—

(i) by striking ''305(k)'' in clause (i)(II) and inserting ''305(m)'', and

(ii) by striking ''305(k)(8)'' in clause (ii)(II) and inserting ''305(m)(8)''.

(H) Section 101(k)(1)(K) of such Act (29 U.S.C. 1021(k)(1)(K)) is amended—

(i) by striking ''critical or endangered'' and inserting ''endangered, critical, or declining'', and

(ii) by striking ''funding improvement or rehabilitation'' both places it appears and inserting ''funding improvement, rehabilitation, or solvency''.

(I) Section 103(f)(1)(B)(ii) of such Act (29 U.S.C. 1023(f)(1)(B)(ii)), as amended by this section, is amended by striking ''305(k)(2)'' and inserting ''305(m)(2)''.

(J) Section 103(f)(2)(G) of such Act (29 U.S.C. 1023(f)(2)(G)) is amended—

(i) by striking ''critical or endangered'' and inserting ''endangered, critical, or declining'', and

(ii) by striking ''funding improvement or rehabilitation'' and inserting ''funding improvement, rehabilitation, or solvency''.

(K) Section 104(d)(1)(E) of such Act (29 U.S.C. 1024(d)(1)(E)) is amended—

(i) by striking ''critical or endangered'' and inserting ''endangered, critical, or declining'', and

(ii) by striking ''funding improvement or rehabilitation'' and inserting ''funding improvement, rehabilitation, or solvency''.

(L) Section 502(a)(10) of such Act (29 U.S.C. 1132(a)(10)) is amended—

(i) by striking ''endangered or critical'' and inserting ''endangered, critical, or declining'', and

(ii) by striking ''funding improvement or rehabilitation'' each place it appears and inserting ''funding improvement, rehabilitation, or solvency''.

(M) Section 502(c)(8) of such Act (29 U.S.C. 1132(c)(8)) is amended—

(i) by striking ''funding improvement plan or rehabilitation'' in subparagraph (A) and inserting ''funding improvement, rehabilitation, or solvency'',

(ii) by striking ''endangered or critical'' in subparagraph (A) and inserting ''endangered, critical, or declining'',

(iii) by striking ''which is not in seriously endangered status'' in subparagraph (B), and

(iv) by striking ''meet the applicable benchmarks'' in subparagraph (B) and inserting ''emerge from endangered status''.

(N) Section 4233 of such Act (29 U.S.C. 1413), as amended by this section, is further amended—

(i) by striking ''305(f)(9)'' each place it appears in subsections (b)(2) and (e)(1)(A) and inserting ''305(h)(8)'', and

(ii) by striking ''305(f)(9)(E)(vi)'' in subsection (e)(2) and inserting ''305(h)(8)(E)(vi)''.

(O) Section 4233(m)(1) of such Act, as added by this Act, is amended by striking ''funding improvement or rehabilitation'' and inserting ''funding improvement, rehabilitation, or solvency''.

(P) Section 4233A(h)(4)(C) of such Act, as added by this Act, is amended by striking ''rehabilitation plan'' and inserting ''rehabilitation or solvency plan''.

(Q) Section 4233A(m)(1) of such Act, as added by this Act, is amended by striking ''funding improvement or rehabilitation'' and inserting ''funding improvement, rehabilitation, or solvency''

(R) Section 4233A(o)(1) of such Act, as added by this Act, is amended by striking ''305(k)(2)'' and inserting ''305(m)(2)''.

(S) Section 4233A(o)(12) of such Act, as added by this Act, is amended by striking ''funding improvement plan or rehabilitation'' and inserting ''funding improvement, rehabilitation, or solvency''.

(T) Section 4245 of such Act (29 U.S.C. 1426), as amended by section 112 and this section, is further amended—

(i) by striking ''305(b)(3)'' each place it appears in subsections (c)(1), (c)(2), (d)(1), and (d)(2) and inserting ''305(b)(3), or a plan in declining status, as described in section 305(b)(4)'', and

(ii) by striking ''305(f)(9)'' in subsection (f) and inserting ''305(h)(8)''.

(e) ADJUSTMENT OF BENEFITS.—

(1) IN GENERAL.—Section 305 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085), as amended by this section, is further amended—

(A) by further redesignating subsections (m) and (n), as redesignated by subsection (d), as subsections (n) and (o), respectively,

(B) by redesignating paragraph (8) of subsection (f), as redesignated by subsection (a)(2), as subsection (m), and

(C) by moving such subsection to the position immediately after subsection (l).

(2) CLERICAL AND CONFORMING AMENDMENTS.—

(A) The heading of subsection (m) of section 305 of such Act (29 U.S.C. 1085), as redesignated by paragraph (1), is amended to read as follows:

''(m) ADJUSTMENT OF BENEFITS.—''.

(B) The following provisions of such subsection (m) are amended as follows:

(i) Subparagraphs (A), (B), and (C) are redesignated as paragraphs (1), (2), and (4), respectively, and moved 2 ems to the left.

(ii) Clauses (i), (ii), (iii), and (iv) of paragraph (1) (as so redesignated) are redesignated as subparagraphs (A), (B), (C), and (D), respectively, and moved 2 ems to the left.

(iii) Subclauses (I), (II), and (III) of paragraph (1)(D) (as so redesignated) are redesignated as clauses (i), (ii), and (iii), respectively, and moved 2 ems to the left.

(iv) Clauses (i), (ii), and (iii) of paragraph (4) (as so redesignated) are redesignated as subparagraphs (A), (B), and (C), respectively, and moved 2 ems to the left, and the flush sentence at the end of subparagraph (C) (as so redesignated) is moved 2 ems to the left.

(v) Subclauses (I), (II), and (III) of paragraph (4)(A) (as so redesignated) are redesignated as clauses (i), (ii), and (iii), respectively, and moved 2 ems to the left.

(vi) Subclauses (I) and (II) of paragraph (4)(B) (as so redesignated) are redesignated as clauses (i) and (ii), respectively, and moved 2 ems to the left.

(vii) Subclauses (I), (II), and (III) of paragraph (4)(C) (as so redesignated) are redesignated as clauses (i), (ii), and (iii), respectively, and moved 2 ems to the left.

(viii) Paragraph (1)(A), as so redesignated, is amended by striking ''subparagraph (C)'' and inserting ''paragraph (4)''.

(ix) Paragraph (1)(B), as so redesignated, is amended by striking ''clause (iv)(III)'' and inserting ''subparagraph (D)(iii)''.

(x) Paragraph (1)(D), as so redesignated, is amended by striking ''this paragraph'' and inserting ''this subsection''.

(xi) Paragraph (2), as so redesignated, is amended—

(I) by striking ''subparagraph (A)(iv)(III)'' and inserting ''paragraph (1)(D)(iii)'', and

(II) by striking ''this paragraph'' and inserting ''this subsection''.

(xii) Paragraph (4)(A), as so redesignated, is amended by striking ''subparagraph (A)'' and inserting ''paragraph (1)''.

(xiii) Paragraphs (4)(B) and (4)(C), as so redesignated, are each amended by striking ''clause (i)'' each place it appears and inserting ''subparagraph (A)''.

(xiv) The last sentence of paragraph (4)(C), as so redesignated, is amended—

(I) by striking ''subclause (I)'' and inserting ''clause (i)'', and

(II) by striking ''this subparagraph'' and inserting ''this paragraph''.

(3) APPLICATION TO ALL PLANS IN ENDANGERED, CRITICAL, OR DECLINING STATUS.—

(A) IN GENERAL.—Subparagraph (A) of section 305(m)(1) of such Act (29 U.S.C. 1085(m)(1)), as redesignated and amended by this section, is further amended—

(i) by striking ''the plan sponsor shall'' and inserting ''the plan sponsor of a multiemployer plan in endangered, critical, or declining status may'', and

(ii) by striking ''paragraph (1)(B)(i)'' and inserting ''subsection (d)(1)(B), (f)(1)(B), or (h)(1)(B), whichever is applicable''.

(B) CONFORMING AMENDMENTS.—Subparagraph (B) of section 305(m)(1) of such Act (29 U.S.C. 1085(m)(1)), as redesignated and amended by this section, is further amended by striking ''critical'' both places it appears and inserting ''endangered, critical, or declining''.

(4) ADDITIONAL ADJUSTABLE BENEFITS.—

(A) IN GENERAL.—Subparagraph (D) of section 305(m)(1) of such Act (29 U.S.C. 1085(m)(1)), as redesignated by this section, is amended—

(i) by inserting '', including early reduction factors which are not provided on an actuarially equivalent basis,'' after ''(i))'' in clause (ii), as so redesignated,

(ii) by striking ''and'' at the end of clause (ii) (as so redesignated),

(iii) by striking ''that would not be eligible'' and all that follows through the period in clause (iii) (as so redesignated) and inserting ''which were adopted (or, if later, took effect) less than 120 months before the first day of the first plan year in which the plan was in endangered, critical, or declining status,'', and

(iv) by adding at the end the following new clauses:

''(iv) any one-time bonus payment or 'thirteenth check' provision, and

''(v) benefits granted for periods of service prior to participation in the plan.''.

(B) CONFORMING AMENDMENTS.—

(i) Subparagraph (B) of section 305(m)(1) of such Act (29 U.S.C. 1085), as redesignated and amended by this section, is further amended by striking ''subparagraph (D)(iii)'' and inserting ''clause (iii), (iv), or (v) of subparagraph (D)''.

(ii) Paragraph (2) of section 305(m) of such Act (29 U.S.C. 1085), as amended by paragraph (2)(B), is further amended by striking ''paragraph (1)(D)(iii)'' and inserting ''clause (iii), (iv), or (v) of paragraph (1)(D)''.

(iii) Section 4233A(o)(1) of such Act, as added by this Act and as amended by this section, is further amended by striking ''305(m)(2)'' and inserting ''305(n)(2)''.

(5) RULES RELATING TO SUSPENSION OF BENEFITS UPON RETURN TO WORK.—Subsection (m) of section 305 of such Act (29 U.S.C. 1085), as redesignated and amended by this section, is further amended by inserting after paragraph (2) the following new paragraph:

''(3) RULES RELATING TO SUSPENSION OF BENEFITS UPON RETURN TO WORK.—The plan sponsor of a multiemployer plan in endangered, critical, or declining status may amend rules regarding the suspension of a participant's benefits upon a return to work after commencement of benefits, or the commencement of benefits after normal retirement age (including in the case of continued employment after normal retirement age). Any such changes shall apply only to future payments of benefits.''.

(6) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 305(b)(5)(D) of such Act (29 U.S.C. 1085(b)(5)(D)), as redesignated and amended by this section, is further amended—

(i) by striking ''CRITICAL'' in the heading and inserting ''ENDANGERED, CRITICAL, OR DECLINING'',

(ii) by striking ''critical status'' both places it appears and inserting ''endangered, critical, or declining status'', and

(iii) by striking ''subsection (f)(8)'' in subclause (I) and inserting ''subsection (m)(1)(D)''.

(B) Subsection (j) of section 305 of such Act (29 U.S.C. 1085), as amended by subsection (d), is further amended by striking ''(f)(8), (g), or (i)'' and inserting ''(e), (g), (i), or (m)''.

(C) Section 101(f)(2)(B) of such Act (29 U.S.C. 1021(f)(2)(B)), as amended by this section, is amended—

(i) by striking ''305(m)'' in clause (i)(II) and inserting ''305(n)'', and

(ii) by striking ''305(m)(8)'' in clause (ii)(II) and inserting ''305(n)(8)''.

(D) Section 103(f)(1)(B)(ii) of such Act (29 U.S.C. 1023(f)(1)(B)(ii)), as amended by this section, is amended by striking ''305(m)(2)'' and inserting ''305(n)(2)''.

(f) ELECTIONS TO BE IN CRITICAL OR ENDANGERED STATUS.—

(1) IN GENERAL.—Paragraph (6) of section 305(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(b)), as redesignated and amended by this section, is further amended—

(A) by striking ''is not in critical status'' in subparagraph (A) and inserting ''is not in critical or declining status'',

(B) by striking ''but that is projected'' in subparagraph (A) and inserting ''but—

''(i) that is projected'',

(C) by striking ''5 plan years may, not later than'' in subparagraph (A) and inserting ''5 plan years, or

''(ii) that is in endangered status and is not reasonably projected to be able to emerge from endangered status within the funding improvement period under the funding improvement plan in effect,

may, not later than'', and

(D) by striking ''under paragraph (3)'' in subparagraph (B) and inserting ''under paragraph (3) or for endangered status under paragraph (2)''.

(2) ELECTION TO BE IN ENDANGERED STATUS.—Subsection (b) of section 305 of such Act (29 U.S.C. 1085), as so redesignated and amended, is further amended by adding at the end the following new paragraph:

''(8) ELECTION TO BE IN ENDANGERED STATUS.—Notwithstanding paragraph (2)—

''(A) the plan sponsor of a multiemployer plan that is not in endangered, critical, or declining status for a plan year but that is projected by the plan actuary, pursuant to the determination under paragraph (5), to be in endangered status in any of the 5 succeeding plan years, may, not later than 30 days after the date of the certification under paragraph (5)(A), elect to be in endangered status effective for the current plan year,

''(B) the plan year in which the plan sponsor elects to be in endangered status under subparagraph (A) shall be treated for purposes of this section as the first year in which the plan is in endangered status, regardless of the date on which the plan first satisfies the criteria for endangered status under paragraph (2), and

''(C) a plan that is in endangered status under this paragraph shall not emerge from endangered status unless the plan's actuary certifies under paragraph (5)(A) that the plan is no longer in endangered status and is not in critical or declining status.''.

(g) AMENDMENTS RELATING TO FUNDING IMPROVEMENT PLAN.—

(1) IN GENERAL.—Paragraph (1) of section 305(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(d)), as redesignated and amended by this section, is further amended—

(A) by striking the last sentence, and

(B) in subparagraph (B), by striking ''funding improvement plan—'' and all that follows and inserting ''funding improvement plan, shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to meet the requirements of paragraph (3), including—

''(i) one default proposal under which—

''(I) all adjustable benefits in the form of early retirement subsidies (including early reduction factors which are not provided on an actuarially equivalent basis) under the plan are eliminated, and

''(II) the future monthly benefit accrual rate under the plan is reduced to the equivalent of 1 percent of annual contributions (or, if lower, the accrual rate as of the date of the enactment of the Chris Allen Multiemployer Pension Recapitalization and Reform Act of 2020) based on the contribution rate in effect as of the first day of the plan year in which the plan enters endangered status, and which may also include reduction or elimination of any other adjustable benefits under the plan, and

''(ii) any additional schedules which reduce or eliminate adjustable benefits under the plan which the plan sponsor deems appropriate to provide as an alternative to the default proposal.''.

(2) FUNDING IMPROVEMENT PLAN.—Paragraph (3) of section 305(d) of such Act (29 U.S.C. 1085(d)), as so redesignated and amended, is further amended—

(A) by striking ''For purposes of this section—'' and all that follows through ''which consists of'' in subparagraph (A) and inserting ''For purposes of this section, a funding improvement plan is a plan which consists of'', and

(B) by striking ''formulated to provide'' and all that follows and inserting ''formulated, based on reasonably anticipated experience and reasonable actuarial assumptions, to—

''(A) enable the plan to emerge from endangered status by the end of the funding improvement period, and

''(B) avoid any accumulated funding deficiencies during the funding improvement period (taking into account any extension of amortization periods under section 304(d)).''.

(3) FUNDING IMPROVEMENT PERIOD.—Paragraph (4) of section 305(d) of such Act (29 U.S.C. 1085(d)(4)), as so redesignated and amended, is further amended by striking subparagraph (B) and inserting after subparagraph (A) the following new subparagraph:

''(B) NEW PERIOD BASED ON ADVERSE EXPERIENCE.—

''(i) IN GENERAL.—If the plan's actuary determines necessary based on adverse plan experience, the plan sponsor may provide for a new 10-year period as of the first day of any plan year in the original funding improvement period, but only if the plan is still projected to meet the requirements of the funding improvement plan and emerge from endangered status at the end of the new funding improvement period.

''(ii) LIMITATION.—A plan sponsor may provide a new 10-year period under clause (i) not more than 1 time in any 20-consecutive-year period, unless the plan sponsor submits to the Secretary an application for an additional new period. Such application shall include a certification that the plan is projected to emerge from endangered status in the proposed new 10-year period and a description of key assumptions, to be specified in regulations promulgated by the Secretary in consultation with the Pension Benefit Guaranty Corporation.''.

(4) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 305(d)(4) of such Act (29 U.S.C. 1085(d)(4)), as so redesignated and amended, is further amended—

(i) by striking ''critical status'' both places it appears in clauses (i) and (ii) and inserting ''critical or declining status'',

(ii) by striking ''rehabilitation period'' in clause (ii) and inserting ''rehabilitation or solvency attainment period'', and

(iii) by striking ''CRITICAL STATUS'' in the heading of clause (ii) and inserting ''CRITICAL OR DECLINING STATUS''.

(B) Subsection (d) of section 305 of such Act (29 U.S.C. 1085), as so redesignated and amended, is further amended by striking paragraph (5) and by redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7), respectively.

(C) Paragraph (6) of section 305(d) of such Act (29 U.S.C. 1085(d)), as so redesignated, is amended—

(i) by striking ''(1)(B)(i)(I)'' in subparagraph (A) and inserting ''(1)(B)(i)'', and

(ii) by striking ''paragraph (6)(B)'' in subparagraph (B)(ii) and inserting ''paragraph (5)(B)''.

(D) Paragraph (2) of section 305(d) of such Act (29 U.S.C. 1085(d)), as so redesignated, is amended by inserting '', except that the next update of the funding improvement plan shall fulfill the requirement of paragraph (1)(B)(i)'' after ''for a preceding plan year''.

(h) AMENDMENTS RELATING TO REHABILITATION PLAN.—

(1) IN GENERAL.—Paragraph (1) of section 305(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(f)), as redesignated and amended by this section, is further amended—

(A) by striking the last 2 sentences, and

(B) in subparagraph (B), by striking ''rehabilitation plan—'' and all that follows and inserting ''rehabilitation plan, shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to meet the requirements of paragraph (3), including—

''(i) one default proposal under which—

''(I) all adjustable benefits in the form of early retirement subsidies (including early reduction factors which are not provided on an actuarially equivalent basis) under the plan are eliminated, and

''(II) the future monthly benefit accrual rate under the plan is reduced to the equivalent of 1 percent of annual contributions (or, if lower, the accrual rate as of the date of the enactment of the Chris Allen Multiemployer Pension Recapitalization and Reform Act of 2020) based on the contribution rate in effect as of the first day of the plan year in which the plan enters critical status, and which may also include reduction or elimination of any other adjustable benefits under the plan, and

''(ii) any additional schedules which reduce or eliminate adjustable benefits under the plan which the plan sponsor deems appropriate to provide as an alternative to the default proposal.

In the case of a plan adopting a rehabilitation plan described in paragraph (3)(A)(ii), no schedule provided to or adopted by the bargaining parties shall provide for a monthly benefit accrual rate in excess of the rate described in subparagraph (B)(i)(II).''.

(2) REHABILITATION PLAN.—

(A) IN GENERAL.—Subparagraph (A) of section 305(f)(3) of such Act (29 U.S.C. 1085(f)(3)), as so redesignated, is amended—

(i) by striking ''and may include'' and all that follows through ''such actions'' in clause (i),

(ii) by inserting '', while delaying insolvency for as long as possible and maximizing the income of the plan, including income after insolvency'' before the period in clause (ii), and

(iii) by striking ''(1)(B)(i)'' in the last sentence and inserting ''(1)(B)''.

(B) CONFORMING AMENDMENTS.—Clause (i) of section 305(f)(3)(C) of such Act (29 U.S.C. 1085(f)(3)(C)), as so redesignated, is amended—

(i) by striking ''(1)(B)(i)'' in subclause (II) and inserting ''(1)(B)'', and

(ii) by striking ''the last sentence of paragraph (1)'' and inserting ''paragraph (1)(B)(i)''.

(3) REHABILITATION PERIOD.—

(A) IN GENERAL.—Subparagraph (A) of section 305(f)(4) of such Act (29 U.S.C. 1085(f)(4)), as so redesignated and amended, is further amended—

(i) by striking ''The rehabilitation period'' and inserting ''Except as otherwise provided in this subparagraph, the rehabilitation period'', and

(ii) by adding at the end the following: ''If, upon exhaustion of all reasonable measures, the plan is not reasonably expected to emerge from critical status by the end of such 10-year period, the rehabilitation period shall be extended to take into account the projected date of emergence from critical status (if the rehabilitation plan remained in effect until such date) or the projected date of insolvency (if applicable) (unless the plan enters declining status).''.

(B) EMERGENCE FROM CRITICAL STATUS.—Subparagraph (B) of section 305(f)(4) of such Act (29 U.S.C. 1085(f)(4)), as so redesignated and amended, is further amended—

(i) by inserting ''and is not in declining status,'' after the comma in clause (i)(I),

(ii) by striking subclause (III) of clause (i) and inserting the following:

''(III) the plan's projected funded percentage as of the first day of the 15th succeeding plan year is at least 100 percent and is projected to increase after such date.'',

(iii) by striking ''that—'' and all that follows through ''regardless of whether'' in clause (ii)(I) and inserting ''that the plan meets the requirements of subclauses (II) and (III) of clause (i), regardless of whether'', and

(iv) by striking ''unless—'' and all that follows in clause (ii)(II) and inserting ''unless, as of such plan year, the plan fails to meet the requirements of subclause (II) or (III) of clause (i).''.

(4) RULES RELATING TO BENEFIT INCREASES DURING REHABILITATION PERIOD.—Subparagraph (B) of section 305(g)(1) of such Act (29 U.S.C. 1085(g)(1)), as so redesignated and amended, is further amended by striking ''unless'' and all that follows and inserting ''unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law, or the amendment provides for only a de minimis increase in the liabilities of the plan.''.

(5) CONFORMING AMENDMENTS.—

(A) Paragraph (6) of section 305(f) of such Act (29 U.S.C. 1085(f)), as so redesignated, is amended by striking ''the last sentence of paragraph (1)'' and inserting ''paragraph (1)(B)(i)''.

(B) Paragraph (2) of section 305(f) of such Act (29 U.S.C. 1085(f)), as so redesignated, is amended by inserting '', except that the next update of the rehabilitation plan shall fulfill the requirement of paragraph (1)(B)(i)'' after ''for a preceding plan year''.

(i) ACTUARIAL ASSUMPTIONS.—

(1) IN GENERAL.—Subsection (n) of section 305 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085), as redesignated by subsections (a), (d), and (e), is amended—

(A) by striking ''METHOD'' in the heading and inserting ''METHOD AND ASSUMPTIONS'', and

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

''(11) ACTUARIAL ASSUMPTIONS.—

''(A) IN GENERAL.—The actuarial assumptions relied upon for purposes of this section

by a plan actuary shall be individually reasonable and, in the aggregate, shall be reasonable and (with the exception of assumptions regarding future contributions) represent the actuary's best estimate of future plan experience, within limitations prescribed by the Secretary of the Treasury. A plan actuary shall avoid conservatism or optimism in individual assumptions to the extent that they would result in a set of assumptions that is unreasonable in the aggregate.

''(B) INVESTMENT RETURNS.—The investment return assumption for projecting plan assets may differ from the actuarial valuation interest rate. In selecting the investment return assumption for projecting plan assets, the plan actuary shall estimate the expected return of the plan's investments as currently invested and as expected to be invested in the future, consistent with the plan's adopted investment policy, if applicable. It is reasonable for an actuary to expect that the plan's investment decisions will consider risk, expected returns over time, and expected future benefit payments. The investment return assumption shall not exceed the interest rate used to determine past service liability under section 431(b)(6).

''(C) CONTRIBUTIONS.—

''(i) IN GENERAL.—The plan actuary shall develop assumptions for the projection of future contributions, including assumptions regarding industry activity among contributing employers and contribution rates, based on information provided by the plan sponsor, which must act reasonably and in good faith. The plan actuary shall certify the reasonableness of all assumptions.

''(ii) PROJECTED INDUSTRY ACTIVITY.—Any projection of activity in the industry or industries covered by the plan, including future covered employment and contribution levels, shall be based on information provided by the plan sponsor acting reasonably and in good faith.

''(iii) FUTURE CONTRIBUTION BASE UNITS.—

''(I) DECLINING CONTRIBUTION BASE UNITS.—If recent experience of the plan has been declining contribution base units, the plan actuary may assume future contribution base units will continue to decline at the same annualized trend as over the 5 immediately preceding plan years, unless the actuary determines that there have been significant changes that would make such assumption unreasonable.

''(II) FLAT OR INCREASING CONTRIBUTION BASE UNITS.—If recent experience of the plan has been increasing, or neither increasing nor decreasing, contribution base units, the plan actuary may assume future contribution base units will remain unchanged indefinitely, unless the actuary determines that there have been significant changes that would make such assumption unreasonable.

''(iv) FUTURE CONTRIBUTION RATES.—

''(I) IN GENERAL.—Projections of contributions shall be based on the contribution rates consistent with the terms of collective bargaining and participation agreements currently in effect.

''(II) FUTURE INCREASES IN ACCORDANCE WITH CORRECTION PLANS.—If reasonable and applicable, the plan actuary may assume future increases in contribution rates consistent with the adopted funding improvement plan, rehabilitation plan, or solvency plan.

''(III) ADDITIONAL FACTORS.—Information provided by the plan sponsor to the plan actuary in setting the assumption regarding future increases in contribution rates shall take into account the ability of the participating employers to make contributions at the scheduled rates over time, considering relevant factors such as projected industry activity, the financial strength of participating employers, market competition, and the scheduled contribution rate to the plan relative to the overall wage package.

''(D) ASSUMPTIONS FOR DEVELOPING SCHEDULES.—All schedules under any funding improvement plan, rehabilitation plan, or solvency plan must be developed based on the same set of actuarial assumptions unless it would be unreasonable to do so, taking into account the anticipated impact of the schedules on participant behavior and employer participation.''.

(2) ADDITIONS TO FORM 5500 SCHEDULE MB.—Subparagraph (B) of section 305(b)(5) of such Act (29 U.S.C. 1085(b)(5)), as redesignated and amended by this section, is further amended by adding at the end the following new clause:

''(vi) ADDITIONAL ATTACHMENTS.—The plan actuary shall attach to the certification required under subparagraph (A)—

''(I) documentation supporting the certification of status under subparagraph (A)(i), including projections of the funding standard account, funded percentage, and solvency of the plan,

''(II) a clear description of the key assumptions used in performing the projections, including investment returns, contribution base units, and contribution rates,

''(III) a 5-year history of contributions, including contribution base units, average contribution rates, and withdrawal liability payments, and a comparison of such contribution base units, rates, and payments to projections made by the plan, and

''(IV) an alternate projection of the funding standard account, funded percentage, and solvency, based on the following assumptions:

''(aa) Annual future investment returns on plan assets equal the actuarial interest rate assumption minus 1 percent.

''(bb) Future contribution base units projected using a trend equal to the lesser of—

''(AA) the annualized trend of actual contribution base units over the 5 preceding plan years, and

''(BB) no change in future contribution base units.

''(cc) No increases in future contribution rates beyond those consistent with the collective bargaining agreements and participation agreements in effect for the plan year.

''(dd) The withdrawal from the plan of the employer which has contributed the greatest total amount of contributions over the 5 preceding plan years, if such employer has contributed at least 10 percent of the total contributions to the plan over such 5 plan years and such employer has a below investment grade credit rating (but only if obtaining the credit rating of such employer is not an undue burden).

''(ee) If such credit rating cannot be obtained without undue burden, the withdrawal of the employer which has contributed the greatest total amount of contributions over the 5 preceding plan years, if such employer has contributed at least 10 percent of the total contributions to the plan over such 5 plan years without regard to collection of any withdrawal liability.

''(ff) If no employer has contributed at least 10 percent of the total contributions to the plan over the 5 preceding plan years, the withdrawal of the employer which contributed the greatest total amount of contributions for the current plan year, without regard to collection of any withdrawal liability, unless the employer contributed less than 1 percent of the total contributions to the plan for such plan year.

''(gg) Other assumptions consistent with the projection based on the actuary's best estimate assumptions.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 305(b)(5)(B)(i) of such Act (29 U.S.C. 1085(b)(5)(B)(i)), as redesignated by this section, is amended by striking ''assumptions'' and inserting ''assumptions meeting the requirements of subsection (n)(11)''.

(B) Section 305(b)(5)(A)(vi) of such Act (29 U.S.C. 1085(b)(5)(A)(vi), as amended by this section and section 321, is further amended by striking ''reasonable actuarial assumptions'' and inserting ''assumptions meeting the requirements of subsection (n)(11)''.

(C) Paragraph (3) of section 305(d) of such Act (29 U.S.C. 1085(d)), as amended by subsection (g), is further amended by striking ''reasonable actuarial assumptions'' and inserting ''assumptions meeting the requirements of subsection (n)(11)''.

(D) Clause (i) of section 305(f)(3)(A) of such Act (29 U.S.C. 1085(f)(3)(A)), as amended by subsection (h), is further amended by striking ''reasonable actuarial assumptions'' and inserting ''assumptions meeting the requirements of subsection (n)(11)''.

(E) Section 305(h)(3) of such Act (29 U.S.C. 1085(h)(3)), as added by subsection (d), is amended by striking ''reasonable actuarial assumptions'' and inserting ''assumptions meeting the requirements of subsection (n)(11)''.

(j) CONFORMING AMENDMENTS RELATING TO PREMIUMS.—Paragraph (10) of section 4006(a) of such Act (29 U.S.C. 1306(a)), as added by this Act, is amended—

(1) by striking ''305(b)(7)'' in subparagraph (B)(iii) thereof and inserting ''305(b)(4)'',

(2) by striking ''critical and declining'' in subparagraph (B)(iii) thereof and inserting ''declining'', and

(3) by striking ''305(f)(9)'' in subparagraph (C) and inserting ''305(h)(8)''.

(k) CONFORMING AMENDMENTS RELATING TO COMPOSITE AND LEGACY PLANS.—

(1) Sections 203(a)(3)(E)(ii), 204(b)(1)(B)(i), 204(b)(1)(H)(v), and 204(g)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(E)(ii), 1054(b)(1)(B)(i), 1054(b)(1)(H)(v), and 1054(g)(1)), as amended by title V, are each further amended by striking ''305(f)'' each place it appears and inserting ''305(h)(8)''.

(2) Sections 304(b)(10), 805(d)(2)(D), and 805(d)(4) of such Act, as added by title V, are each amended by striking ''endangered or critical'' and inserting ''endangered, critical, or declining''.

(3) Section 801(b)(1) of such Act, as so added, is amended by striking ''endangered or critical'' both places it appears and inserting ''endangered, critical, or declining''.

(4) Sections 801(b)(1), 801(b)(5)(B), 805(b)(1)(A), and 805(e)(3) of such Act, as so added, are each amended by striking ''305(b)(4)'' and inserting ''305(b)(5)''.

(5) Sections 801(b)(5)(B) and 805(b)(1)(A) of such Act, as so added, are each amended by striking ''endangered or critical'' and inserting ''endangered, critical, or declining''.

(6) Section 802(b)(1) of such Act, as so added, is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(D) consistent with the principles of subparagraphs (B), (C), and (D) of section 305(n)(11).''.

(7) Sections 802(b)(5) and 805(d)(2)(A) of such Act, as so added, are each amended by striking ''305(b)(4)(B)'' and inserting ''305(b)(5)(B)''.

(8) Section 803(a)(2)(D) of such Act, as so added, is amended by striking ''305(f)(9)(D)(vi)'' and inserting ''305(h)(8)(D)(vi)''.

(9) Section 803(a)(3) of such Act, as so added, is amended by striking ''305(f)(8)'' and inserting ''305(m)(1)(D)''.

(10) Section 805(d)(2)(D) of such Act, as so added and amended, is further amended by striking ''funding improvement or rehabilitation plan'' and inserting ''funding improvement, rehabilitation, or solvency plan''.

(l) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 502(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)) is amended—

(A) in paragraph (7)(B), as added by section 322, by striking ''305(b)(4)(D)'' and inserting ''305(b)(5)(D)'', and

(B) in paragraph (14), as so added and as redesignated by section 501—

(i) by striking ''305(b)(4)(D)'' in subparagraph (A) and inserting ''305(b)(5)(D)'', and

(ii) by striking ''305(b)(4)'' in subparagraph (B) and inserting ''305(b)(5)''.

(2) Section 4003(g) of such Act (29 U.S.C. 1303(g)), as added by section 321, is amended by striking ''section 305(b)(4)(A)'' and inserting ''section 305(b)(5)(A)''.

(3) Section 4042(b)(2)(B)(i) of such Act (29 U.S.C. 1342(b)(2)(B)), as added by section 301, is amended—

(A) by striking ''critical and declining'' and inserting ''declining'', and

(B) by striking ''(7)'' and inserting ''(4)''.

(m) EFFECTIVE DATE.—Except as otherwise provided in subsection (a)(7), the amendments made by this section shall apply to plan years beginning after December 31, 2020.

(n) CREDIT RATINGS.—No requirement of section 939 or 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act (124 Stat. 1887; 15 U.S.C. 78o–7 note) shall apply with respect to the amendment made by subsection (i)(2).

SEC. 213. TRANSITION RULES.

(a) PLANS IN ENDANGERED STATUS.—

(1) IN GENERAL.—In the case of a multiemployer plan which is in endangered status as of the date of the enactment of this Act, and is on schedule as of such date to meet the applicable benchmarks in accordance with the plan's funding improvement plan—

(A) ELECTION TO APPLY LAW BEFORE AMENDMENT.—The plan sponsor may elect to remain in endangered status and to apply section 432 of the Internal Revenue Code of 1986 and section 305 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085) as in effect before January 1, 2021, to the plan, but only if the plan continues to meet such applicable benchmarks.

(B) TRANSITIONAL EFFECTIVE DATE.—If the plan sponsor does not make the election under paragraph (1)—

(i) section 432 of such Code and section 305 of such Act as in effect on January 1, 2021, shall apply to such plan as of the first day of the first plan year beginning after December 31, 2020, and

(ii) section 432(d)(1)(B)(i)(II) of such Code and section 305(d)(1)(B)(i)(II) of such Act, as amended by sections 211(g) and 212(g), respectively, shall each apply to such plan by substituting ''the date of the enactment of the Chris Allen Multiemployer Pension Recapitalization and Reform Act of 2020'' for ''the first day of the plan year in which the plan enters endangered status''.

In the case of any plan with respect to which the plan sponsor makes the election under subparagraph (A) but which fails to continue to meet the applicable benchmarks under the funding improvement plan, this subparagraph shall apply to such plan by substituting ''the plan year after the first plan year for which the plan fails to meet the applicable benchmarks'' for ''the first plan year beginning after December 31, 2020''.

(2) PLANS ENTERING ENDANGERED STATUS BETWEEN ENACTMENT AND JANUARY 1, 2021.—In the case of a multiemployer plan which enters endangered status after the date of the enactment of this Act and before January 1, 2021—

(A) section 432 of such Code and section 305 of such Act as in effect on January 1, 2021, shall apply to such plan as if already in effect, and

(i) section 432(d)(1)(B)(i)(II) of such Code and section 305(d)(1)(B)(i)(II) of such Act, as amended by sections 211(g) and 212(g), respectively, shall each apply to such plan by substituting ''the date of the enactment of the Chris Allen Multiemployer Pension Recapitalization and Reform Act of 2020'' for ''the first day of the plan year in which the plan enters endangered status''.

(b) PLANS IN CRITICAL OR CRITICAL AND DECLINING STATUS.—

(1) IN GENERAL.—In the case of a qualified critical multiemployer plan—

(A) ELECTION TO APPLY LAW BEFORE AMENDMENT.—The plan sponsor may elect to remain in critical or critical and declining status and to apply section 432 of the Internal Revenue Code of 1986 and section 305 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085) as in effect before January 1, 2021, to the plan, but only if the plan continues to make scheduled progress under the plan's rehabilitation plan.

(B) TRANSITIONAL EFFECTIVE DATE.—If the plan sponsor does not make the election under paragraph (1)—

(i) section 432 of such Code and section 305 of such Act as in effect on January 1, 2021, shall apply to such plan as of the first day of the first plan year beginning after December 31, 2020,

(ii) section 432(f)(1)(B)(i)(II) of such Code and section 305(f)(1)(B)(i)(II) of such Act, as amended by sections 211(h) and 212(h), respectively, shall each apply to such plan by substituting ''the date of the enactment of the Chris Allen Multiemployer Pension Recapitalization and Reform Act of 2020'' for ''the first day of the plan year in which the plan enters critical status'', and

(iii) section 432(h)(1)(B)(i)(II) of such Code and section 305(h)(1)(B)(i)(II) of such Act, as amended by sections 211(d)(3) and 212(d)(3), respectively, shall each apply to such plan by substituting ''the date of the enactment of the Chris Allen Multiemployer Pension Recapitalization and Reform Act of 2020'' for ''the first day of the plan year in which the plan enters declining status''.

In the case of any plan with respect to which the plan sponsor makes the election under subparagraph (A) but which fails to continue to make scheduled progress under the rehabilitation plan, this subparagraph shall apply to such plan by substituting ''the plan year after the first plan year for which the plan fails to make scheduled progress under the rehabilitation plan'' for ''the first plan year beginning after December 31, 2020''.

(C) APPLICATION OF PREMIUM AMENDMENTS.—A plan with respect to which the plan sponsor makes the election under subparagraph (A) shall be treated as described in clause (iii) of section 4006(a)(10)(B) of the Employee Retirement Income Security Act of 1974 until such time as the plan emerges from critical and declining status pursuant to section 432 of such Code and section 305 of such Act as in effect before January 1, 2021.

(2) PLANS ENTERING CRITICAL OR CRITICAL AND DECLINING STATUS BETWEEN ENACTMENT AND JANUARY 1, 2021.—In the case of a multiemployer plan which enters critical or critical and declining status after the date of the enactment of this Act and before January 1, 2021—

(A) section 432 of such Code and section 305 of such Act as in effect on January 1, 2021, shall apply to such plan as if already in effect,

(B) section 432(f)(1)(B)(i)(II) of such Code and section 305(f)(1)(B)(i)(II) of such Act, as amended by sections 211(h) and 212(h), respectively, shall each apply to such plan by substituting ''the date of the enactment of the Chris Allen Multiemployer Pension Recapitalization and Reform Act of 2020'' for ''the first day of the plan year in which the plan enters critical status'', and

(C) section 432(h)(1)(B)(i)(II) of such Code and section 305(h)(1)(B)(i)(II) of such Act, as amended by sections 211(d)(3) and 212(d)(3), respectively, shall each apply to such plan by substituting ''the date of the enactment of the Chris Allen Multiemployer Pension Recapitalization and Reform Act of 2020'' for ''the first day of the plan year in which the plan enters declining status''.

(3) QUALIFIED CRITICAL MULTIEMPLOYER PLAN.—For purposes of this subsection, the term ''qualified critical multiemployer plan'' means a multiemployer plan which is in critical or critical and declining status as of the date of the enactment of this Act, and is making scheduled progress under the plan's rehabilitation plan, but only if the rehabilitation plan (as in effect without regard to the amendments made by this Act) targets emergence from critical status not later than 3 years after the end of the rehabilitation period as in effect with respect to such plan on the date of the enactment of this Act.

(c) ELECTION.—

(1) IN GENERAL.—An election under subsection (a)(1)(A) or (b)(1)(A) shall be made—

(A) by notice to the Secretary of the Treasury and the Pension Benefit Guaranty Corporation, in such manner as the Secretary of the Treasury may prescribe,

(B) not later than the due date for the notice of endangered status or critical status for the first plan year beginning after December 31, 2020.

(2) PERIODS AFTER ELECTION.—After making a timely election under paragraph (1)—

(A) the plan sponsor shall annually review and update (if necessary) the plan's funding improvement plan or rehabilitation plan, and

(B) the plan actuary shall certify annually whether the plan is making scheduled progress under the funding improvement plan or rehabilitation plan.

(d) DEFINITIONS.—Any term used in this section which is also used in section 432 of the Internal Revenue Code of 1986 or section 305 of the Employee Retirement Income Security Act of 1974 (before or after the amendments made by this Act) shall have the same meaning as when used in such sections.

PART II—PROVISIONS RELATING TO PLAN MERGERS

SEC. 221. PROVISIONS RELATING TO PLAN MERGERS AND CONSOLIDATIONS.

(a) IN GENERAL.—Section 4231(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1411(c)) is amended—

(1) by striking ''section 406(a) or section 406(b)(2)'' and inserting ''section 404, 406(a), or 406(b)(2)'', and

(2) by adding at the end the following: ''The corporation shall prescribe safe harbor provisions whereby a merger of multiemployer plans or the transfer of assets or liabilities between multiemployer plans, where one of the plans is in critical and declining status pursuant to section 305 and one is in stable or unrestricted status pursuant to such section, shall be deemed to satisfy the requirements of this section. Notwithstanding the preceding sentences, the implementation of such merger or transfer shall be subject to the rules of section 404.''.

(b) CALCULATION OF WITHDRAWAL LIABILITY.—

(1) IN GENERAL.—Section 4231 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1411) is amended by adding at the end the following new subsection:

''(f) CALCULATION OF WITHDRAWAL LIABILITY POST-MERGER.—The corporation shall

prescribe the methods and conditions under which employers contributing to plans which are in stable or unrestricted status under section 305 when such plan merges with a plan in declining status under such section will not be allocated the unfunded vested benefits of the plan in declining status (as determined immediately before the merger).''.

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to plan mergers after December 31, 2020.

SEC. 222. CLARIFICATION OF PBGC FINANCIAL ASSISTANCE FOR PLAN MERGERS AND PARTITIONS.

(a) IN GENERAL.—Paragraph (2) of section 4231(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1411(e)) is amended—

(1) by striking the semicolon in subparagraph (B)(ii) and inserting '', determined solely with respect to the liabilities and assets of the plan which was in critical and declining status prior to the merger; and''; and

(2) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(b) PARTITIONS.—Section 4233(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1413(b)) is amended by striking paragraph (4), by adding ''and'' at the end of paragraph (3)(B), and by redesignating paragraph (5) as paragraph (4).

(c) CONFORMING AMENDMENT RELATING TO STATUS CHANGES.—Section 4231(e)(2)(B)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1411(e)(2)(B)(ii)), as amended by subsection (a), is further amended by striking ''critical and declining'' and inserting ''declining''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall apply to plan mergers and partitions taking effect after the date of the enactment of this Act.

(2) CONFORMING AMENDMENT.—The amendment made by subsection (c) shall apply to plan mergers taking effect in plan years beginning after December 31, 2020.

SEC. 223. RESTORATION NOT REQUIRED FOR CERTAIN MERGERS.

(a) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Clause (ii) of section 432(f)(9)(C) of the Internal Revenue Code of 1986, as redesignated by section 211(a) and as in effect before the amendments made by section 211 other than subsection (a) thereof, is amended by adding at the end the following flush language:

''If, during the period of the benefit suspension, the plan merges with a plan which is in stable or unrestricted status, nothing in this clause shall be construed to require the plan formed by the merger to restore the suspension of benefits.''.

(b) AMENDMENT OF ERISA.—Clause (ii) of section 305(f)(9)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(f)(9)(C)), as redesignated by section 212(a) and as in effect before the amendments made by section 212 other than subsection (a) thereof, is amended by adding at the end the following flush language:

''If, during the period of the benefit suspension, the plan merges with a plan which is in stable or unrestricted status, nothing in this clause shall be construed to require the plan formed by the merger to restore the suspension of benefits.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to plan mergers taking effect after the date of the enactment of this Act.

PART III—WITHDRAWAL LIABILITY REFORM

SEC. 231. WITHDRAWAL LIABILITY REFORM.

(a) WITHDRAWAL LIABILITY DEFINITION.—Section 4201(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1381(b)(1)) is amended to read as follows:

''(1) DETERMINATION OF WITHDRAWAL LIABILITY.—

''(A) IN GENERAL.—The withdrawal liability of an employer to a plan is the applicable amount determined under subparagraph (B), adjusted—

''(i) first, in the case of a partial withdrawal, in accordance with section 4206;

''(ii) second, by any de minimis reduction applicable under section 4209; and

''(iii) third, in accordance with section 4225.

''(B) APPLICABLE AMOUNT.— The applicable amount determined under this subparagraph is the lesser of—

''(i) the amount determined under section 4211 to be the allocable amount of unfunded vested benefits; or

''(ii) the present value of a series of 20 equal annual payments in the amount determined with respect to the employer under section 4219(c)(1)(C).

In the case of an employer withdrawing from a multiemployer plan described in subparagraph (C), clause (i) shall be applied by substituting '25' for '20'.

''(C) PLANS FOR WHICH 25 PAYMENTS REQUIRED.—

''(i) IN GENERAL.—A multiemployer plan is described in this subparagraph if the plan—

''(I) is certified to be in declining status (or, for plan years prior to 2021, in critical or declining status) for the plan year in which the employer's withdrawal occurs; or

''(II) terminates as described in section 4041A(a) or 4042.

''(ii) SPECIAL RULE FOR TERMINATIONS.—Clause (i)(II) shall apply to each employer who withdraws from a plan during a period of 3 consecutive plan years that includes the withdrawal of every employer from the plan, or the cessation of the obligation of all employers to contribute under the plan, as described in section 4041A(a)(2). For purposes of this clause, withdrawal by an employer from a plan, during a period of 3 consecutive plan years within which substantially all the employers who have an obligation to contribute under the plan withdraw, shall be presumed to be a withdrawal pursuant to an agreement or arrangement, unless the employer proves otherwise by a preponderance of the evidence.

''(D) PRESENT VALUE.—For purposes of subparagraph (B)(ii), the present value of the annual payments shall be determined based on the assumptions used for the most recent actuarial valuation for the plan used to determine unfunded past service liability for funding purposes.''.

(b) DE MINIMIS RULE.—Section 4209 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1389) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''unfunded vested benefits allocable under section 4211 to'' and inserting ''applicable amount determined under section 4201(b)(1)(B) with respect to'';

(B) in paragraph (2), by striking ''$50,000'' and inserting ''$100,000''; and

(C) in the flush text following paragraph (2)—

(i) by striking ''the unfunded vested benefits'' and inserting ''such applicable amount''; and

(ii) by striking ''$100,000'' and inserting ''$200,000'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''amount determined under section 4211'' and inserting ''applicable amount determined under section 4201(b)(1)(B) with respect to an employer'';

(B) in paragraph (2)(B), by striking ''$100,000'' and inserting ''$250,000''; and

(C) in the flush text at the end—

(i) by striking ''the amount determined under section 4211 for'' and inserting ''such applicable amount with respect to''; and

(ii) by striking ''$150,000'' and inserting ''$500,000''.

(c) PAYMENT OF WITHDRAWAL LIABILITY.—Section 4219(c)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1399(c)(1)) is amended—

(1) by striking so much of paragraph (1) as precedes subparagraph (C) and inserting:

''(1)(A)(i) Subject to subparagraph (B), an employer shall pay its liability determined under section 4201(b)(1) in level annual payments determined under subparagraph (C) over the applicable period of years determined under clause (ii), calculated as if the first payment were made on the first day of the plan year following the plan year in which the withdrawal occurs and as if each subsequent payment were made on the first day of each subsequent plan year. Actual payment shall commence in accordance with paragraph (2).

''(ii) For purposes of clause (i), if the applicable amount used under section 4201(b)(1)(A) is the amount determined—

''(I) under section 4201(b)(1)(B)(i), the applicable period of years is the period of years necessary to amortize such amount in level annual payments determined under subparagraph (C), or

''(II) under section 4201(b)(1)(B)(ii), the applicable period of years is 20 years (25 years if the plan is described in section 4201(b)(1)(C)).

''(iii) For purposes of clause (ii)(I), the determination of the amortization period described in clause (i) shall be based on the assumptions used for the most recent actuarial valuation for the plan to determine unfunded past service liability for funding purposes.

''(B)(i) If any adjustment is required to the withdrawal liability amount by reason of clause (i), (ii), or (iii) of section 4210(b)(1)(A), modifications shall be made under subparagraph (A) to reflect such adjustments in accordance with this subparagraph and in such manner as the corporation shall provide.

''(ii) In the case of a partial withdrawal described in section 4205(a), the amount of each annual payment shall be the product of—

''(I) the amount determined under subparagraph (C) (determined without regard to this subparagraph), multiplied by

''(II) the fraction determined under section 4206(a)(2).

''(iii) In the case of a de minimis reduction under section 4209, the period of years described in subparagraph (A)(ii)(I) shall be adjusted so that the withdrawal liability amount, as reduced under such section, is amortized in level annual payments determined under subparagraph (C).''.

(2) in subparagraph (C)—

(A) in clause (i)(I)—

(i) by striking ''3'' and inserting ''5''; and

(ii) by striking ''10'' and inserting ''20''; and

(B) by striking clause (iii);

(3) by striking subparagraphs (D) and(E) and inserting the following:

''(D)(i) In the case of a subsequent partial withdrawal or a complete withdrawal that was preceded by one or more partial withdrawals, the amount of the annual payment with respect to the subsequent partial withdrawal or complete withdrawal shall be reduced by the amounts of the payments determined under subparagraph (B)(ii) with respect to each of the preceding partial withdrawals.

''(ii) The amount of any reductions described in clause (i) shall be phased out consistent with the method and period of time being used by the plan to allocate unfunded vested benefits under section 4211.

''(iii) The corporation may prescribe regulations as may be necessary to provide for proper adjustments in the reduction in the payment amount under clauses (i) and (ii).''.

(d) AMENDMENT OF PLAN.—Section 4211(c)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1391(c)(1)) is amended—

(1) by inserting ''(A)'' after ''(c)(1)'',

(2) by striking ''(b) or (d). A plan'' and inserting ''(b) or (d).

''(B) A multiemployer plan'', and

(3) by striking '', to the extent provided'' and all that follows and inserting ''to provide—

''(i) that the amount of the unfunded vested benefits allocable to an employer that withdraws from the plan is an amount determined under paragraph (5) of this subsection, rather than under subsection (b), or

''(ii) to the extent provided in regulations prescribed by the corporation, that the amount of the unfunded vested benefits allocable to an employer not described in section 4203(b)(1)(A) shall be determined in a manner different from that provided in subsection (b).''.

TITLE III—PLAN GOVERNANCE, DISCLOSURE, AND OTHER REFORMS FOR MULTIEMPLOYER DEFINED BENEFIT PENSION PLANS

Subtitle A—Plan Governance and Operations for Multiemployer Plans

SEC. 301. INDEPENDENT TRUSTEES.

Section 4042 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''a plan'' and inserting ''a single-employer or multiemployer plan'';

(B) in paragraph (3)—

(i) by inserting ''with respect to a single-employer plan'' before the comma; and

(ii) by striking ''or'';

(C) in paragraph (4), by striking the period at the end and inserting '', or''; and

(D) by inserting after paragraph (4) the following:

''(5) in the case of a multiemployer plan—

''(A) such plan is an eligible multiemployer plan as defined in section 4233A which fails to apply for a special partition under such section, or

''(B) termination of the plan would protect the interests of participants and beneficiaries.'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting ''or remove'' after ''appoint'',

(II) by inserting ''or removal'' after ''appointment'', and

(III) by striking ''and'' at the end;

(ii) by striking subparagraph (B) and inserting the following:

''(B) upon the petition of the corporation, the appropriate United States district court shall appoint a trustee proposed by the corporation for—

''(i) any multiemployer plan which is in critical status or critical and declining status (as defined in paragraph (3) or (7), respectively, of section 305(b)), if the court finds the appointment of the trustee would help prevent an abuse of the multiemployer insurance program or any unreasonable increase in the liability of the fund, and

''(ii) any multiemployer plan which has terminated under section 4041A(a), unless a party opposing appointment of a trustee shows that such appointment would be materially adverse to the interests of the plan participants and beneficiaries in the aggregate, and''; and

(iii) by adding at the end the following:

''(C) in the case of a special partition of a plan under section 4233A, the corporation may remove and appoint trustees subject to the provisions of paragraph (5).''; and

(B) by adding at the end the following:

''(4)(A) A trustee appointed to a multiemployer plan under paragraph (2)(B), (2)(C), or (3) shall report plan activity to the corporation, in the form and manner provided for in the judicial or administrative order or agreement appointing the trustee. A trustee so appointed may remain a trustee engaged in the ongoing governance of a multiemployer plan whether or not the corporation initiates plan termination proceedings under subsection (c).

''(B) Notwithstanding plan or trust documents to the contrary, in addition to any powers described in subsection (d), the order or agreement appointing a trustee under paragraph (2)(B), (2)(C), or (3) may include authority for the corporation to monitor and oversee plan activity and to review and approve trustee decisions related to funding or financial activities of the plan.

''(5)(A) The corporation may remove any trustees of an original plan that received a special partition under section 4233A if the corporation determines that the actions of such trustees unreasonably increased the risk of loss to participants in the plan or to the corporation, and may appoint 1 or more new trustees as replacements.

''(B) The corporation may appoint a special master, which may be an employee of the corporation, the duties of whom shall be disclosed to participants and contributing employers in accordance with regulations to be issued by the corporation, with respect to each original plan, as defined in section 4233A. Such special master shall be invited to every meeting of the plan's board of trustees or any committees thereof; shall be furnished any requested actuarial or financial information by the plan or agents thereof; shall receive all creditable complaints or other information from participants, beneficiaries, employers, plan employees and contractors, and any other person regarding the plan's operations; and shall furnish the corporation with semiannual reports of the board's activities, the plan's performance, and the potential liabilities of the corporation with respect to the plan. The trustees shall provide the special master with not less than 30 days notice prior to taking any action that could increase the risk of loss to the corporation, and the special master shall report such potential action to the corporation within 5 days of receiving such notice from the trustees.'';

(3) in subsection (c)(1)—

(A) in the second sentence, by striking ''subsection (b)'' and inserting ''subsection (b)(1)''; and

(B) in the third sentence, by inserting '', including, in the case of a multiemployer plan, by requiring the withdrawal of employers'' before the period; and

(4) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''subsection (b)'' in the second sentence and inserting ''subsection (b)(1)''; and

(B) in subparagraph (B), by striking ''If'' and inserting ''If a trustee is appointed under paragraph (2) or (3) of subsection (b), or if''.

SEC. 302. INVESTIGATORY AUTHORITY.

Section 4003(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1303(a)) is amended to read as follows:

''(a)(1) The corporation may, in its discretion, investigate any facts, conditions, practices, or matters as the corporation determines necessary or proper to aid in—

''(A) the enforcement of any provision of this title or any rule or regulation thereunder;

''(B) the prescribing of rules and regulations under this title; or

''(C) evaluating the corporation's liability or potential liability with respect to a plan.

''(2) Any information or documentary material submitted to the corporation pursuant to this section, if clearly designated by the person making the submission as confidential (on each page in the case of a document, and in the file name in the case of a digital file), shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding, including an informal rulemaking.

''(3) The corporation may require or permit any person to submit a statement in writing, under oath or otherwise as the corporation determines, as to all facts and circumstances concerning the matter to be investigated.

''(4) The corporation shall annually audit a statistically significant number of plans terminating under section 4041(b) to determine whether participants and beneficiaries have received their benefit commitments and whether section 4050(a) has been satisfied. Each audit shall include a statistically significant number of participants and beneficiaries.''.

SEC. 303. CONDITIONS ON FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Section 4261(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1431(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting '', or to prevent an abuse of the multiemployer insurance program or any unreasonable increase in the liability of the fund. The corporation shall provide the plan sponsor written notice of each condition on financial assistance and a written explanation of its determination. If the sponsor fails to satisfy timely a condition on financial assistance, the corporation may withhold financial assistance until the condition is satisfied.''; and

(2) by adding at the end the following:

''(3) The conditions described in paragraph (1) may include an offset for the guaranteed benefits of a participant whose benefit in excess of the benefit guaranteed under this title is provided by another plan, or in the case of a plan that has not yet terminated, the cessation of future accruals or a requirement that contribution amounts or annual withdrawal liability payment amounts under section 4219 be maintained as if the employer had withdrawn on the date of insolvency.''.

(b) CONFORMING AMENDMENT.—Section 4261(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1431(a)) is amended by striking ''section 4245(f) or section 4281(d)'' and inserting ''section 4245(e) or 4281''.

SEC. 304. EXCISE TAX ON EXCESS COMPENSATION OF COVERED EMPLOYEES OF PARTITIONED MULTIEMPLOYER PLANS.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 4980I. TAX ON EXCESS COMPENSATION OF COVERED EMPLOYEES OF PARTITIONED MULTIEMPLOYER PLANS.

''(a) TAX IMPOSED.—In the case of an applicable multiemployer plan, there is hereby imposed an excise tax for each plan year in an amount equal to the product of—

''(1) the rate of tax under section 11 for taxable years beginning in the calendar year in which such plan year begins, and

''(2) so much of the remuneration paid by the applicable multiemployer plan for the plan year with respect to employment of any covered employee as exceeds $500,000.

For purposes of the preceding sentence, remuneration shall be treated as paid when

there is no substantial risk of forfeiture (within the meaning of section 457(f)(3)(B)) of the rights to such remuneration.

''(b) LIABILITY FOR TAX.—The applicable multiemployer plan shall be liable for the tax imposed under subsection (a).

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE MULTIEMPLOYER PLAN.—The term 'applicable multiemployer plan' means any multiemployer plan which is an original plan (as defined in section 4233A(d)(3) of the Employee Retirement Income Security Act of 1974) with respect to a multiemployer plan which was partitioned pursuant to an order by the Pension Benefit Guaranty Corporation under section 4233A of such Act.

''(2) COVERED EMPLOYEE.—The term 'covered employee' means any employee (including any former employee) of an applicable multiemployer plan if the employee—

''(A) is one of the 5 highest compensated employees of the plan for the plan year, or

''(B) was a covered employee of the organization (or any predecessor) for any preceding plan year beginning after the date of the enactment of this section.

''(3) REMUNERATION.—The term 'remuneration' means wages (as defined in section 3401(a)).

''(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to prevent avoidance of the tax under this section, including regulations to prevent avoidance of such tax through the performance of services other than as an employee or by providing compensation through a pass-through or other entity (including a related entity) to avoid such tax.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 43 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 4980I. Tax on excess compensation of covered employees of partitioned multiemployer plans.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after the date of enactment of this Act.

Subtitle B—Reportable Events for Multiemployer Plans

SEC. 311. REPORTABLE EVENTS.

(a) ADDITIONAL REPORTABLE EVENTS.—

(1) IN GENERAL.—Section 4043(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1343(c)) is amended by striking ''or'' at the end of paragraph (12), by redesignating paragraph (13) as paragraph (17), and by inserting after paragraph (12) the following new paragraphs:

''(13) when the plan sponsor of a multiemployer plan, or such sponsor's delegate, convenes or otherwise takes action to adopt any amendment (or accepts any collective bargaining agreement) that would exclude newly hired employees from participation in the plan, or any amendment (or agreement) that would substantially reduce the rate of future benefit accruals or the contribution rate for any participants under the plan;

''(14) when—

''(A) the plan sponsor of a multiemployer plan, or such sponsor's delegate, convenes or otherwise takes action to adopt; or

''(B) the plan sponsor receives notice under subsection (f) or otherwise becomes aware that the bargaining parties have negotiated an agreement to adopt;

a new pension plan, including any plan a trust forming part of which is a qualified trust under section 401(a) of the Internal Revenue Code of 1986 and any plan treated as a welfare plan by reason of section 3(2)(B)(ii), the expected participants of which are expected to substantially overlap with the active participants in a preexisting plan;

''(15) when an event pertaining to a multiemployer plan occurs that is prescribed by the corporation in regulations, if the event materially jeopardizes the security of participant benefits or the financial condition of the plan, or is likely to increase the risk of loss to the corporation;

''(16) when a multiemployer plan has, or will foreseeably have, only one trustee or no trustees on its board; or''.

(2) NOTIFICATION BY BARGAINING PARTIES.—Section 4043 of such Act (29 U.S.C. 1343) is amended by redesignating subsection (f) as subsection (g), and by inserting after subsection (e) the following new subsection:

''(f) NOTIFICATION BY BARGAINING PARTIES.—Not later than 60 days prior to the adoption of a new pension plan described in subsection (c)(14), the bargaining parties shall notify the plan sponsor of the negotiation of an agreement to adopt such plan.''.

(3) CONFORMING AMENDMENT.—Section 4043(b)(3) of such Act (29 U.S.C. 1343(b)(3)) is amended by striking ''(13)'' and inserting ''(17)''.

(b) APPLICATION TO PLANS.—

(1) IN GENERAL.—Section 4043(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1343(a)) is amended by inserting '', plan sponsor (in the case of a multiemployer plan),'' after ''plan administrator''.

(2) NOTIFICATION THAT EVENT IS ABOUT TO OCCUR.—Section 4043(b) of such Act (29 U.S.C. 1343(b)) is amended—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving such clauses 2 ems to the right;

(ii) by striking ''shall be applicable to a contributing sponsor'' and inserting ''shall be applicable—

''(A) to any plan sponsor of a multiemployer plan; and

''(B) to any contributing sponsor''; and

(iii) in the last sentence, by striking ''subparagraph (B)'' and inserting ''clause (ii)'';

(B) by striking ''This subsection'' in paragraph (2) and inserting ''In the case of a single-employer plan, this subsection'';

(C) by striking ''any contributing sponsor'' in paragraph (4) and inserting ''any plan sponsor of a multiemployer plan or any contributing sponsor'';

(D) by redesignating paragraph (4), as so amended, as paragraph (5); and

(E) by inserting after paragraph (3) the following new paragraph:

''(4) No later than 60 days prior to an event described in paragraph (13), (14)(A), (15), or (16) of subsection (c), the plan sponsor of a multiemployer plan shall notify the corporation that the event is about to occur.''.

(c) TECHNICAL CORRECTIONS.—

(1) Section 4045(c)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1345(c)(1)) is amended by striking ''4043(b)(7)'' and inserting ''4043(c)(7)''.

(2) Section 4065(2) of such Act (29 U.S.C. 1365(2)) is amended by striking ''4043(b)'' and inserting ''4043(c)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to reportable events (as defined in section 4043(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1343(c))) occurring after the date of the enactment of this Act.

Subtitle C—Funding Notices to Participants in Multiemployer Plans

SEC. 321. IMPROVED MULTIEMPLOYER PLAN DISCLOSURE.

(a) PLAN FUNDING NOTICES.—Section 101(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(f)) is amended—

(1) in paragraph (2)(B)—

(A) in clause (iv), by striking ''setting forth'' and inserting ''describing how a person may obtain information regarding'';

(B) by striking clauses (v) and (vi);

(C) by redesignating clauses (vii) through (xi) as clauses (v) through (ix), respectively;

(D) in clause (vi), as so redesignated—

(i) by striking ''(I) in the case of'' and inserting ''in the case of'';

(ii) by striking '', or'' and inserting a comma; and

(iii) by striking subclause (II); and

(E) by amending clause (vii), as so redesignated, to read as follows:

''(vii)(I) in the case of a single-employer plan, a general description of the benefits under the plan which are eligible to be guaranteed by the Pension Benefit Guaranty Corporation, and an explanation of the limitations on the guarantee and the circumstances under which such limitations apply, and

''(II) in the case of a multiemployer plan, a statement that eligible benefits are guaranteed by the Pension Benefit Guaranty Corporation, and a statement of how to obtain both a general description of the benefits under the plan which are eligible to be guaranteed by the Pension Benefit Guaranty Corporation and an explanation of the limitations on the guarantee and the circumstances under which such limitations apply,''; and

(2) in paragraph (4)(C)—

(A) by striking ''(C) may be provided'' and inserting ''(C)(i) subject to clause (ii), may be provided'';

(B) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(ii) in the case of such a notice provided to the Pension Benefit Guaranty Corporation, shall be in an electronic format in such manner prescribed in regulations of such Corporation.''.

(b) DISCLOSURES BY PLANS REGARDING STATUS.—

(1) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 305(b)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(b)(4)), as redesignated by section 212(a) and as in effect before the amendments made by section 212 other than subsection (a) thereof, is further amended—

(A) in the paragraph heading, by striking ''BY PLAN ACTUARY'' and inserting ''AND REPORT'';

(B) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—Not later than the 90th day of each plan year of a multiemployer plan, the plan sponsor shall file, in accordance with regulations prescribed by the ERISA agencies, a report that contains—

''(i) documentation from the plan actuary certifying to the ERISA agencies and to the plan sponsor—

''(I) whether or not the plan is in unrestricted or stable status for such plan year, whether or not the plan is in endangered status for such plan year and whether or not the plan is or will be in critical status for such plan year or any of the 5 succeeding plan years,

''(II) in the case of a plan which is in a funding improvement or rehabilitation period, whether or not the plan is making the scheduled progress in meeting the requirements of its funding improvement or rehabilitation plan and, if not, a summary of the primary reasons the plan is not making the scheduled progress,

''(III) the funded percentage of the plan determined as of the first day of the current plan year and the value of assets and liabilities used to calculate such funded percentage,

''(IV) a projection of the funding standard account on a year-by-year basis for the current plan year and the 14 succeeding plan

years and a statement of the actuarial assumptions for such projections, and

''(V)(aa) subject to item (bb), a projection of the cash flow of the plan and actuarial assumptions for the current plan year and 14 succeeding plan years, and

''(bb) in the case in which it is certified that a multiemployer plan is or will be in endangered or critical status for a plan year, the projection of the cash flow of the plan and actuarial assumptions for the current year and 29 succeeding plan years,

''(ii) as of the last day of the prior plan year, a good faith determination of—

''(I) the fair market value of the assets of the plan,

''(II) the number of participants who are—

''(aa) retired or separated from service and are receiving benefits,

''(bb) retired or separated participants entitled to future benefits, and

''(cc) active participants under the plan,

''(III) the total value of all benefits paid during the prior plan year,

''(IV) the total value of all contributions and withdrawal liability payments made to the plan during the prior plan year, and

''(V) the total value of all investment gains or losses during the prior plan year,

''(iii) a description of any material changes during the previous plan year to the rates at which participants accrue benefits or the rate at which employers contribute,

''(iv) a copy of any funding improvement plan or rehabilitation plan, and any update thereto or modification thereof, that was adopted under this section prior to the filing of the report for the current plan year in accordance with this subparagraph and, if applicable, after the filing of the report required by this subparagraph for the prior plan year,

''(v) in the case of any plan amendment, scheduled benefit increase or reduction, or other known event taking effect in the current plan year and having a material effect on plan liabilities or assets for the year (as defined in regulations by the ERISA agencies), an explanation of the amendment, scheduled increase or reduction, or event, and a projection to the end of such plan year of the effect of the amendment, scheduled increase or reduction, or event on plan liabilities,

''(vi) in the case of a multiemployer plan certified to be in critical status for which the plan sponsor has determined that, based on reasonable actuarial assumptions and upon exhaustion of all reasonable measures, the plan cannot reasonably be expected to emerge from critical status by the end of the rehabilitation period, a description of all reasonable measures, whether or not such measures were implemented, and a summary of the consideration of such measures,

''(vii) a statement, containing the information available to the plan sponsor, describing—

''(I) the withdrawal of any employer during the prior plan year and the percentage of total contributions made by that employer during the prior plan year,

''(II) any material reduction in total contributions or withdrawal liability payments of any employers and the reason for such reduction, and a comparison to contributions projected previously,

''(III) any material reduction in the number of active plan participants and the reason for such reduction, and

''(IV) the annual withdrawal liability payment each withdrawn employer is obligated to pay to the plan for the plan year, whether that amount was collected by the plan (and if not, the amount that was collected), and the remaining years on the employer's obligation to make withdrawal liability payments, and

''(viii) such other information as may be required by the ERISA agencies by regulation.'';

(C) by striking subparagraph (C) and inserting the following:

''(C) FORM AND MANNER.—The report required by subparagraph (A) shall be filed electronically in accordance with regulations prescribed by the ERISA agencies.''; and

(D) in subparagraph (D)—

(i) by redesignating clauses (ii), (iii), (iv), and (v) as clauses (iii), (iv), (v), and (vi), respectively;

(ii) by inserting after clause (i) the following:

''(ii) PLANS IN ENDANGERED OR CRITICAL STATUS.—If it is certified under subparagraph (A) that a multiemployer plan is or will be in endangered or critical status, the plan sponsor shall include in the notice under clause (i)—

''(I) a statement describing how a person may obtain a copy of the plan's funding improvement or rehabilitation plan, as appropriate, adopted under this section and the actuarial and financial data that demonstrate any action taken by the plan toward fiscal improvement,

''(II) a summary of any funding improvement or rehabilitation plan, and any update thereto or modification thereof, adopted under this section prior to the furnishing of such notice,

''(III) a summary of the rules governing insolvency, including the limitations on benefit payments, and

''(IV) a general description of the benefits under the plan which are eligible to be guaranteed by the Pension Benefit Guaranty Corporation and an explanation of the limitations on the guarantee and the circumstances under which such limitations apply.'';

(iii) in clause (v), as so redesignated—

(I) by striking ''The Secretary of the Treasury, in consultation with the Secretary'' and inserting ''The ERISA agencies''; and

(II) by striking ''(ii) and (iii)'' and inserting ''(ii), (iii), and (iv)''; and

(E) by adding at the end the following:

''(E) DESIGNATION AND COORDINATION.—The ERISA agencies shall—

''(i) designate one ERISA agency to receive the report described in subparagraph (A) on behalf of all the ERISA agencies, which shall each have full access to such report; and

''(ii) consult with each other and develop rules, regulations, practices, and forms, which to the extent appropriate for the efficient administration of the provisions of this paragraph are designed to replace duplication of effort, duplication of reporting, conflicting or overlapping requirements, and the burden of compliance with such provisions by plan administrators and plan sponsors.

''(F) ERISA AGENCIES.—In this paragraph, the term 'ERISA agencies' means the Secretary, the Secretary of the Treasury, and the Pension Benefit Guaranty Corporation.''.

(2) AMENDMENTS TO 1986 CODE.—Section 432(b)(4) of the Internal Revenue Code of 1986, as redesignated by section 211(a) and as in effect before the amendments made by section 211 other than subsection (a) thereof, is further amended—

(A) in the paragraph heading, by striking ''BY PLAN ACTUARY'' and inserting ''AND REPORT'';

(B) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—Not later than the 90th day of each plan year of a multiemployer plan, the plan sponsor shall file, in accordance with regulations prescribed by the ERISA agencies, a report that contains—

''(i) documentation from the plan actuary certifying to the ERISA agencies and to the plan sponsor—

''(I) whether or not the plan is in unrestricted or stable status for such plan year, whether or not the plan is in endangered status for such plan year and whether or not the plan is or will be in critical status for such plan year or any of the 5 succeeding plan years,

''(II) in the case of a plan which is in a funding improvement or rehabilitation period, whether or not the plan is making the scheduled progress in meeting the requirements of its funding improvement or rehabilitation plan and, if not, a summary of the primary reasons the plan is not making the scheduled progress,

''(III) the funded percentage of the plan determined as of the first day of the current plan year and the value of assets and liabilities used to calculate such funded percentage,

''(IV) a projection of the funding standard account on a year-by-year basis for the current plan year and the 14 succeeding plan years and a statement of the actuarial assumptions for such projections, and

''(V)(aa) subject to item (bb), a projection of the cash flow of the plan and actuarial assumptions for the current plan year and 14 succeeding plan years, and

''(bb) in the case in which it is certified that a multiemployer plan is or will be in endangered or critical status for a plan year, the projection of the cash flow of the plan and actuarial assumptions for the current year and 29 succeeding plan years,

''(ii) as of the last day of the prior plan year, a good faith determination of—

''(I) the fair market value of the assets of the plan,

''(II) the number of participants who are—

''(aa) retired or separated from service and are receiving benefits,

''(bb) retired or separated participants entitled to future benefits, and

''(cc) active participants under the plan,

''(III) the total value of all benefits paid during the prior plan year,

''(IV) the total value of all contributions and withdrawal liability payments made to the plan during the prior plan year, and

''(V) the total value of all investment gains or losses during the prior plan year,

''(iii) a description of any material changes during the previous plan year to the rates at which participants accrue benefits or the rate at which employers contribute,

''(iv) a copy of any funding improvement plan or rehabilitation plan, and any update thereto or modification thereof, that was adopted under this section prior to the filing of the report for the current plan year in accordance with this subparagraph and, if applicable, after the filing of the report required by this subparagraph for the prior plan year,

''(v) in the case of any plan amendment, scheduled benefit increase or reduction, or other known event taking effect in the current plan year and having a material effect on plan liabilities or assets for the year (as defined in regulations by the ERISA agencies), an explanation of the amendment, scheduled increase or reduction, or event, and a projection to the end of such plan year of the effect of the amendment, scheduled increase or reduction, or event on plan liabilities,

''(vi) in the case of a multiemployer plan certified to be in critical status for which the plan sponsor has determined that, based on reasonable actuarial assumptions and upon exhaustion of all reasonable measures, the plan cannot reasonably be expected to emerge from critical status by the end of the rehabilitation period, a description of all

reasonable measures, whether or not such measures were implemented, and a summary of the consideration of such measures,

''(vii) a statement, containing the information available to the plan sponsor, describing—

''(I) the withdrawal of any employer during the prior plan year and the percentage of total contributions made by that employer during the prior plan year, and a comparison to contributions projected previously.

''(II) any material reduction in total contributions or withdrawal liability payments of any employers and the reason for such reduction,

''(III) any material reduction in the number of active plan participants and the reason for such reduction, and

''(IV) the annual withdrawal liability payment each withdrawn employer is obligated to pay to the plan for the plan year, whether that amount was collected by the plan (and if not, the amount that was collected), and the remaining years on the employer's obligation to make withdrawal liability payments, and

''(viii) such other information as may be required by the ERISA agencies by regulation.'';

(C) by striking subparagraph (C) and inserting the following:

''(C) FORM AND MANNER.—The report required by subparagraph (A) shall be filed electronically in accordance with regulations prescribed by the ERISA agencies.'';

(D) in subparagraph (D)—

(i) by redesignating clauses (ii), (iii), (iv), and (v) as clauses (iii), (iv), (v), and (vi), respectively;

(ii) by inserting after clause (i) the following:

''(ii) PLANS IN ENDANGERED OR CRITICAL STATUS.—If it is certified under subparagraph (A) that a multiemployer plan is or will be in endangered or critical status, the plan sponsor shall include in the notice under clause (i)—

''(I) a statement describing how a person may obtain a copy of the plan's funding improvement or rehabilitation plan, as appropriate, adopted under this section and the actuarial and financial data that demonstrate any action taken by the plan toward fiscal improvement,

''(II) a summary of any funding improvement or rehabilitation plan, and any update thereto or modification thereof, adopted under this section prior to the furnishing of such notice,

''(III) a summary of the rules governing insolvency, including the limitations on benefit payments, and

''(IV) a general description of the benefits under the plan which are eligible to be guaranteed by the Pension Benefit Guaranty Corporation and an explanation of the limitations on the guarantee and the circumstances under which such limitations apply.''; and

(iii) in clause (v), as so redesignated—

(I) by striking ''The Secretary of the Treasury, in consultation with the Secretary'' and inserting ''The ERISA agencies''; and

(II) by striking ''(ii) and (iii)'' and inserting ''(ii), (iii), and (iv)''; and

(E) by adding at the end the following:

''(E) DESIGNATION AND COORDINATION.—The ERISA agencies shall—

''(i) designate one ERISA agency to receive the report described in subparagraph (A) on behalf of all the ERISA agencies, which shall each have full access to such report; and

''(ii) consult with each other and develop rules, regulations, practices, and forms, which to the extent appropriate for the efficient administration of the provisions of this paragraph are designed to replace duplication of effort, duplication of reporting, conflicting or overlapping requirements, and the burden of compliance with such provisions by plan administrators and plan sponsors.

''(F) ERISA AGENCIES.—In this paragraph, the term 'ERISA agencies' means the Secretary, the Secretary of Labor, and the Pension Benefit Guaranty Corporation.''.

(3) INVESTIGATIONS.—Section 4003 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1303) is amended by adding at the end the following:

''(g) The corporation may investigate or review any facts, conditions, practices, or other matters it determines necessary or proper related to the actuarial certification and report by multiemployer plans under section 305(b)(4)(A), or to obtain such information as any duly authorized committee or subcommittee of the Congress may request with respect to such plans. Any information or documentary material submitted to the corporation pursuant to this section, if clearly designated by the person making the submission as confidential (on each page in the case of a document, and in the file name in the case of a digital file), shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding, including an informal rulemaking.''.

SEC. 322. PENALTIES FOR FAILURE TO PROVIDE NOTICES.

(a) IN GENERAL.—Section 502(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(1) in paragraph (7)—

(A) by striking ''(7) The Secretary'' and inserting ''(7)(A) The Secretary''; and

(B) by adding at the end the following:

''(B) The Secretary may assess a civil penalty against a plan sponsor of up to $110 per day from the date of the plan administrator's or sponsor's failure or refusal to provide the relevant notices under section 101(f) or section 305(b)(4)(D) to a recipient other than the Secretary or the Pension Benefit Guaranty Corporation. For purposes of this paragraph, each violation with respect to any single recipient shall be treated as a separate violation.''; and

(2) by adding at the end the following:

''(13)(A) The Secretary may assess a civil penalty against any plan sponsor of up to $2,140 per day from the date of the plan sponsor's failure to file with the Secretary or the Pension Benefit Guaranty Corporation the notice required under section 305(b)(4)(D) or with the Pension Benefit Guaranty Corporation the notice required under section 101(f).

''(B) The Secretary may assess a civil penalty against any plan sponsor of up to $1,100 per day from the date of the plan sponsor's failure to file with the ERISA agency designated in accordance with subparagraph (E) of section 305(b)(4) the report under subparagraph (A) of such section.''.

(b) CONFORMING AMENDMENT.—Section 502(a)(6) of such Act is amended by striking ''or (9)'' and inserting ''(9), (10), or (13)''.

Subtitle D—Consistency of Criminal Penalties

SEC. 331. CONSISTENCY OF CRIMINAL PENALTIES.

Part I of title 18, United States Code, is amended—

(1) in section 664, in the first undesignated paragraph, by striking ''five years'' and inserting ''10 years'';

(2) in section 1027, by striking ''five years'' and inserting''10 years''; and

(3) in section 1954, in the undesignated matter following paragraph (4), by striking ''three years'' and inserting ''10 years''.

TITLE IV—OTHER MULTIEMPLOYER PLAN REFORMS

SEC. 401. CLARIFICATION OF FIDUCIARY DUTY OF RETIREE REPRESENTATIVE WHO IS A TRUSTEE.

(a) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Subclause (III) of section 432(f)(9)(B)(v) of the Internal Revenue Code of 1986, as redesignated by section 211(a) and as in effect before the amendments made by section 211 other than subsection (a) thereof, is amended by striking the period and inserting '', or to any other duties performed by such person pursuant to such person's role as a plan trustee.''.

(b) AMENDMENT OF EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subclause (III) of section 305(f)(9)(B)(v) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(f)(9)(B)(v)), as redesignated by section 212(a) and as in effect before the amendments made by section 212 other than subsection (a) thereof, is amended by striking the period and inserting '', or to any other duties performed by such person pursuant to such person's role as a plan trustee.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 402. SAFE HARBORS.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) EQUITABLE DISTRIBUTION OF BENEFIT SUSPENSIONS.—Clause (vi) of section 432(f)(9)(D) of the Internal Revenue Code of 1986, as redesignated by section 211(a) and as in effect before the amendments made by section 211 other than subsection (a) thereof, is amended by adding at the end the following flush language:

''For purposes of the preceding sentence, a suspension of benefits in the form of a flat percentage reduction in benefits which is applied in the same manner to all participants and beneficiaries (before application of clauses (ii) and (iii)) shall be treated as being equitably distributed across the participant and beneficiary population.''.

(2) APPLICATION ASSUMPTIONS.—Clause (v) of section 432(f)(9)(G) of such Code, as so redesignated and in effect, is amended—

(A) by striking ''STANDARD FOR ACCEPTING'' in the heading and inserting ''STANDARDS FOR ASSUMPTIONS AND ACCEPTING'', and

(B) by striking ''In evaluating'' and inserting ''The Secretary, in consultation with the Pension Benefit Guaranty Corporation and the Secretary of Labor, shall promulgate regulations regarding the actuarial assumptions that plans may use for purposes of the application under this subparagraph. Such regulations shall create safe harbors regarding assumptions for future rate of investment returns, future industry activity and contribution base units, mortality, and other assumptions as determined by the Secretary, and shall describe the situations in which actuarial assumptions may change during review of an application without the withdrawal and resubmission of the application. In evaluating''.

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) EQUITABLE DISTRIBUTION OF BENEFIT SUSPENSIONS.—Clause (vi) of section 305(f)(9)(D) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(f)(9)(D)), as redesignated by section 212(a) and as in effect before the amendments made by section 212 other than subsection (a) thereof, is amended by adding at the end the following flush language:

''For purposes of the preceding sentence, a suspension of benefits in the form of a flat percentage reduction in benefits which is applied in the same manner to all participants and beneficiaries (before application of

clauses (ii) and (iii)) shall be treated as being equitably distributed across the participant and beneficiary population.''.

(2) APPLICATION ASSUMPTIONS.—Clause (v) of section 305(f)(9)(G) of such Act (29 U.S.C. 1085(f)(9)(G)), as so redesignated and in effect, is amended—

(A) by striking ''STANDARD FOR ACCEPTING'' in the heading and inserting ''STANDARDS FOR ASSUMPTIONS AND ACCEPTING'', and

(B) by striking ''In evaluating'' and inserting ''The Secretary of the Treasury, in consultation with the Pension Benefit Guaranty Corporation and the Secretary of Labor, shall promulgate regulations regarding the actuarial assumptions that plans may use for purposes of the application under this subparagraph. Such regulations shall create safe harbors regarding assumptions for future rate of investment returns, future industry activity and contribution base units, mortality, and other assumptions as determined by the Secretary, and shall describe the situations in which actuarial assumptions may change during review of an application without the withdrawal and resubmission of the application. In evaluating''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a)(1) and (b)(1) shall apply to suspensions of benefits taking effect after the date of the enactment of this Act.

(2) APPLICATIONS.—The amendments made by subsections (a)(2) and (b)(2) shall apply to applications submitted after the date of the enactment of this Act.

SEC. 403. CLARIFICATION OF NOTICE AND COMMENT PROCESS.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) NOTICE TO PARTICIPANTS.—Subparagraph (F) of section 432(f)(9) of the Internal Revenue Code of 1986, as redesignated by section 211(a) and as in effect before the amendments made by section 211 other than subsection (a) thereof, is amended by adding at the end the following new clause:

''(vi) DE MINIMIS CHANGES.—Notice under clause (i) is not required in the case of a change to a notice previously issued, and an application previously submitted under subparagraph (G), if such change would have a de minimis effect on the suspension of benefits proposed, such as a change of 5 percent or less (whether increase or decrease) of a participant's post-suspension benefits.''.

(2) SOLICITATION OF COMMENTS.—

(A) DE MINIMIS CHANGES.—Clause (ii) of section 432(f)(9)(G) of such Code, as so redesignated and in effect, is amended by adding at the end the following: ''The preceding sentences shall not apply in the case of a resubmission of an application previously submitted if such change would have a de minimis effect on the suspension of benefits proposed, such as a change of 5 percent or less (whether increase or decrease) of a participant's post-suspension benefits.''.

(B) EXTENSION OF PERIOD FOR CORRECTION OF DEFECT.—Clause (iii) of section 432(f)(9)(G) of such Code, as so redesignated and in effect, is amended by inserting after the second sentence the following: ''If the only failure with respect to an application is a failure to provide adequate notice to participants under subparagraph (F), the Secretary may extend the 225-day deadline for consideration of the application by notice to the plan sponsor.''.

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) NOTICE TO PARTICIPANTS.—Subparagraph (F) of section 305(f)(9) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(f)(9)), as redesignated by section 212(a) and as in effect before the amendments made by section 212 other than subsection (a) thereof, is amended by adding at the end the following new clause:

''(vi) DE MINIMIS CHANGES.—Notice under clause (i) is not required in the case of a change to a notice previously issued, and an application previously submitted under subparagraph (G), if such change would have a de minimis effect on the suspension of benefits proposed, such as a change of 5 percent or less (whether increase or decrease) of a participant's post-suspension benefits.''.

(2) SOLICITATION OF COMMENTS.—

(A) DE MINIMIS CHANGES.—Clause (ii) of section 305(f)(9)(G) of such Act (29 U.S.C. 1085(f)(9)(G)), as so redesignated and in effect, is amended by adding at the end the following: ''The preceding sentences shall not apply in the case of a resubmission of an application previously submitted if such change would have a de minimis effect on the suspension of benefits proposed.''.

(B) EXTENSION OF PERIOD FOR CORRECTION OF DEFECT.—Clause (iii) of section 305(f)(9)(G) of such Act (29 U.S.C. 1085(f)(9)(G)), as so redesignated and in effect, is amended by inserting after the second sentence the following: ''If the only failure with respect to an application is a failure to provide adequate notice to participants under subparagraph (F), the Secretary may extend the 225-day deadline for consideration of the application by notice to the plan sponsor.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to applications, or changes to applications, submitted after the date of the enactment of this Act.

SEC. 404. PROTECTION OF PARTICIPANTS RECEIVING DISABILITY BENEFITS.

(a) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Clause (iii) of section 432(f)(9)(D) of the Internal Revenue Code of 1986, as redesignated by section 211(a) and as in effect before the amendments made by section 211 other than subsection (a) thereof, is amended to read as follows:

''(iii) No benefits based on disability (as defined under the plan) may be suspended under this paragraph if the participant or beneficiary is disabled (as so defined) or receiving disability benefits under the plan as of the date of the suspension of benefits. No benefits under the plan may be suspended under this paragraph of any participant or beneficiary who is entitled to a benefit under title II of the Social Security Act on the basis of a disability (as defined in section 223(d)(2) of such Act) as of such date.''.

(b) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Clause (iii) of section 305(f)(9)(D) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(f)(9)(D)), as redesignated by section 212(a) and as in effect before the amendments made by section 212 other than subsection (a) thereof, is amended to read as follows:

''(iii) No benefits based on disability (as defined under the plan) may be suspended under this paragraph if the participant or beneficiary is disabled (as so defined) or receiving disability benefits under the plan as of the date of the suspension of benefits. No benefits under the plan may be suspended under this paragraph of any participant or beneficiary who is entitled to a benefit under title II of the Social Security Act on the basis of a disability (as defined in section 223(d)(2) of such Act) as of such date.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to suspensions of benefits taking effect after the date of the enactment of this Act.

SEC. 405. MODEL NOTICE.

Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Labor and the Pension Benefit Guaranty Corporation, shall develop a 1-page, plain-language, cover-page format for the model notice under section 432(e)(9)(F)(v) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act) and section 305(e)(9)(F)(v) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(e)(9)(F)(v)), as so in effect.

TITLE V—ALTERNATIVE PLAN STRUCTURES

SEC. 501. COMPOSITE PLANS.

(a) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''PART 8—COMPOSITE PLANS AND LEGACY PLANS

''SEC. 801. COMPOSITE PLAN DEFINED.

''(a) IN GENERAL.—For purposes of this Act, the term 'composite plan' means a pension plan—

''(1) which is a multiemployer plan that is neither a defined benefit plan nor a defined contribution plan;

''(2) the terms of which provide that the plan is a composite plan for purposes of this title with respect to which not more than one multiemployer defined benefit plan is treated as a legacy plan within the meaning of section 805, unless there is more than one legacy plan following a merger of composite plans under section 806;

''(3) which provides systematically for the payment of benefits—

''(A) objectively calculated pursuant to a nondiscretionary formula specified in the plan document with respect to plan participants for life; and

''(B) in the form of life annuities, except for benefits which under section 203(e) may be immediately distributed without the consent of the participant;

''(4) for which the anticipated employer contributions to the plan for the first plan year are at least 120 percent of the normal cost for the plan year;

''(5) which requires—

''(A) an annual valuation of the liability of the plan as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year;

''(B) an annual actuarial determination of the plan's current funded ratio and projected funded ratio under section 802(a);

''(C) corrective action through a realignment program pursuant to section 803 whenever the plan's projected funded ratio is below 120 percent for the plan year; and

''(D) an annual notification to each participant describing benefits under the plan and explaining that such benefits may be subject to reduction under a realignment program pursuant to section 803 based on the plan's funded status in future plan years; and

''(6) the board of trustees of which includes at least one retiree or beneficiary in pay status during each plan year following the first plan year in which at least 5 percent of the participants in the plan are retirees or beneficiaries in pay status.

''(b) TRANSITION FROM A MULTIEMPLOYER DEFINED BENEFIT PLAN.—

''(1) IN GENERAL.—The plan sponsor of a defined benefit plan that is a multiemployer plan may, subject to paragraph (2), amend the plan to incorporate the features of a composite plan as a component of the multiemployer plan separate from the defined benefit plan component, except in the case of a defined benefit plan for which the plan actuary has certified under section 305(b)(4) that the plan is or will be in endangered or critical status for the plan year in which such amendment would become effective or in endangered or critical status for any of the succeeding 5 plan years.

''(2) REQUIREMENTS.—Any amendment pursuant to paragraph (1) to incorporate the features of a composite plan as a component of a multiemployer plan shall—

''(A) apply with respect to all collective bargaining agreements providing for contributions to the multiemployer plan on or after the effective date of the amendment;

''(B) apply with respect to all participants in the multiemployer plan for whom contributions are made to the multiemployer plan on or after the effective date of the amendment;

''(C) specify that the effective date of the amendment is—

''(i) the first day of a specified plan year following the date of the adoption of the amendment, except that the plan sponsor may alternatively provide for a separate effective date with respect to each collective bargaining agreement under which contributions to the multiemployer plan are required, which shall occur on the first day of the first plan year beginning after the termination, or if earlier, the re-opening, of each such agreement, or such earlier date as the parties to the agreement and the plan sponsor of the multiemployer plan shall agree to; and

''(ii) not later than the first day of the fifth plan year beginning on or after the date of the adoption of the amendment;

''(D) specify that, as of the amendment's effective date, no further benefits shall accrue under the defined benefit component of the multiemployer plan; and

''(E) specify that, as of the amendment's effective date, the plan sponsor of the multiemployer plan shall be the plan sponsor of both the composite plan component and the defined benefit plan component of the plan.

''(3) SPECIAL RULES.—If a multiemployer plan is amended pursuant to paragraph (1)—

''(A) the requirements of this title and title IV shall be applied to the composite plan component and the defined benefit plan component of the multiemployer plan as if each such component were maintained as a separate plan; and

''(B) the assets of the composite plan component and the defined benefit plan component of the plan shall be held in a single trust forming part of the plan under which the trust instrument expressly provides—

''(i) for separate accounts (and appropriate records) to be maintained to reflect the interest which each of the plan components has in the trust, including separate accounting for additions to the trust for the benefit of each plan component, disbursements made from each plan component's account in the trust, investment experience of the trust allocable to that account, and administrative expenses (whether direct expenses or shared expenses allocated proportionally), and permits, but does not require, the pooling of some or all of the assets of the two plan components for investment purposes, subject to the judgment of the plan fiduciaries; and

''(ii) that the assets of each of the two plan components shall be held, invested, reinvested, managed, administered and distributed for the exclusive benefit of the participants and beneficiaries of each such plan component, and in no event shall the assets of one of the plan components be available to pay benefits due under the other plan component.

''(4) NOT A TERMINATION EVENT.—Notwithstanding section 4041A, an amendment pursuant to paragraph (1) to incorporate the features of a composite plan as a component of a multiemployer plan does not constitute termination of the multiemployer plan.

''(5) NOTICE TO THE SECRETARY.—

''(A) NOTICE.—The plan sponsor of a composite plan shall provide notice to the Secretary of the intent to establish the composite plan (or, in the case of a composite plan incorporated as a component of a multiemployer plan as described in paragraph (1), the intent to amend the multiemployer plan to incorporate such composite plan) at least 30 days prior to the effective date of such establishment or amendment.

''(B) CERTIFICATION.—In the case of a composite plan incorporated as a component of a multiemployer plan as described in paragraph (1), such notice shall include a certification by the plan actuary under section 305(b)(4) that the effective date of the amendment occurs in a plan year for which the multiemployer plan is not in endangered or critical status for that plan year and any of the succeeding 5 plan years.

''(6) REFERENCES TO COMPOSITE PLAN COMPONENT.—As used in this part, the term 'composite plan' includes a composite plan component added to a defined benefit plan pursuant to paragraph (1).

''(7) RULE OF CONSTRUCTION.—Paragraph (2)(A) shall not be construed as preventing the plan sponsor of a multiemployer plan from adopting an amendment pursuant to paragraph (1) because some collective bargaining agreements are amended to cease any covered employer's obligation to contribute to the multiemployer plan before or after the plan amendment is effective. Paragraph (2)(B) shall not be construed as preventing the plan sponsor of a multiemployer plan from adopting an amendment pursuant to paragraph (1) because some participants cease to have contributions made to the multiemployer plan on their behalf before or after the plan amendment is effective.

''(c) COORDINATION WITH FUNDING RULES.—Except as otherwise provided in this part, sections 302, 304, and 305 shall not apply to a composite plan.

''(d) TREATMENT OF A COMPOSITE PLAN.—For purposes of this Act (other than sections 302 and 4245), a composite plan shall be treated as if it were a defined benefit plan unless a different treatment is provided for under applicable law.

''SEC. 802. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.

''(a) CERTIFICATION OF FUNDED RATIOS.—

''(1) IN GENERAL.—Not later than the one-hundred twentieth day of each plan year of a composite plan, the plan actuary of the composite plan shall certify to the Secretary, the Secretary of the Treasury, and the plan sponsor the plan's current funded ratio and projected funded ratio for the plan year.

''(2) DETERMINATION OF CURRENT FUNDED RATIO AND PROJECTED FUNDED RATIO.—For purposes of this section:

''(A) CURRENT FUNDED RATIO.—The current funded ratio is the ratio (expressed as a percentage) of—

''(i) the value of the plan's assets as of the first day of the plan year; to

''(ii) the plan actuary's calculation of the present value of the plan liabilities as of the first day of the plan year.

''(B) PROJECTED FUNDED RATIO.—The projected funded ratio is the funded ratio determined under subparagraph (A), projected as of the first day of the fifteenth plan year following the plan year for which the determination is being made.

''(3) CONSIDERATION OF CONTRIBUTION RATE INCREASES.—For purposes of projections under this subsection, the plan actuary may anticipate contribution rate increases beyond the term of the current collective bargaining agreement and any agreed-to supplements, if reasonable, not to exceed 2.5 percent per year, compounded annually.

''(b) ACTUARIAL ASSUMPTIONS AND METHODS.—For purposes of this part:

''(1) IN GENERAL.—All costs, liabilities, rates of interest, and other factors under the plan shall be determined for a plan year on the basis of actuarial assumptions and methods—

''(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations);

''(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan; and

''(C) with respect to which any change from the actuarial assumptions and methods used in the previous plan year shall be certified by the plan actuary and the actuarial rationale for such change provided in the annual report required by section 103.

''(2) FAIR MARKET VALUE OF ASSETS.—The value of the plan's assets shall be taken into account on the basis of their fair market value.

''(3) DETERMINATION OF NORMAL COST AND PLAN LIABILITIES.—A plan's normal cost and liabilities shall be based—

''(A) on the most recent actuarial valuation required under section 801(a)(5)(A) and the unit credit funding method; and

''(B) on rates of interest subject to section 304(b)(6).

''(4) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—Any contributions for a plan year made by an employer after the last day of such plan year, but not later than 2½ months after such day, shall be deemed to have been made on such last day. For purposes of this paragraph, such 2½-month period may be extended to a total of not more than 120 days under regulations prescribed by the Secretary of the Treasury.

''(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—Except where otherwise provided in this part, the provisions of section 305(b)(4)(B) shall apply to any determination or projection under this part.

''SEC. 803. REALIGNMENT PROGRAM.

''(a) REALIGNMENT PROGRAM.—

''(1) ADOPTION.—In any case in which the plan actuary certifies under section 802(a) that the plan's projected funded ratio is below 120 percent for the plan year, the plan sponsor shall adopt a realignment program under paragraph (2) not later than 210 days after the due date of the certification required under such section 802(a). The plan sponsor shall adopt an updated realignment program for each succeeding plan year for which a certification described in the preceding sentence is made.

''(2) CONTENT OF REALIGNMENT PROGRAM.—

''(A) IN GENERAL.—A realignment program adopted under this paragraph is a written program which consists of reasonable measures, including options or a range of options to be undertaken by the plan sponsor or proposed to the bargaining parties, formulated, based on reasonably anticipated experience and reasonable actuarial assumptions, to enable the plan to achieve a projected funded ratio of at least 120 percent for the following plan year.

''(B) INITIAL PROGRAM ELEMENTS.—Reasonable measures under a realignment program described in subparagraph (A) may include any of the following:

''(i) Proposed contribution increases.

''(ii) A reduction in the rate of future benefit accruals, so long as the resulting rate is not less than 1 percent of the contributions on which benefits are based as of the start of the plan year (or the equivalent standard accrual rate as described in section 305(f)(6)).

''(iii) A modification or elimination of adjustable benefits of participants that are not in pay status before the date of the notice required under subsection (b)(1).

''(iv) Any other lawfully available measures not specifically described in this subparagraph or subparagraph (C) or (D) that the plan sponsor determines are reasonable.

''(C) ADDITIONAL PROGRAM ELEMENTS.—If the plan sponsor has determined that all reasonable measures available under subparagraph (B) will not enable the plan to achieve a projected funded ratio of at least 120 percent for the following plan year, the realignment program may also include—

''(i) a reduction of accrued benefits that are not in pay status by the date of the notice required under subsection (b)(1); or

''(ii) a reduction of any benefits of participants that are in pay status before the date of the notice required under subsection (b)(1) other than core benefits as defined in paragraph (4).

''(D) ADDITIONAL ELEMENTS.—In the case of a composite plan for which the plan sponsor has determined that all reasonable measures available under subparagraphs (B) and (C) will not enable the plan to achieve a projected funded ratio of at least 120 percent for the following plan year, the realignment program may also include—

''(i) a further reduction in the rate of future benefit accruals without regard to the limitation applicable under subparagraph (B)(ii); or

''(ii) a reduction of core benefits;

provided that such reductions shall be equitably distributed across the participant and beneficiary population, taking into account factors, with respect to participants and beneficiaries and their benefits, that may include one or more of the factors listed in subclauses (I) through (X) of section 305(f)(9)(D)(vi), to the extent necessary to enable the plan to achieve a projected funded ratio of at least 120 percent for the following plan year.

''(3) ADJUSTABLE BENEFIT DEFINED.—For purposes of this part, the term 'adjustable benefit' means—

''(A) benefits, rights, and features under the plan, including post-retirement death benefits, disability benefits not yet in pay status, and similar benefits,

''(B) any early retirement benefit or retirement-type subsidy (within the meaning of section 204(g)(2)(A)) (including early reduction factors which are not provided on an actuarially equivalent basis) and any benefit payment option (other than the qualified joint and survivor annuity),

''(C) benefit increases which were adopted (or, if later, took effect) less than 120 months before the first day of the first plan year in which such realignment program took effect,

''(D) any one-time bonus payment or 'thirteenth check' provision, and

''(E) benefits granted for period of service prior to participation in the plan.

''(4) CORE BENEFIT DEFINED.—For purposes of this part, the term 'core benefit' means a participant's accrued benefit payable in the normal form of an annuity commencing at normal retirement age, determined without regard to—

''(A) any early retirement benefits, retirement-type subsidies, or other benefits, rights, or features that may be associated with that benefit; and

''(B) any cost-of-living adjustments or benefit increases effective after the date of retirement.

''(5) COORDINATION WITH CONTRIBUTION INCREASES.—

''(A) IN GENERAL.—A realignment program may provide that some or all of the benefit modifications described in the program will only take effect if the bargaining parties fail to agree to specified levels of increases in contributions to the plan, effective as of specified dates.

''(B) INDEPENDENT BENEFIT MODIFICATIONS.—If a realignment program adopts any changes to the benefit formula that are independent of potential contribution increases, such changes shall take effect not later than 180 days after the first day of the first plan year that begins following the adoption of the realignment program.

''(C) CONDITIONAL BENEFIT MODIFICATIONS.—If a realignment program adopts any changes to the benefit formula that take effect only if the bargaining parties fail to agree to contribution increases, such changes shall take effect not later than the first day of the first plan year beginning after the third anniversary of the date of adoption of the realignment program.

''(D) REVOCATION OF CERTAIN BENEFIT MODIFICATIONS.—Benefit modifications described in subparagraph (C) may be revoked, in whole or in part, and retroactively or prospectively, when contributions to the plan are increased, as specified in the realignment program, including any amendments thereto. The preceding sentence shall not apply unless the contribution increases are to be effective not later than the fifth anniversary of the first day of the first plan year that begins after the adoption of the realignment program.

''(b) NOTICE.—

''(1) IN GENERAL.—In any case in which it is certified under section 802(a) that the projected funded ratio is less than 120 percent, the plan sponsor shall, not later than 30 days after the date of the certification, provide notification of the current and projected funded ratios to the participants and beneficiaries, the bargaining parties, the Secretary of the Treasury, and the Secretary. Such notice shall include—

''(A) an explanation that contribution rate increases or benefit reductions may be necessary;

''(B) a description of the types of benefits that might be reduced; and

''(C) an estimate of the contribution increases and benefit reductions that may be necessary to achieve a projected funded ratio of 120 percent.

''(2) NOTICE OF BENEFIT MODIFICATIONS.—

''(A) IN GENERAL.—No modifications may be made that reduce the rate of future benefit accrual or that reduce core benefits or adjustable benefits unless notice of such reduction has been given at least 180 days before the general effective date of such reduction for all participants and beneficiaries to—

''(i) plan participants and beneficiaries;

''(ii) each employer who has an obligation to contribute to the composite plan; and

''(iii) each employee organization which, for purposes of collective bargaining, represents plan participants employed by such employers.

''(B) CONTENT OF NOTICE.—The notice under subparagraph (A) shall contain—

''(i) sufficient information to enable participants and beneficiaries to understand the effect of any reduction on their benefits, including an illustration of any affected benefit or subsidy, on an annual or monthly basis that a participant or beneficiary would otherwise have been eligible for as of the general effective date described in subparagraph (A); and

''(ii) information as to the rights and remedies of plan participants and beneficiaries as well as how to contact the Department of the Treasury for further information and assistance, where appropriate.

''(C) FORM AND MANNER.—Any notice under subparagraph (A)—

''(i) shall be provided in a form and manner prescribed in regulations of the Secretary of the Treasury;

''(ii) shall be written in a manner so as to be understood by the average plan participant.

''(3) MODEL NOTICES.—The Secretary of the Treasury shall—

''(A) prescribe model notices that the plan sponsor of a composite plan may use to satisfy the notice requirements under this subsection; and

''(B) by regulation enumerate any details related to the elements listed in paragraph (1) that any notice under this subsection must include.

''(4) DELIVERY METHOD.—Any notice under this part shall be provided in writing and may be provided in electronic form to the extent that the form is reasonably accessible to persons to whom the notice is provided.

''SEC. 804. LIMITATION ON INCREASING BENEFITS.

''(a) LEVEL OF CURRENT FUNDED RATIOS.—Except as provided in subsections (c), (d), and (e), no plan amendment increasing benefits or establishing new benefits under a composite plan may be adopted for a plan year unless—

''(1) the plan's current funded ratio is at least 110 percent (without regard to the benefit increase or new benefits);

''(2) taking the benefit increase or new benefits into account, the current funded ratio is at least 100 percent and the projected funded ratio for the current plan year is at least 120 percent;

''(3) in any case in which, after taking the benefit increase or new benefits into account, the current funded ratio is less than 140 percent and the projected funded ratio is less than 140 percent, the benefit increase or new benefits are projected by the plan actuary to increase the present value of the plan's liabilities for the plan year by not more than 3 percent; and

''(4) expected contributions for the current plan year are at least 120 percent of normal cost for the plan year, determined using the unit credit funding method and treating the benefit increase or new benefits as in effect for the entire plan year.

''(b) ADDITIONAL REQUIREMENTS WHERE CORE BENEFITS REDUCED.—If a plan has been amended to reduce core benefits pursuant to a realignment program under section 803(a)(2)(D), such plan may not be subsequently amended to increase core benefits unless the amendment—

''(1) increases the level of future benefit payments only; and

''(2) provides for an equitable distribution of benefit increases across the participant and beneficiary population, taking into account the extent to which the benefits of participants were previously reduced pursuant to such realignment program.

''(c) EXCEPTION TO COMPLY WITH APPLICABLE LAW.—Subsection (a) shall not apply in connection with a plan amendment if the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

''(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE LIMIT APPLIES.—Subsection (a) shall not apply in connection with a plan amendment if and to the extent that contributions to the composite plan would not be deductible for the plan year under section 404(a)(1)(E) of the Internal Revenue Code of 1986 if the plan amendment is not adopted.

''(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICATIONS.—Subsection (a) shall not apply in connection with a plan amendment under section 803(a)(5)(C), regarding conditional benefit modifications.

''(f) TREATMENT OF PLAN AMENDMENTS.—For purposes of this section—

''(1) if two or more plan amendments increasing benefits or establishing new benefits are adopted in a plan year, such amendments shall be treated as a single amendment adopted on the last day of the plan year;

''(2) all benefit increases and new benefits adopted in a single amendment are treated

as a single benefit increase, irrespective of whether the increases and new benefits take effect in more than one plan year; and

''(3) increases in contributions or decreases in plan liabilities which are scheduled to take effect in future plan years may be taken into account in connection with a plan amendment if they have been agreed to in writing or otherwise formalized by the date the plan amendment is adopted.

''SEC. 805. COMPOSITE PLAN RESTRICTIONS TO PRESERVE LEGACY PLAN FUNDING.

''(a) TREATMENT AS A LEGACY PLAN.—

''(1) IN GENERAL.—For purposes of this part and parts 2 and 3, a defined benefit plan shall be treated as a legacy plan with respect to the composite plan under which employees who were eligible to accrue a benefit under the defined benefit plan become eligible to accrue a benefit under such composite plan.

''(2) COMPONENT PLANS.—In any case in which a defined benefit plan is amended to add a composite plan component pursuant to section 801(b), paragraph (1) shall be applied by substituting 'defined benefit component' for 'defined benefit plan' and 'composite plan component' for 'composite plan'.

''(3) ELIGIBLE TO ACCRUE A BENEFIT.—For purposes of paragraph (1), an employee is considered eligible to accrue a benefit under a composite plan as of the first day in which the employee completes an hour of service under a collective bargaining agreement that provides for contributions to and accruals under the composite plan in lieu of accruals under the defined benefit plan.

''(4) COLLECTIVE BARGAINING AGREEMENT.—As used in this part, the term 'collective bargaining agreement' includes any agreement under which an employer has an obligation to contribute to a plan.

''(5) OTHER TERMS.—Any term used in this part which is not defined in this part and which is also used in section 305 shall have the same meaning provided such term in such section.

''(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE PLAN OF AGREEMENTS AND CONTRIBUTIONS.—

''(1) IN GENERAL.—The plan sponsor of a composite plan shall not accept or recognize a collective bargaining agreement (or any modification to such agreement), and no contributions may be accepted and no benefits may be accrued or otherwise earned under the agreement—

''(A) in any case in which the plan actuary of any defined benefit plan that would be treated as a legacy plan with respect to such composite plan has certified under section 305(b)(4) that such defined benefit plan is or will be in endangered or critical status for the plan year in which such agreement would take effect or for any of the succeeding 5 plan years; and

''(B) unless the agreement requires each employer who is a party to such agreement, including employers whose employees are not participants in the legacy plan, to provide contributions to the legacy plan with respect to such composite plan in a manner that satisfies the transition contribution requirements of subsection (d).

''(2) NOTICE.—Not later than 30 days after a determination by a plan sponsor of a composite plan that an agreement fails to satisfy the requirements described in paragraph (1), the plan sponsor shall provide notification of such failure and the reasons for such determination—

''(A) to the parties to the agreement;

''(B) to active participants of the composite plan who have ceased to accrue or otherwise earn benefits with respect to service with an employer pursuant to paragraph (1); and

''(C) to the Secretary, the Secretary of the Treasury, and the Pension Benefit Guaranty Corporation.

''(3) LIMITATION ON RETROACTIVE EFFECT.—This subsection shall not apply to benefits accrued before the date on which notice is provided under paragraph (2).

''(c) RESTRICTION ON ACCRUAL OF BENEFITS UNDER A COMPOSITE PLAN.—

''(1) IN GENERAL.—In any case in which an employer, under a collective bargaining agreement entered into after the date of enactment of this part, ceases to have an obligation to contribute to a multiemployer defined benefit plan, no employees employed by the employer may accrue or otherwise earn benefits under any composite plan, with respect to service with that employer, for a 60-month period beginning on the date on which the employer entered into such collective bargaining agreement.

''(2) NOTICE OF CESSATION OF OBLIGATION.—Within 30 days of determining that an employer has ceased to have an obligation to contribute to a legacy plan with respect to employees employed by an employer that is or will be contributing to a composite plan with respect to service of such employees, the plan sponsor of the legacy plan shall notify the plan sponsor of the composite plan of that cessation.

''(3) NOTICE OF CESSATION OF ACCRUALS.—Not later than 30 days after determining that an employer has ceased to have an obligation to contribute to a legacy plan, the plan sponsor of the composite plan shall notify the bargaining parties, the active participants affected by the cessation of accruals, the Secretary, the Secretary of the Treasury, and the Pension Benefit Guaranty Corporation of the cessation of accruals, the period during which such cessation is in effect, and the reasons therefor.

''(4) LIMITATION ON RETROACTIVE EFFECT.—This subsection shall not apply to benefits accrued before the date on which notice is provided under paragraph (3).

''(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

''(1) IN GENERAL.—A collective bargaining agreement satisfies the transition contribution requirements of this subsection if the agreement—

''(A) authorizes payment of contributions to a legacy plan at a rate, or multiple rates, as described in paragraph (2)(B), equal to or greater than the transition contribution rate established by the legacy plan under paragraph (2); and

''(B) does not provide for—

''(i) a suspension of contributions to the legacy plan with respect to any period of service; or

''(ii) any new direct or indirect exclusion of younger or newly hired employees of the employer from being taken into account in determining contributions owed to the legacy plan.

''(2) TRANSITION CONTRIBUTION RATE.—

''(A) IN GENERAL.—The transition contribution rate for a plan year is the contribution rate that, as certified by the actuary of the legacy plan in accordance with the principles in section 305(b)(4)(B), is reasonably expected to be adequate—

''(i) to fund the normal cost for the plan year;

''(ii) to amortize the plan's unfunded liabilities in level annual installments over 25 years, beginning with the plan year in which the transition contribution rate is first established; and

''(iii) to amortize any subsequent changes in the legacy plan's unfunded liability due to experience gains or losses (including investment gains or losses, gains or losses due to contributions greater or less than the contributions made under the prior transition contribution rate, and other actuarial gains or losses), changes in actuarial assumptions, changes to the legacy plan's benefits, or changes in funding method over a period of 15 plan years beginning with the plan year following the plan year in which such change in unfunded liability is incurred, unless otherwise prescribed.

The transition contribution rate for any plan year may not be less than the transition contribution rate for the plan year in which such rate is first established.

''(B) MULTIPLE RATES.—If different rates of contribution are payable to the legacy plan by different employers or for different classes of employees, the certification by the actuary of the legacy plan shall specify a transition contribution rate for each such employer or class of employees.

''(C) RATE APPLICABLE TO EMPLOYER.—

''(i) IN GENERAL.—Except as provided by clause (ii), the transition contribution rate applicable to an employer for a plan year is the rate in effect for the plan year of the legacy plan that commences on or after 180 days before the earlier of—

''(I) the effective date of the collective bargaining agreement pursuant to which the employer contributes to the legacy plan; or

''(II) 5 years after the last plan year for which the transition contribution rate applicable to the employer was established or updated.

''(ii) EXCEPTION.—The transition contribution rate applicable to an employer for the first plan year beginning on or after the commencement of the employer's obligation to contribute to the composite plan is the rate in effect for the plan year of the legacy plan that commences on or after 180 days before such first plan year.

''(D) EFFECT OF LEGACY PLAN FINANCIAL CIRCUMSTANCES.—If the plan actuary of the legacy plan has certified under section 305 that the plan is in endangered or critical status for a plan year, the transition contribution rate for the following plan year is the rate determined with respect to the employer under the legacy plan's funding improvement or rehabilitation plan under section 305, if greater than the rate otherwise determined, but in no event shall the transition contribution rate be greater than 75 percent of the sum of the contribution rates applicable to the legacy plan and the composite plan for the plan year. Notwithstanding the preceding sentence, if the transition contribution rate in the prior year is more than 75 percent of the sum of the contribution rates applicable to the legacy plan and the composite plan for the prior plan year, the transition contribution rate applicable to the legacy plan shall not be subject to the 75-percent limitation, but shall be neither increased nor reduced as a percentage of the sum of the contribution rates applicable to the legacy plan and the composite plan for the plan year.

''(E) OTHER ACTUARIAL ASSUMPTIONS AND METHODS.—Except as provided in subparagraph (A), the determination of the transition contribution rate for a plan year shall be based on actuarial assumptions and methods consistent with the minimum funding determinations made under section 304 (or, if applicable, section 305) with respect to the legacy plan for the plan year.

''(F) ADJUSTMENTS IN RATE.—The plan sponsor of a legacy plan from time to time may adjust the transition contribution rate or rates applicable to an employer under this paragraph by increasing some rates and decreasing others if the actuary certifies that such adjusted rates in combination will produce projected contribution income for the plan year beginning on or after the date of certification that is not less than would be produced by the transition contribution

rates in effect at the time of the certification.

''(G) NOTICE OF TRANSITION CONTRIBUTION RATE.—The plan sponsor of a legacy plan shall provide notice to the parties to collective bargaining agreements pursuant to which contributions are made to the legacy plan of changes to the transition contribution rate requirements at least 30 days before the beginning of the plan year for which the rate is effective.

''(H) NOTICE TO COMPOSITE PLAN SPONSOR.—Not later than 30 days after a determination by the plan sponsor of a legacy plan that a collective bargaining agreement provides for a rate of contributions that is below the transition contribution rate applicable to one or more employers that are parties to the collective bargaining agreement, the plan sponsor of the legacy plan shall notify the plan sponsor of any composite plan under which employees of such employer would otherwise be eligible to accrue a benefit.

''(3) CORRECTION PROCEDURES.—Pursuant to standards prescribed by the Secretary, the plan sponsor of a composite plan shall adopt rules and procedures that give the parties to the collective bargaining agreement notice of the failure of such agreement to satisfy the transition contribution requirements of this subsection, and a reasonable opportunity to correct such failure, not to exceed 180 days from the date of notice given under subsection (b)(2).

''(4) SUPPLEMENTAL CONTRIBUTIONS.—A collective bargaining agreement may provide for supplemental contributions to the legacy plan for a plan year in excess of the transition contribution rate determined under paragraph (2), regardless of whether the legacy plan is in endangered or critical status for such plan year.

''(e) NONAPPLICATION OF COMPOSITE PLAN RESTRICTIONS.—

''(1) IN GENERAL.—The provisions of subsections (a), (b), and (c) shall not apply with respect to a collective bargaining agreement, to the extent the agreement, or a predecessor agreement, provides or provided for contributions to a defined benefit plan that is a legacy plan, as of the first day of the first plan year following a plan year for which the plan actuary certifies that the plan is fully funded, has been fully funded for at least three out of the immediately preceding 5 plan years, and is projected to remain fully funded for at least the following 4 plan years.

''(2) DETERMINATION OF FULLY FUNDED.—A plan is fully funded for purposes of paragraph (1) if, as of the valuation date of the plan for a plan year, the value of the plan's assets equals or exceeds the present value of the plan's liabilities, determined in accordance with the rules prescribed by the Pension Benefit Guaranty Corporation under sections 4219(c)(1)(D) and 4281 for multiemployer plans terminating by mass withdrawal, as in effect for the date of the determination, except the plan's reasonable assumption regarding the starting date of benefits may be used.

''(3) OTHER APPLICABLE RULES.—Except as provided in paragraph (2), actuarial determinations and projections under this section shall be based on the rules in section 802(b).

''SEC. 806. MERGERS AND ASSET TRANSFERS OF COMPOSITE PLANS.

''(a) IN GENERAL.—Assets and liabilities of a composite plan may only be merged with, or transferred to, another plan if—

''(1) the other plan is a composite plan;

''(2) the plan or plans resulting from the merger or transfer is a composite plan;

''(3) no participant's accrued benefit or adjustable benefit is lower immediately after the transaction than it was immediately before the transaction; and

''(4) the value of the assets transferred in the case of a transfer reasonably reflects the value of the amounts contributed with respect to the participants whose benefits are being transferred, adjusted for allocable distributions, investment gains and losses, and administrative expenses.

A plan which is not a composite plan may not merge with or transfer assets and liabilities to a composite plan.

''(b) LEGACY PLAN.—

''(1) IN GENERAL.—After a merger or transfer involving a composite plan, the legacy plan with respect to an employer that is obligated to contribute to the resulting composite plan is the legacy plan that applied to that employer immediately before the merger or transfer.

''(2) MULTIPLE LEGACY PLANS.—If an employer is obligated to contribute to more than one legacy plan with respect to employees eligible to accrue benefits under more than one composite plan and there is a merger or transfer of such legacy plans, the transition contribution rate applicable to the legacy plan resulting from the merger or transfer with respect to that employer shall be determined in accordance with the provisions of section 805(d)(2)(B).''.

(2) PENALTIES.—

(A) CIVIL ENFORCEMENT OF FAILURE TO COMPLY WITH REALIGNMENT PROGRAM.—Section 502(a) of such Act (29 U.S.C. 1132(a)) is amended—

(i) in paragraph (10), by striking ''or'' at the end;

(ii) in paragraph (11), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(12) in the case of a composite plan required to adopt a realignment program under section 803, if the plan sponsor—

''(A) has not adopted a realignment program under that section by the deadline established in such section; or

''(B) fails to update or comply with the terms of the realignment program in accordance with the requirements of such section, by the Secretary, by an employer that has an obligation to contribute with respect to the composite plan, or by an employee organization that represents active participants in the composite plan, for an order compelling the plan sponsor to adopt a realignment program, or to update or comply with the terms of the realignment program, in accordance with the requirements of such section and the realignment program.''.

(B) CIVIL PENALTIES.—Section 502(c) of such Act (29 U.S.C. 1132(c)), as amended by this Act, is further amended—

(i) by moving paragraphs (8), (10), and (12) each 2 ems to the left;

(ii) by redesignating paragraphs (9) through (13) as paragraphs (12) through (16), respectively; and

(iii) by inserting after paragraph (8) the following:

''(9) The Secretary may assess against any plan sponsor of a composite plan a civil penalty of not more than $2,140 per day for each violation by such sponsor—

''(A) of the requirement under section 801(a)(5)(D) to furnish an annual notification to each participant;

''(B) of the requirement under section 802(a) on the plan actuary to certify the plan's current or projected funded ratio by the date specified in such subsection; or

''(C) of the requirement under section 803 to adopt a realignment program by the deadline established in that section and to comply with its terms.

''(10)(A) The Secretary may assess against any plan sponsor of a composite plan a civil penalty of not more than $100 per day for each violation by such sponsor of the requirement under section 803(b) to provide notice as described in such section, except that no penalty may be assessed in any case in which the plan sponsor exercised reasonable diligence to meet the requirements of such section and—

''(i) the plan sponsor did not know that the violation existed; or

''(ii) the plan sponsor provided such notice during the 30-day period beginning on the first date on which the plan sponsor knew, or in exercising reasonable due diligence should have known, that such violation existed.

''(B) In any case in which the plan sponsor exercised reasonable diligence to meet the requirements of section 803(b), the Secretary may waive part or all of such penalty to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the violation involved.

''(11) The Secretary may assess against any plan sponsor of a composite plan a civil penalty of not more than $100 per day for each violation by such sponsor of the notice requirements under sections 801(b)(5) and 805(b)(2).''.

(3) AUTHORITIES.—Section 101(a) of Reorganization Plan No. 4 of 1978 (29 U.S.C. 1001 note) is amended by striking ''Parts 2 and 3'' and inserting ''Parts 2, 3, and 8''.

(4) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 734 the following:

''PART 8—COMPOSITE PLANS AND LEGACY PLANS

''Sec. 801. Composite plan defined.
''Sec. 802. Funded ratios; actuarial assumptions.
''Sec. 803. Realignment program.
''Sec. 804. Limitation on increasing benefits.
''Sec. 805. Composite plan restrictions to preserve legacy plan funding.
''Sec. 806. Mergers and asset transfers of composite plans.''.

(b) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subchapter D of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''PART IV—COMPOSITE PLANS AND LEGACY PLANS

''Sec. 437. Composite plan defined.
''Sec. 438. Funded ratios; actuarial assumptions.
''Sec. 439. Realignment program.
''Sec. 440. Limitation on increasing benefits.
''Sec. 440A. Composite plan restrictions to preserve legacy plan funding.
''Sec. 440B. Mergers and asset transfers of composite plans.

''SEC. 437. COMPOSITE PLAN DEFINED.

''(a) IN GENERAL.—For purposes of this title, the term 'composite plan' means a pension plan—

''(1) which is a multiemployer plan that is neither a defined benefit plan nor a defined contribution plan,

''(2) the terms of which provide that the plan is a composite plan for purposes of this title with respect to which not more than one multiemployer defined benefit plan is treated as a legacy plan within the meaning of section 440A, unless there is more than one legacy plan following a merger of composite plans under section 440B,

''(3) which provides systematically for the payment of benefits—

''(A) objectively calculated pursuant to a nondiscretionary formula specified in the plan document with respect to plan participants for life; and

''(B) in the form of life annuities, except for benefits which under section 411(a)(11) may be immediately distributed without the consent of the participant;

''(4) for which the anticipated employer contributions to the plan for the first plan

year are at least 120 percent of the normal cost for the plan year;

''(5) which requires—

''(A) an annual valuation of the liability of the plan as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year,

''(B) an annual actuarial determination of the plan's current funded ratio and projected funded ratio under section 438(a),

''(C) corrective action through a realignment program pursuant to section 439 whenever the plan's projected funded ratio is below 120 percent for the plan year, and

''(D) an annual notification to each participant describing benefits under the plan and explaining that such benefits may be subject to reduction under a realignment program pursuant to section 439 based on the plan's funded status in future plan years; and

''(6) the board of trustees of which includes at least one retiree or beneficiary in pay status during each plan year following the first plan year in which at least 5 percent of the participants in the plan are retirees or beneficiaries in pay status.

''(b) TRANSITION FROM A MULTIEMPLOYER DEFINED BENEFIT PLAN.—

''(1) IN GENERAL.—The plan sponsor of a defined benefit plan that is a multiemployer plan may, subject to paragraph (2), amend the plan to incorporate the features of a composite plan as a component of the multiemployer plan separate from the defined benefit plan component, except in the case of a defined benefit plan for which the plan actuary has certified under section 432(b)(4) that the plan is or will be in endangered or critical status for the plan year in which such amendment would become effective or in endangered or critical status for any of the succeeding 5 plan years.

''(2) REQUIREMENTS.—Any amendment pursuant to paragraph (1) to incorporate the features of a composite plan as a component of a multiemployer plan shall—

''(A) apply with respect to all collective bargaining agreements providing for contributions to the multiemployer plan on or after the effective date of the amendment,

''(B) apply with respect to all participants in the multiemployer plan for whom contributions are made to the multiemployer plan on or after the effective date of the amendment,

''(C) specify that the effective date of the amendment is—

''(i) the first day of a specified plan year following the date of the adoption of the amendment, except that the plan sponsor may alternatively provide for a separate effective date with respect to each collective bargaining agreement under which contributions to the multiemployer plan are required, which shall occur on the first day of the first plan year beginning after the termination, or if earlier, the re-opening, of each such agreement, or such earlier date as the parties to the agreement and the plan sponsor of the multiemployer plan shall agree to, and

''(ii) not later than the first day of the fifth plan year beginning on or after the date of the adoption of the amendment,

''(D) specify that, as of the amendment's effective date, no further benefits shall accrue under the defined benefit component of the multiemployer plan, and

''(E) specify that, as of the amendment's effective date, the plan sponsor of the multiemployer plan shall be the plan sponsor of both the composite plan component and the defined benefit plan component of the plan.

''(3) SPECIAL RULES.—If a multiemployer plan is amended pursuant to paragraph (1)—

''(A) the requirements of this title shall be applied to the composite plan component and the defined benefit plan component of the multiemployer plan as if each such component were maintained as a separate plan, and

''(B) the assets of the composite plan component and the defined benefit plan component of the plan shall be held in a single trust forming part of the plan under which the trust instrument expressly provides—

''(i) for separate accounts (and appropriate records) to be maintained to reflect the interest which each of the plan components has in the trust, including separate accounting for additions to the trust for the benefit of each plan component, disbursements made from each plan component's account in the trust, investment experience of the trust allocable to that account, and administrative expenses (whether direct expenses or shared expenses allocated proportionally), and permits, but does not require, the pooling of some or all of the assets of the two plan components for investment purposes, subject to the judgment of the plan fiduciaries, and

''(ii) that the assets of each of the two plan components shall be held, invested, reinvested, managed, administered and distributed for the exclusive benefit of the participants and beneficiaries of each such plan component, and in no event shall the assets of one of the plan components be available to pay benefits due under the other plan component.

''(4) NOT A TERMINATION EVENT.—Notwithstanding section 4041A of the Employee Retirement Income Security Act of 1974, an amendment pursuant to paragraph (1) to incorporate the features of a composite plan as a component of a multiemployer plan does not constitute termination of the multiemployer plan.

''(5) NOTICE TO THE SECRETARY OF LABOR.—

''(A) NOTICE.—The plan sponsor of a composite plan shall provide notice to the Secretary of Labor of the intent to establish the composite plan (or, in the case of a composite plan incorporated as a component of a multiemployer plan as described in paragraph (1), the intent to amend the multiemployer plan to incorporate such composite plan) at least 30 days prior to the effective date of such establishment or amendment.

''(B) CERTIFICATION.—In the case of a composite plan incorporated as a component of a multiemployer plan as described in paragraph (1), such notice shall include a certification by the plan actuary under section 432(b)(4) that the effective date of the amendment occurs in a plan year for which the multiemployer plan is not in endangered or critical status for that plan year and any of the succeeding 5 plan years.

''(6) REFERENCES TO COMPOSITE PLAN COMPONENT.—As used in this part, the term 'composite plan' includes a composite plan component added to a defined benefit plan pursuant to paragraph (1).

''(7) RULE OF CONSTRUCTION.—Paragraph (2)(A) shall not be construed as preventing the plan sponsor of a multiemployer plan from adopting an amendment pursuant to paragraph (1) because some collective bargaining agreements are amended to cease any covered employer's obligation to contribute to the multiemployer plan before or after the plan amendment is effective. Paragraph (2)(B) shall not be construed as preventing the plan sponsor of a multiemployer plan from adopting an amendment pursuant to paragraph (1) because some participants cease to have contributions made to the multiemployer plan on their behalf before or after the plan amendment is effective.

''(c) COORDINATION WITH FUNDING RULES.—Except as otherwise provided in this part, sections 412, 431, and 432 shall not apply to a composite plan.

''(d) TREATMENT OF A COMPOSITE PLAN.—For purposes of this title (other than sections 412 and 418E), a composite plan shall be treated as if it were a defined benefit plan unless a different treatment is provided for under applicable law.

''SEC. 438. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.

''(a) CERTIFICATION OF FUNDED RATIOS.—

''(1) IN GENERAL.—Not later than the one-hundred twentieth day of each plan year of a composite plan, the plan actuary of the composite plan shall certify to the Secretary, the Secretary of Labor, and the plan sponsor the plan's current funded ratio and projected funded ratio for the plan year.

''(2) DETERMINATION OF CURRENT FUNDED RATIO AND PROJECTED FUNDED RATIO.—For purposes of this section—

''(A) CURRENT FUNDED RATIO.—The current funded ratio is the ratio (expressed as a percentage) of—

''(i) the value of the plan's assets as of the first day of the plan year, to

''(ii) the plan actuary's calculation of the present value of the plan liabilities as of the first day of the plan year.

''(B) PROJECTED FUNDED RATIO.—The projected funded ratio is the funded ratio determined under subparagraph (A), projected as of the first day of the fifteenth plan year following the plan year for which the determination is being made.

''(3) CONSIDERATION OF CONTRIBUTION RATE INCREASES.—For purposes of projections under this subsection, the plan actuary may anticipate contribution rate increases beyond the term of the current collective bargaining agreement and any agreed-to supplements, if reasonable, not to exceed 2.5 percent per year, compounded annually.

''(b) ACTUARIAL ASSUMPTIONS AND METHODS.—For purposes of this part—

''(1) IN GENERAL.—All costs, liabilities, rates of interest, and other factors under the plan shall be determined for a plan year on the basis of actuarial assumptions and methods—

''(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations),

''(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan, and

''(C) with respect to which any change from the actuarial assumptions and methods used in the previous plan year shall be certified by the plan actuary and the actuarial rationale for such change provided in the annual report required by section 6058.

''(2) FAIR MARKET VALUE OF ASSETS.—The value of the plan's assets shall be taken into account on the basis of their fair market value.

''(3) DETERMINATION OF NORMAL COST AND PLAN LIABILITIES.—A plan's normal cost and liabilities shall be based on—

''(A) the most recent actuarial valuation required under section 437(a)(5)(A) and the unit credit funding method; and

''(B) rates of interest subject to section 431(b)(6).

''(4) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—Any contributions for a plan year made by an employer after the last day of such plan year, but not later than 2½ months after such day, shall be deemed to have been made on such last day. For purposes of this paragraph, such 2½-month period may be extended to a total of not more than 120 days under regulations prescribed by the Secretary.

''(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—Except where otherwise provided in this part, the provisions of section 432(b)(4)(B) shall apply to any determination or projection under this part.

''SEC. 439. REALIGNMENT PROGRAM.

''(a) REALIGNMENT PROGRAM.—

''(1) ADOPTION.—In any case in which the plan actuary certifies under section 438(a) that the plan's projected funded ratio is below 120 percent for the plan year, the plan sponsor shall adopt a realignment program under paragraph (2) not later than 210 days after the due date of the certification required under section 438(a). The plan sponsor shall adopt an updated realignment program for each succeeding plan year for which a certification described in the preceding sentence is made.

''(2) CONTENT OF REALIGNMENT PROGRAM.—

''(A) IN GENERAL.—A realignment program adopted under this paragraph is a written program which consists of reasonable measures, including options or a range of options to be undertaken by the plan sponsor or proposed to the bargaining parties, formulated, based on reasonably anticipated experience and reasonable actuarial assumptions, to enable the plan to achieve a projected funded ratio of at least 120 percent for the following plan year.

''(B) INITIAL PROGRAM ELEMENTS.—Reasonable measures under a realignment program described in subparagraph (A) may include any of the following:

''(i) Proposed contribution increases.

''(ii) A reduction in the rate of future benefit accruals, so long as the resulting rate shall not be less than 1 percent of the contributions on which benefits are based as of the start of the plan year (or the equivalent standard accrual rate as described in section 432(f)(6)).

''(iii) A modification or elimination of adjustable benefits of participants that are not in pay status before the date of the notice required under subsection (b)(1).

''(iv) Any other legally available measures not specifically described in this subparagraph or subparagraph (C) or (D) that the plan sponsor determines are reasonable.

''(C) ADDITIONAL PROGRAM ELEMENTS.—If the plan sponsor has determined that all reasonable measures available under subparagraph (B) will not enable the plan to achieve a projected funded ratio of at least 120 percent the following plan year, such realignment program may also include—

''(i) a reduction of accrued benefits that are not in pay status by the date of the notice required under subsection (b)(1), or

''(ii) a reduction of any benefits of participants that are in pay status before the date of the notice required under subsection (b)(1) other than core benefits as defined in paragraph (4).

''(D) ADDITIONAL REDUCTIONS.—In the case of a composite plan for which the plan sponsor has determined that all reasonable measures available under subparagraphs (B) and (C) will not enable the plan to achieve a projected funded ratio of at least 120 percent for the following plan year, the realignment program may also include—

''(i) a further reduction in the rate of future benefit accruals without regard to the limitation applicable under subparagraph (B)(ii), or

''(ii) a reduction of core benefits,

provided that such reductions shall be equitably distributed across the participant and beneficiary population, taking into account factors, with respect to participants and beneficiaries and their benefits, that may include one or more of the factors listed in subclauses (I) through (X) of section 432(f)(9)(D)(vi), to the extent necessary to enable the plan to achieve a projected funded ratio of at least 120 percent for the following plan year.

''(3) ADJUSTABLE BENEFIT DEFINED.—For purposes of this part, the term 'adjustable benefit' means—

''(A) benefits, rights, and features under the plan, including post-retirement death benefits, disability benefits not yet in pay status, and similar benefits,

''(B) any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)) (including early reduction factors which are not provided on an actuarially equivalent basis) and any benefit payment option (other than the qualified joint and survivor annuity),

''(C) benefit increases which were adopted (or, if later, took effect) less than 120 months before the first day of the first plan year in which such realignment program took effect,

''(D) any one-time bonus payment or 'thirteenth check' provision, and

''(E) benefits granted for period of service prior to participation in the plan.

''(4) CORE BENEFIT DEFINED.—For purposes of this part, the term 'core benefit' means a participant's accrued benefit payable in the normal form of an annuity commencing at normal retirement age, determined without regard to—

''(A) any early retirement benefits, retirement-type subsidies, or other benefits, rights, or features that may be associated with that benefit, and

''(B) any cost-of-living adjustments or benefit increases effective after the date of retirement.

''(5) COORDINATION WITH CONTRIBUTION INCREASES.—

''(A) IN GENERAL.—A realignment program may provide that some or all of the benefit modifications described in the program will only take effect if the bargaining parties fail to agree to specified levels of increases in contributions to the plan, effective as of specified dates.

''(B) INDEPENDENT BENEFIT MODIFICATIONS.—If a realignment program adopts any changes to the benefit formula that are independent of potential contribution increases, such changes shall take effect not later than 180 days following the first day of the first plan year that begins following the adoption of the realignment program.

''(C) CONDITIONAL BENEFIT MODIFICATIONS.—If a realignment program adopts any changes to the benefit formula that take effect only if the bargaining parties fail to agree to contribution increases, such changes shall take effect not later than the first day of the first plan year beginning after the third anniversary of the date of adoption of the realignment program.

''(D) REVOCATION OF CERTAIN BENEFIT MODIFICATIONS.—Benefit modifications described in paragraph (3) may be revoked, in whole or in part, and retroactively or prospectively, when contributions to the plan are increased, as specified in the realignment program, including any amendments thereto. The preceding sentence shall not apply unless the contribution increases are to be effective not later than the fifth anniversary of the first day of the first plan year that begins after the adoption of the realignment program.

''(b) NOTICE.—

''(1) IN GENERAL.—In any case in which it is certified under section 438(a) that the projected funded ratio is less than 120 percent, the plan sponsor shall, not later than 30 days after the date of the certification, provide notification of the current and projected funded ratios to the participants and beneficiaries, the bargaining parties, the Secretary of Labor, and the Secretary. Such notice shall include—

''(A) an explanation that contribution rate increases or benefit reductions may be necessary,

''(B) a description of the types of benefits that might be reduced, and

''(C) an estimate of the contribution increases and benefit reductions that may be necessary to achieve a projected funded ratio of 120 percent.

''(2) NOTICE OF BENEFIT MODIFICATIONS.—

''(A) IN GENERAL.—No modifications may be made that reduce the rate of future benefit accrual or that reduce core benefits or adjustable benefits unless notice of such reduction has been given at least 180 days before the general effective date of such reduction for all participants and beneficiaries to—

''(i) plan participants and beneficiaries,

''(ii) each employer who has an obligation to contribute to the composite plan, and

''(iii) each employee organization which, for purposes of collective bargaining, represents plan participants employed by such employers.

''(B) CONTENT OF NOTICE.—The notice under subparagraph (A) shall contain—

''(i) sufficient information to enable participants and beneficiaries to understand the effect of any reduction on their benefits, including an illustration of any affected benefit or subsidy, on an annual or monthly basis that a participant or beneficiary would otherwise have been eligible for as of the general effective date described in subparagraph (A), and

''(ii) information as to the rights and remedies of plan participants and beneficiaries as well as how to contact the Department of the Treasury for further information and assistance, where appropriate.

''(C) FORM AND MANNER.—Any notice under subparagraph (A)—

''(i) shall be provided in a form and manner prescribed in regulations of the Secretary,

''(ii) shall be written in a manner so as to be understood by the average plan participant.

''(3) MODEL NOTICES.—The Secretary shall—

''(A) prescribe model notices that the plan sponsor of a composite plan may use to satisfy the notice requirements under this subsection, and

''(B) by regulation enumerate any details related to the elements listed in paragraph (1) that any notice under this subsection must include.

''(4) DELIVERY METHOD.—Any notice under this part shall be provided in writing and may be provided in electronic form to the extent that the form is reasonably accessible to persons to whom the notice is provided.

''SEC. 440. LIMITATION ON INCREASING BENEFITS.

''(a) LEVEL OF CURRENT FUNDED RATIOS.—Except as provided in subsections (c), (d), and (e), no plan amendment increasing benefits or establishing new benefits under a composite plan may be adopted for a plan year unless—

''(1) the plan's current funded ratio is at least 110 percent (without regard to the benefit increase or new benefits),

''(2) taking the benefit increase or new benefits into account, the current funded ratio is at least 100 percent and the projected funded ratio for the current plan year is at least 120 percent,

''(3) in any case in which, after taking the benefit increase or new benefits into account, the current funded ratio is less than 140 percent or the projected funded ratio is less than 140 percent, the benefit increase or new benefits are projected by the plan actuary to increase the present value of the plan's liabilities for the plan year by not more than 3 percent, and

''(4) expected contributions for the current plan year are at least 120 percent of normal cost for the plan year, determined using the unit credit funding method and treating the benefit increase or new benefits as in effect for the entire plan year.

''(b) ADDITIONAL REQUIREMENTS WHERE CORE BENEFITS REDUCED.—If a plan has been

amended to reduce core benefits pursuant to a realignment program under section 439(a)(2)(D), such plan may not be subsequently amended to increase core benefits unless the amendment—

''(1) increases the level of future benefit payments only, and

''(2) provides for an equitable distribution of benefit increases across the participant and beneficiary population, taking into account the extent to which the benefits of participants were previously reduced pursuant to such realignment program.

''(c) EXCEPTION TO COMPLY WITH APPLICABLE LAW.—Subsection (a) shall not apply in connection with a plan amendment if the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 or to comply with other applicable law.

''(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE LIMIT APPLIES.—Subsection (a) shall not apply in connection with a plan amendment if and to the extent that contributions to the composite plan would not be deductible for the plan year under section 404(a)(1)(E) if the plan amendment is not adopted. The Secretary of the Treasury shall issue regulations to implement this paragraph.

''(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICATIONS.—Subsection (a) shall not apply in connection with a plan amendment under section 439(a)(5)(C), regarding conditional benefit modifications.

''(f) TREATMENT OF PLAN AMENDMENTS.—For purposes of this section—

''(1) if two or more plan amendments increasing benefits or establishing new benefits are adopted in a plan year, such amendments shall be treated as a single amendment adopted on the last day of the plan year,

''(2) all benefit increases and new benefits adopted in a single amendment are treated as a single benefit increase, irrespective of whether the increases and new benefits take effect in more than one plan year, and

''(3) increases in contributions or decreases in plan liabilities which are scheduled to take effect in future plan years may be taken into account in connection with a plan amendment if they have been agreed to in writing or otherwise formalized by the date the plan amendment is adopted.

''SEC. 440A. COMPOSITE PLAN RESTRICTIONS TO PRESERVE LEGACY PLAN FUNDING.

''(a) TREATMENT AS A LEGACY PLAN.—

''(1) IN GENERAL.—For purposes of this subchapter, a defined benefit plan shall be treated as a legacy plan with respect to the composite plan under which employees who were eligible to accrue a benefit under the defined benefit plan become eligible to accrue a benefit under such composite plan.

''(2) COMPONENT PLANS.—In any case in which a defined benefit plan is amended to add a composite plan component pursuant to section 437(b), paragraph (1) shall be applied by substituting 'defined benefit component' for 'defined benefit plan' and 'composite plan component' for 'composite plan'.

''(3) ELIGIBLE TO ACCRUE A BENEFIT.—For purposes of paragraph (1), an employee is considered eligible to accrue a benefit under a composite plan as of the first day in which the employee completes an hour of service under a collective bargaining agreement that provides for contributions to and accruals under the composite plan in lieu of accruals under the defined benefit plan.

''(4) COLLECTIVE BARGAINING AGREEMENT.—As used in this part, the term 'collective bargaining agreement' includes any agreement under which an employer has an obligation to contribute to a plan.

''(5) OTHER TERMS.—Any term used in this part which is not defined in this part and which is also used in section 432 shall have the same meaning provided such term in such section.

''(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE PLAN OF AGREEMENTS AND CONTRIBUTIONS.—

''(1) IN GENERAL.—The plan sponsor of a composite plan shall not accept or recognize a collective bargaining agreement (or any modification to such agreement), and no contributions may be accepted and no benefits may be accrued or otherwise earned under the agreement—

''(A) in any case in which the plan actuary of any defined benefit plan that would be treated as a legacy plan with respect to such composite plan has certified under section 432(b)(4) that such defined benefit plan is or will be in endangered or critical status for the plan year in which such agreement would take effect or for any of the succeeding 5 plan years, and

''(B) unless the agreement requires each employer who is a party to such agreement, including employers whose employees are not participants in the legacy plan, to provide contributions to the legacy plan with respect to such composite plan in a manner that satisfies the transition contribution requirements of subsection (d).

''(2) NOTICE.—Not later than 30 days after a determination by a plan sponsor of a composite plan that an agreement fails to satisfy the requirements described in paragraph (1), the plan sponsor shall provide notification of such failure and the reasons for such determination to—

''(A) the parties to the agreement,

''(B) active participants of the composite plan who have ceased to accrue or otherwise earn benefits with respect to service with an employer pursuant to paragraph (1), and

''(C) the Secretary of Labor, the Secretary of the Treasury, and the Pension Benefit Guaranty Corporation.

''(3) LIMITATION ON RETROACTIVE EFFECT.—This subsection shall not apply to benefits accrued before the date on which notice is provided under paragraph (2).

''(c) RESTRICTION ON ACCRUAL OF BENEFITS UNDER A COMPOSITE PLAN.—

''(1) IN GENERAL.—In any case in which an employer, under a collective bargaining agreement entered into after the date of enactment of the Chris Allen Multiemployer Pension Recapitalization and Reform Act of 2020, ceases to have an obligation to contribute to a multiemployer defined benefit plan, no employees employed by the employer may accrue or otherwise earn benefits under any composite plan, with respect to service with that employer, for a 60-month period beginning on the date on which the employer entered into such collective bargaining agreement.

''(2) NOTICE OF CESSATION OF OBLIGATION.—Within 30 days of determining that an employer has ceased to have an obligation to contribute to a legacy plan with respect to employees employed by an employer that is or will be contributing to a composite plan with respect to service of such employees, the plan sponsor of the legacy plan shall notify the plan sponsor of the composite plan of that cessation.

''(3) NOTICE OF CESSATION OF ACCRUALS.—Not later than 30 days after determining that an employer has ceased to have an obligation to contribute to a legacy plan, the plan sponsor of the composite plan shall notify the bargaining parties, the active participants affected by the cessation of accruals, the Secretary, the Secretary of Labor, and the Pension Benefit Guaranty Corporation of the cessation of accruals, the period during which such cessation is in effect, and the reasons therefor.

''(4) LIMITATION ON RETROACTIVE EFFECT.—This subsection shall not apply to benefits accrued before the date on which notice is provided under paragraph (3).

''(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

''(1) IN GENERAL.—A collective bargaining agreement satisfies the transition contribution requirements of this subsection if the agreement—

''(A) authorizes for payment of contributions to a legacy plan at a rate, or multiple rates, as described in paragraph (2)(B), equal to or greater than the transition contribution rate established under paragraph (2), and

''(B) does not provide for—

''(i) a suspension of contributions to the legacy plan with respect to any period of service, or

''(ii) any new direct or indirect exclusion of younger or newly hired employees of the employer from being taken into account in determining contributions owed to the legacy plan.

''(2) TRANSITION CONTRIBUTION RATE.—

''(A) IN GENERAL.—The transition contribution rate for a plan year is the contribution rate that, as certified by the actuary of the legacy plan in accordance with the principles in section 432(b)(4)(B), is reasonably expected to be adequate—

''(i) to fund the normal cost for the plan year,

''(ii) to amortize the plan's unfunded liabilities in level annual installments over 25 years, beginning with the plan year in which the transition contribution rate is first established, and

''(iii) to amortize any subsequent changes in the legacy plan's unfunded liability due to experience gains or losses (including investment gains or losses, gains or losses due to contributions greater or less than the contributions made under the prior transition contribution rate, and other actuarial gains or losses), changes in actuarial assumptions, changes to the legacy plan's benefits, or changes in funding method over a period of 15 plan years beginning with the plan year following the plan year in which such change in unfunded liability is incurred, unless otherwise prescribed.

The transition contribution rate for any plan year may not be less than the transition contribution rate for the plan year in which such rate is first established.

''(B) MULTIPLE RATES.—If different rates of contribution are payable to the legacy plan by different employers or for different classes of employees, the certification by the actuary of the legacy plan shall specify a transition contribution rate for each such employer or class of employees.

''(C) RATE APPLICABLE TO EMPLOYER.—

''(i) IN GENERAL.—Except as provided by clause (ii), the transition contribution rate applicable to an employer for a plan year is the rate in effect for the plan year of the legacy plan that commences on or after 180 days before the earlier of—

''(I) the effective date of the collective bargaining agreement pursuant to which the employer contributes to the legacy plan, or

''(II) 5 years after the last plan year for which the transition contribution rate applicable to the employer was established or updated.

''(ii) EXCEPTION.—The transition contribution rate applicable to an employer for the first plan year beginning on or after the commencement of the employer's obligation to contribute to the composite plan is the rate in effect for the plan year of the legacy plan that commences on or after 180 days before such first plan year.

''(D) EFFECT OF LEGACY PLAN FINANCIAL CIRCUMSTANCES.—If the plan actuary of the legacy plan has certified under section 432 that the plan is in endangered or critical status

for a plan year, the transition contribution rate for the following plan year is the rate determined with respect to the employer under the legacy plan's funding improvement or rehabilitation plan under section 432, if greater than the rate otherwise determined, but in no event shall the transition contribution rate be greater than 75 percent of the sum of the contribution rates applicable to the legacy plan and the composite plan for the plan year. Notwithstanding the preceding sentence, if the transition contribution rate in the prior year is more than 75 percent of the sum of the contribution rates applicable to the legacy plan and the composite plan for the prior plan year, the transition contribution rate applicable to the legacy plan shall not be subject to the 75-percent limitation, but shall be neither increased nor reduced as a percentage of the sum of the contribution rates applicable to the legacy plan and the composite plan for the plan year.

''(E) OTHER ACTUARIAL ASSUMPTIONS AND METHODS.—Except as provided in subparagraph (A), the determination of the transition contribution rate for a plan year shall be based on actuarial assumptions and methods consistent with the minimum funding determinations made under section 431 (or, if applicable, section 432) with respect to the legacy plan for the plan year.

''(F) ADJUSTMENTS IN RATE.—The plan sponsor of a legacy plan from time to time may adjust the transition contribution rate or rates applicable to an employer under this paragraph by increasing some rates and decreasing others if the actuary certifies that such adjusted rates in combination will produce projected contribution income for the plan year beginning on or after the date of certification that is not less than would be produced by the transition contribution rates in effect at the time of the certification.

''(G) NOTICE OF TRANSITION CONTRIBUTION RATE.—The plan sponsor of a legacy plan shall provide notice to the parties to collective bargaining agreements pursuant to which contributions are made to the legacy plan of changes to the transition contribution rate requirements at least 30 days before the beginning of the plan year for which the rate is effective.

''(H) NOTICE TO COMPOSITE PLAN SPONSOR.—Not later than 30 days after a determination by the plan sponsor of a legacy plan that a collective bargaining agreement provides for a rate of contributions that is below the transition contribution rate applicable to one or more employers that are parties to the collective bargaining agreement, the plan sponsor of the legacy plan shall notify the plan sponsor of any composite plan under which employees of such employer would otherwise be eligible to accrue a benefit.

''(3) CORRECTION PROCEDURES.—Pursuant to standards prescribed by the Secretary of Labor, the plan sponsor of a composite plan shall adopt rules and procedures that give the parties to the collective bargaining agreement notice of the failure of such agreement to satisfy the transition contribution requirements of this subsection, and a reasonable opportunity to correct such failure, not to exceed 180 days from the date of notice given under subsection (b)(2).

''(4) SUPPLEMENTAL CONTRIBUTIONS.—A collective bargaining agreement may provide for supplemental contributions to the legacy plan for a plan year in excess of the transition contribution rate determined under paragraph (2), regardless of whether the legacy plan is in endangered or critical status for such plan year.

''(e) NONAPPLICATION OF COMPOSITE PLAN RESTRICTIONS.—

''(1) IN GENERAL.—The provisions of subsections (a), (b), and (c) shall not apply with respect to a collective bargaining agreement, to the extent the agreement, or a predecessor agreement, provides or provided for contributions to a defined benefit plan that is a legacy plan, as of the first day of the first plan year following a plan year for which the plan actuary certifies that the plan is fully funded, has been fully funded for at least three out of the immediately preceding 5 plan years, and is projected to remain fully funded for at least the following 4 plan years.

''(2) DETERMINATION OF FULLY FUNDED.—A plan is fully funded for purposes of paragraph (1) if, as of the valuation date of the plan for a plan year, the value of the plan's assets equals or exceeds the present value of the plan's liabilities, determined in accordance with the rules prescribed by the Pension Benefit Guaranty Corporation under sections 4219(c)(1)(D) and 4281 of Employee Retirement Income and Security Act for multiemployer plans terminating by mass withdrawal, as in effect for the date of the determination, except the plan's reasonable assumption regarding the starting date of benefits may be used.

''(3) OTHER APPLICABLE RULES.—Except as provided in paragraph (2), actuarial determinations and projections under this section shall be based on the rules in section 438(b).

''SEC. 440B. MERGERS AND ASSET TRANSFERS OF COMPOSITE PLANS.

''(a) IN GENERAL.—Assets and liabilities of a composite plan may only be merged with, or transferred to, another plan if—

''(1) the other plan is a composite plan,

''(2) the plan or plans resulting from the merger or transfer is a composite plan,

''(3) no participant's accrued benefit or adjustable benefit is lower immediately after the transaction than it was immediately before the transaction, and

''(4) the value of the assets transferred in the case of a transfer reasonably reflects the value of the amounts contributed with respect to the participants whose benefits are being transferred, adjusted for allocable distributions, investment gains and losses, and administrative expenses.

A plan which is not a composite plan may not merge with or transfer assets and liabilities to a composite plan.

''(b) LEGACY PLAN.—

''(1) IN GENERAL.—After a merger or transfer involving a composite plan, the legacy plan with respect to an employer that is obligated to contribute to the resulting composite plan is the legacy plan that applied to that employer immediately before the merger or transfer.

''(2) MULTIPLE LEGACY PLANS.—If an employer is obligated to contribute to more than one legacy plan with respect to employees eligible to accrue benefits under more than one composite plan and there is a merger or transfer of such legacy plans, the transition contribution rate applicable to the legacy plan resulting from the merger or transfer with respect to that employer shall be determined in accordance with the provisions of section 440A(d)(2)(B).''.

(2) CLERICAL AMENDMENT.—The table of parts for subchapter D of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART IV—COMPOSITE PLANS AND LEGACY PLANS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 502. APPLICATION OF CERTAIN REQUIREMENTS TO COMPOSITE PLANS.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) TREATMENT FOR PURPOSES OF FUNDING NOTICES.—Section 101(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(f)), as amended by this Act, is further amended—

(A) in paragraph (1) by striking ''title IV applies'' and inserting ''title IV applies or which is a composite plan''; and

(B) by adding at the end the following:

''(5) APPLICATION TO COMPOSITE PLANS.—The provisions of this subsection shall apply to a composite plan only to the extent prescribed by the Secretary in regulations that take into account the differences between a composite plan and a defined benefit plan that is a multiemployer plan.''.

(2) TREATMENT FOR PURPOSES OF ANNUAL REPORT.—Section 103 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023) is amended—

(A) in subsection (d) by adding at the end the following sentence: ''The provisions of this subsection shall apply to a composite plan only to the extent prescribed by the Secretary in regulations that take into account the differences between a composite plan and a defined benefit plan that is a multiemployer plan.'';

(B) in subsection (f) by adding at the end the following:

''(3) ADDITIONAL INFORMATION FOR COMPOSITE PLANS.—With respect to any composite plan—

''(A) the provisions of paragraph (1)(A) shall apply by substituting 'current funded ratio and projected funded ratio (as such terms are defined in section 802(a)(2))' for 'funded percentage' each place it appears; and

''(B) the provisions of paragraph (2) shall apply only to the extent prescribed by the Secretary in regulations that take into account the differences between a composite plan and a defined benefit plan that is a multiemployer plan.''; and

(C) by adding at the end the following:

''(h) COMPOSITE PLANS.—A multiemployer plan that incorporates the features of a composite plan as provided in section 801(b) shall be treated as a single plan for purposes of the report required by this section, except that separate financial statements and actuarial statements shall be provided under paragraphs (3) and (4) of subsection (a) for the defined benefit plan component and for the composite plan component of the multiemployer plan.''.

(3) TREATMENT FOR PURPOSES OF PENSION BENEFIT STATEMENTS.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025(a)) is amended by adding at the end the following:

''(4) COMPOSITE PLANS.—For purposes of this subsection, a composite plan shall be treated as a defined benefit plan to the extent prescribed by the Secretary in regulations that take into account the differences between a composite plan and a defined benefit plan that is a multiemployer plan.''.

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—Section 6058 of the Internal Revenue Code of 1986 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following:

''(f) COMPOSITE PLANS.—A multiemployer plan that incorporates the features of a composite plan as provided in section 437(b) shall be treated as a single plan for purposes of the return required by this section, except that separate financial statements shall be provided for the defined benefit plan component and for the composite plan component of the multiemployer plan.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 503. TREATMENT OF COMPOSITE PLANS UNDER TITLE IV.

(a) DEFINITION.—Section 4001(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301(a)) is amended by striking the period at the end of paragraph (21) and inserting a semicolon and by adding at the end the following:

''(22) COMPOSITE PLAN.—The term 'composite plan' has the meaning set forth in section 801.''.

(b) COMPOSITE PLANS DISREGARDED FOR CALCULATING PREMIUMS.—Section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)) is amended by adding at the end the following:

''(9) The composite plan component of a multiemployer plan shall be disregarded in determining the premiums due under this section from the multiemployer plan.''.

(c) COMPOSITE PLANS NOT COVERED.—Section 4021(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321(b)(1)) is amended by striking ''Act'' and inserting ''Act, or a composite plan, as defined in paragraph (43) of section 3 of this Act''.

(d) NO WITHDRAWAL LIABILITY.—Section 4201 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1381) is amended by adding at the end the following:

''(c) Contributions by an employer to the composite plan component of a multiemployer plan shall not be taken into account for any purpose under this title.''.

(e) NO WITHDRAWAL LIABILITY FOR CERTAIN PLANS.—Section 4201 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1381) is further amended by adding at the end the following:

''(d) Contributions by an employer to a multiemployer plan described in the except clause of section 3(35) of this Act pursuant to a collective bargaining agreement that specifically designates that such contributions shall be allocated to the separate defined contribution accounts of participants under the plan shall not be taken into account with respect to the defined benefit portion of the plan for any purpose under this title (including the determination of the employer's highest contribution rate under section 4219), even if, under the terms of the plan, participants have the option to transfer assets in their separate defined contribution accounts to the defined benefit portion of the plan in return for service credit under the defined benefit portion, at rates established by the plan sponsor.

''(e) A legacy plan created under section 805 shall be deemed to have no unfunded vested benefits for purposes of this part, for each plan year following a period of 5 consecutive plan years for which—

''(1) the plan was fully funded within the meaning of section 805 for at least 3 of the plan years during that period, ending with a plan year for which the plan is fully funded;

''(2) the plan had no unfunded vested benefits for at least 3 of the plan years during that period, ending with a plan year for which the plan is fully funded; and

''(3) the plan is projected to be fully funded and to have no unfunded vested benefits for the following four plan years.''.

(f) NO WITHDRAWAL LIABILITY FOR EMPLOYERS CONTRIBUTING TO CERTAIN FULLY FUNDED LEGACY PLANS.—Section 4211 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1382) is amended by adding at the end the following:

''(g) LEGACY PLANS.—No amount of unfunded vested benefits shall be allocated to an employer that has an obligation to contribute to a legacy plan described in subsection (e) of section 4201 for each plan year for which such subsection applies.''.

(g) NO OBLIGATION TO CONTRIBUTE.—Section 4212 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1392) is amended by adding at the end the following:

''(d) NO OBLIGATION TO CONTRIBUTE.—An employer shall not be treated as having an obligation to contribute to a multiemployer defined benefit plan within the meaning of subsection (a) solely because—

''(1) in the case of a multiemployer plan that includes a composite plan component, the employer has an obligation to contribute to the composite plan component of the plan;

''(2) the employer has an obligation to contribute to a composite plan that is maintained pursuant to one or more collective bargaining agreements under which the multiemployer defined benefit plan is or previously was maintained; or

''(3) the employer contributes or has contributed under section 805(d) to a legacy plan associated with a composite plan pursuant to a collective bargaining agreement but employees of that employer were not eligible to accrue benefits under the legacy plan with respect to service with that employer.''.

(h) NO INFERENCE.—Nothing in the amendment made by subsection (e) shall be construed to create an inference with respect to the treatment under title IV of the Employee Retirement Income Security Act of 1974, as in effect before such amendment, of contributions by an employer to a multiemployer plan described in the except clause of section 3(35) of such Act that are made before the effective date of subsection (e) specified in subsection (h)(2).

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in subparagraph (2), the amendments made by this section shall apply to plan years beginning after the date of the enactment of this Act.

(2) SPECIAL RULE FOR SECTION 414(k) MULTIEMPLOYER PLANS.—The amendment made by subsection (e) shall apply only to required contributions payable for plan years beginning after the date of the enactment of this Act.

SEC. 504. CONFORMING CHANGES.

(a) DEFINITIONS.—

(1) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) is amended—

(A) in paragraph (35), by inserting ''or a composite plan'' after ''other than an individual account plan''; and

(B) by adding at the end the following:

''(43) The term 'composite plan' has the meaning given the term in section 801(a).''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 414(j) of the Internal Revenue Code of 1986 is amended by inserting '', other than a composite plan (as defined in section 437(a)),'' after ''any plan''.

(b) SPECIAL FUNDING RULE FOR CERTAIN LEGACY PLANS.—

(1) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)), as amended by this Act, is amended by adding at the end the following:

''(10) SPECIAL FUNDING RULE FOR CERTAIN LEGACY PLANS.—In the case of a multiemployer defined benefit plan that has adopted an amendment under section 801(b), in accordance with which no further benefits shall accrue under the multiemployer defined benefit plan, the plan sponsor may combine the outstanding balance of all charge and credit bases and amortize that combined base in level annual installments (until fully amortized) over a period of 25 plan years beginning with the plan year following the date all benefit accruals ceased, but only if the plan is not in endangered or critical status under section 305.''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following:

''(10) SPECIAL FUNDING RULE FOR CERTAIN LEGACY PLANS.—In the case of a multiemployer defined benefit plan that has adopted an amendment under section 437(b), in accordance with which no further benefits shall accrue under the multiemployer defined benefit plan, the plan sponsor may combine the outstanding balance of all charge and credit bases and amortize that combined base in level annual installments (until fully amortized) over a period of 25 plan years beginning with the plan year following the date on which all benefit accruals ceased, but only if the plan is not in endangered or critical status under section 432.''.

(c) BENEFITS AFTER MERGER, CONSOLIDATION, OR TRANSFER OF ASSETS.—

(1) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 208 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1058) is amended—

(A) by striking so much of the first sentence as precedes ''may not merge'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), a pension plan may not merge, and''; and

(B) by striking the second sentence and adding at the end the following:

''(2) SPECIAL REQUIREMENTS FOR MULTIEMPLOYER PLANS.—Paragraph (1) shall not apply to any transaction to the extent that participants either before or after the transaction are covered under a multiemployer plan to which title IV of this Act applies or a composite plan.''.

(2) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(A) QUALIFICATION REQUIREMENT.—Section 401(a)(12) of the Internal Revenue Code of 1986 is amended—

(i) by striking ''(12) A trust'' and inserting the following:

''(12) BENEFITS AFTER MERGER, CONSOLIDATION, OR TRANSFER OF ASSETS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a trust'';

(ii) by striking the second sentence; and

(iii) by adding at the end the following:

''(B) SPECIAL REQUIREMENTS FOR MULTIEMPLOYER PLANS.—Subparagraph (A) shall not apply to any multiemployer plan with respect to any transaction to the extent that participants either before or after the transaction are covered under a multiemployer plan to which title IV of the Employee Retirement Income Security Act of 1974 applies or a composite plan.''.

(B) ADDITIONAL QUALIFICATION REQUIREMENT.—Paragraph (1) of section 414(l) of such Code is amended—

(i) by striking ''(1) IN GENERAL'' and all that follows through ''shall not constitute'' and inserting the following:

''(1) BENEFIT PROTECTIONS: MERGER, CONSOLIDATION, TRANSFER.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a trust which forms a part of a plan shall not constitute''; and

(ii) by striking the second sentence; and

(iii) by adding at the end the following:

''(B) SPECIAL REQUIREMENTS FOR MULTIEMPLOYER PLANS.—Subparagraph (A) does not apply to any multiemployer plan with respect to any transaction to the extent that participants either before or after the transaction are covered under a multiemployer plan to which title IV of the Employee Retirement Income Security Act of 1974 applies or a composite plan.''.

(d) REQUIREMENTS FOR STATUS AS A QUALIFIED PLAN.—

(1) REQUIREMENT THAT ACTUARIAL ASSUMPTIONS BE SPECIFIED.—Section 401(a)(25) of the Internal Revenue Code of 1986 is amended by inserting ''(in the case of a composite plan,

benefits objectively calculated pursuant to a formula)'' after ''definitely determinable benefits''.

(2) MISSING PARTICIPANTS IN TERMINATING COMPOSITE PLAN.—Section 401(a)(34) of the Internal Revenue Code of 1986 is amended by striking '', a trust'' and inserting ''or a composite plan, a trust''.

(e) DEDUCTION FOR CONTRIBUTIONS TO A QUALIFIED PLAN.—Section 404(a)(1) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following:

''(E) COMPOSITE PLANS.—

''(i) IN GENERAL.—In the case of a composite plan, subparagraph (D) shall not apply and the maximum amount deductible for a plan year shall be the excess (if any) of—

''(I) 140 percent of the greater of—

''(aa) the current liability of the plan determined in accordance with the principles of section 431(c)(6)(D), or

''(bb) the present value of plan liabilities as determined under section 438, over

''(II) the fair market value of the plan's assets, projected to the end of the plan year.

''(ii) SPECIAL RULES FOR PREDECESSOR MULTIEMPLOYER PLAN TO COMPOSITE PLAN.—

''(I) IN GENERAL.—Except as provided in subclause (II), if an employer contributes to a composite plan with respect to its employees, contributions by that employer to a legacy plan with respect to some or all of the same group of employees shall be deductible under sections 162 and this section, subject to the limits in subparagraph (D).

''(II) TRANSITION CONTRIBUTION.—The full amount of a contribution to satisfy the transition contribution requirement (as defined in section 440A(d)) and allocated to the legacy defined benefit plan for the plan year shall be deductible for the employer's taxable year ending with or within the plan year.''.

(f) MINIMUM VESTING STANDARDS.—

(1) YEARS OF SERVICE UNDER COMPOSITE PLANS.—

(A) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 203 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053) is amended by inserting after subsection (f) the following:

''(g) SPECIAL RULES FOR COMPUTING YEARS OF SERVICE UNDER COMPOSITE PLANS.—

''(1) IN GENERAL.—In determining a qualified employee's years of service under a composite plan for purposes of this section, the employee's years of service under a legacy plan shall be treated as years of service earned under the composite plan. For purposes of such determination, a composite plan shall not be treated as a defined benefit plan pursuant to section 801(d).

''(2) QUALIFIED EMPLOYEE.—For purposes of this subsection, an employee is a qualified employee if the employee first completes an hour of service under the composite plan (determined without regard to the provisions of this subsection) within the 12-month period immediately preceding or the 24-month period immediately following the date the employee ceased to accrue benefits under the legacy plan.

''(3) CERTIFICATION OF YEARS OF SERVICE.—For purposes of paragraph (1), the plan sponsor of the composite plan shall rely on a written certification by the plan sponsor of the legacy plan of the years of service the qualified employee completed under the defined benefit plan as of the date the employee satisfies the requirements of paragraph (2), disregarding any years of service that had been forfeited under the rules of the defined benefit plan before that date unless contrary to service records provided by the participant. In the case of a conflict, the plan sponsor shall evaluate the evidence and make a reasonable factual determination.

''(h) SPECIAL RULES FOR COMPUTING YEARS OF SERVICE UNDER LEGACY PLANS.—

''(1) IN GENERAL.—In determining a qualified employee's years of service under a legacy plan for purposes of this section, and in addition to any service under applicable regulations, the employee's years of service under a composite plan shall be treated as years of service earned under the legacy plan. For purposes of such determination, a composite plan shall not be treated as a defined benefit plan pursuant to section 801(d).

''(2) QUALIFIED EMPLOYEE.—For purposes of this subsection, an employee is a qualified employee if the employee first completes an hour of service under the composite plan (determined without regard to the provisions of this subsection) within the 12-month period immediately preceding or the 24-month period immediately following the date the employee ceased to accrue benefits under the legacy plan.

''(3) CERTIFICATION OF YEARS OF SERVICE.—For purposes of paragraph (1), the plan sponsor of the legacy plan shall rely on a written certification by the plan sponsor of the composite plan of the years of service the qualified employee completed under the composite plan after the employee satisfies the requirements of paragraph (2), disregarding any years of service that has been forfeited under the rules of the composite plan unless contrary to service records provided by the participant. In the case of a conflict, the plan sponsor shall evaluate the evidence and make a reasonable factual determination.''.

(B) INTERNAL REVENUE CODE OF 1986.—Section 411(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(14) SPECIAL RULES FOR DETERMINING YEARS OF SERVICE UNDER COMPOSITE PLANS.—

''(A) IN GENERAL.—In determining a qualified employee's years of service under a composite plan for purposes of this subsection, the employee's years of service under a legacy plan shall be treated as years of service earned under the composite plan. For purposes of such determination, a composite plan shall not be treated as a defined benefit plan pursuant to section 437(d).

''(B) QUALIFIED EMPLOYEE.—For purposes of this paragraph, an employee is a qualified employee if the employee first completes an hour of service under the composite plan (determined without regard to the provisions of this paragraph) within the 12-month period immediately preceding or the 24-month period immediately following the date the employee ceased to accrue benefits under the legacy plan.

''(C) CERTIFICATION OF YEARS OF SERVICE.—For purposes of subparagraph (A), the plan sponsor of the composite plan shall rely on a written certification by the plan sponsor of the legacy plan of the years of service the qualified employee completed under the legacy plan as of the date the employee satisfies the requirements of subparagraph (B), disregarding any years of service that had been forfeited under the rules of the defined benefit plan before that date unless contrary to service records provided by the participant. In the case of a conflict, the plan sponsor shall evaluate the evidence and make a reasonable factual determination.

''(15) SPECIAL RULES FOR COMPUTING YEARS OF SERVICE UNDER LEGACY PLANS.—

''(A) IN GENERAL.—In determining a qualified employee's years of service under a legacy plan for purposes of this section, and in addition to any service under applicable regulations, the employee's years of service under a composite plan shall be treated as years of service earned under the legacy plan. For purposes of such determination, a composite plan shall not be treated as a defined benefit plan pursuant to section 437(d).

''(B) QUALIFIED EMPLOYEE.—For purposes of this paragraph, an employee is a qualified employee if the employee first completes an hour of service under the composite plan (determined without regard to the provisions of this paragraph) within the 12-month period immediately preceding or the 24-month period immediately following the date the employee ceased to accrue benefits under the legacy plan.

''(C) CERTIFICATION OF YEARS OF SERVICE.—For purposes of subparagraph (A), the plan sponsor of the legacy plan shall rely on a written certification by the plan sponsor of the composite plan of the years of service the qualified employee completed under the composite plan after the employee satisfies the requirements of subparagraph (B), disregarding any years of service that has been forfeited under the rules of the composite plan unless contrary to service records provided by the participant. In the case of a conflict, the plan sponsor shall evaluate the evidence and make a reasonable factual determination.''.

(2) REDUCTION OF BENEFITS.—

(A) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 203(a)(3)(E)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(E)(ii)) is amended—

(i) in subclause (I) by striking ''4244A'' and inserting ''305(f), 803,''; and

(ii) in subclause (II) by striking ''4245'' and inserting ''305(f), 4245,''.

(B) INTERNAL REVENUE CODE OF 1986.—Section 411(a)(3)(F) of the Internal Revenue Code of 1986 is amended—

(i) in clause (i) by striking ''section 418D or under section 4281 of the Employee Retirement Income Security Act of 1974'' and inserting ''section 432(f) or 439 or under section 4281 of the Employee Retirement Income Security Act of 1974''; and

(ii) in clause (ii) by inserting ''or 432(f)'' after ''section 418E''.

(3) ACCRUED BENEFIT REQUIREMENTS.—

(A) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204(b)(1)(B)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)(B)(i)) is amended by inserting '', including an amendment reducing or suspending benefits under section 305(f), 803, 4245 or 4281,'' after ''any amendment to the plan''.

(B) INTERNAL REVENUE CODE OF 1986.—Section 411(b)(1)(B)(i) of the Internal Revenue Code of 1986 is amended by inserting '', including an amendment reducing or suspending benefits under section 418E, 432(f) or 439, or under section 4281 of the Employee Retirement Income Security Act of 1974,'' after ''any amendment to the plan''.

(4) ADDITIONAL ACCRUED BENEFIT REQUIREMENTS.—

(A) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204(b)(1)(H)(v) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(b)(1)(H)(v)) is amended by inserting before the period at the end the following: '', or benefits are reduced or suspended under section 305(f), 803, 4245, or 4281''.

(B) INTERNAL REVENUE CODE OF 1986.—Section 411(b)(1)(H)(iv) of the Internal Revenue Code of 1986 is amended—

(i) in the heading by striking ''BENEFIT'' and inserting ''BENEFIT AND THE SUSPENSION AND REDUCTION OF CERTAIN BENEFITS''; and

(ii) in the text by inserting before the period at the end the following: '', or benefits are reduced or suspended under section 418E, 432(f), or 439, or under section 4281 of the Employee Retirement Income Security Act of 1974''.

(5) ACCRUED BENEFIT NOT TO BE DECREASED BY AMENDMENT.—

(A) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204(g)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(g)(1)) is amended by inserting after ''302(d)(2)'' the following: '', 305(f), 803, 4245,''.

(B) INTERNAL REVENUE CODE OF 1986.—Section 411(d)(6)(A) of the Internal Revenue Code of 1986 is amended by inserting after ''412(d)(2),'' the following: ''418E, 432(f), or 439,''.

(g) CERTAIN FUNDING RULES NOT APPLICABLE.—

(1) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 305 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085), as amended by section 212(a) and as in effect before the amendments made by section 212 other than subsection (a) thereof, is further amended by adding at the end the following:

''(l) LEGACY PLANS.—This section and sections 302 and 304 shall not apply to an employer that has an obligation to contribute to a plan that is a legacy plan within the meaning of section 805(a) solely because the employer has an obligation to contribute to a composite plan described in section 801 that is associated with that legacy plan.''.

(2) INTERNAL REVENUE CODE OF 1986.—Section 432 of the Internal Revenue Code of 1986, as amended by section 211(a) and as in effect before the amendments made by section 211 other than subsection (a) thereof, is further amended by adding at the end the following:

''(l) LEGACY PLANS.—This section and sections 412 and 431 shall not apply to an employer that has an obligation to contribute to a plan that is a legacy plan within the meaning of section 440A(a) solely because the employer has an obligation to contribute to a composite plan described in section 437 that is associated with that legacy plan.''.

(h) TERMINATION OF COMPOSITE PLAN.—Section 403(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1103(d) is amended—

(1) in paragraph (1), by striking ''regulations of the Secretary.'' and inserting ''regulations of the Secretary, or as provided in paragraph (3).''; and

(2) by adding at the end the following:

''(3) Section 4044(a) of this Act shall be applied in the case of the termination of a composite plan by—

''(A) limiting the benefits subject to paragraph (3) thereof to benefits as defined in section 802(b)(3)(B); and

''(B) including in the benefits subject to paragraph (4) all other benefits (if any) of individuals under the plan that would be guaranteed under section 4022A if the plan were subject to title IV.''.

(i) GOOD FAITH COMPLIANCE PRIOR TO GUIDANCE.—Where the implementation of any provision of law added or amended by this Act is subject to issuance of regulations by the Secretary of Labor, the Secretary of the Treasury, or the Pension Benefit Guaranty Corporation, a multiemployer plan shall not be treated as failing to meet the requirements of any such provision prior to the issuance of final regulations or other guidance to carry out such provision if such plan is operated in accordance with a reasonable, good faith interpretation of such provision.

SEC. 505. EFFECTIVE DATE.

Unless otherwise specified, the amendments made by this title shall apply to plan years beginning after the date of the enactment of this title.

TITLE VI—FINANCIAL PROVISIONS

SEC. 601. ADDITIONAL PREMIUMS.

(a) INCREASE IN FLAT DOLLAR PREMIUM BEGINNING IN 2021.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (vi)—

(i) by inserting ''and before January 1, 2021,'' after ''2014,''; and

(ii) by striking ''or'' at the end;

(B) by moving the margins of clause (vii) 2 ems to the left;

(C) by redesignating clause (vii) as clause (ix); and

(D) by inserting after clause (vi) the following:

''(vii) in the case of a multiemployer plan, for plan years beginning in calendar year 2021, for each individual who is a participant in such plan during the plan year, the dollar amount in effect under clause (i) for plan years beginning in 2021,''.

(b) FLAT AND VARIABLE RATE PREMIUM FOR YEARS AFTER 2021.—Section 4006(a)(3)) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)), as amended by subsection (a), is further amended—

(1) by inserting after clause (vii) of subparagraph (A) the following:

''(viii) in the case of a multiemployer plan, for any plan year beginning after December 31, 2021, an amount for each individual who is a participant in such plan during the plan year equal to the sum of—

''(I) the premium rate applicable under clause (i)(VIII), plus

''(II) the additional premium (if any) determined under subparagraph (N) for the plan year, or''; and

(2) by adding at the end the following:

''(N)(i) The additional premium determined under this subparagraph with respect to any multiemployer plan for any plan year shall be an amount equal to the least of—

''(I) the amount determined under clause (ii) for the plan year divided by the number of participants in such plan as of the close of the preceding plan year;

''(II) 10 percent of the historic base contributions divided by the number of participants in such plan as of the close of the preceding plan year; or

''(III) $250.

''(ii) The amount determined under this clause for any plan year shall be an amount equal to $10 for each $1,000 (or fraction thereof) of the multiemployer unfunded vested benefits under the plan as of the close of the preceding plan year. For purposes of this clause, the term 'multiemployer unfunded vested benefits' means, for a plan year, the excess (if any) of—

''(I) the current liability of the plan as determined under section 304(c)(6)(D) by taking into account only vested benefits, over

''(II) the fair market value (as determined under section 304(c)(6)(A)(ii)(I)) of the plan assets for the plan year which are held by the plan as of the valuation date.

''(iii) For purposes of clause (i)(II), the term 'historic base contributions' means the average amount of the contributions, excluding any payments of withdrawal liability, to the plan required to be reported by the plan on Schedule MB of the 3 most recent Forms 5500 required to be filed before the date of enactment of this subparagraph.

''(iv) For each plan year beginning after December 31, 2022, there shall be substituted for the dollar amount of historic base contributions under clause (i)(II) and the dollar amount specified in clause (i)(III) an amount equal to the greater of—

''(I) the product derived by multiplying such dollar amount for plan years beginning in that calendar year by the ratio of—

''(aa) the national average wage index (as defined in section 209(k)(1) of the Social Security Act) for the first of the 2 calendar years preceding the calendar year in which such plan year begins, to

''(bb) the national average wage index (as so defined) for 2020, or

''(II) such dollar amount in effect for plan years beginning in the preceding calendar year.

If any amount determined under this clause is not a multiple of $1, such product shall be rounded to the nearest multiple of $1.''.

(c) ADDITIONAL PREMIUMS.—Section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)), as amended by this Act, is further amended by adding at the end the following:

''(10) ADDITIONAL PREMIUMS PAYABLE BY PARTICIPANTS AND BENEFICIARIES.—

''(A) IN GENERAL.—In addition to the amounts payable under paragraph (3), for plan years beginning after December 31, 2021, with respect to multiemployer plans, premiums shall be payable to the corporation with respect to participants and beneficiaries who are in pay status in accordance with this paragraph.

''(B) AMOUNTS PAYABLE.—Subject to subparagraphs (C), (D), and (E), the monthly amount payable by each participant or beneficiary who is in pay status is—

''(i) an amount equal to 3 percent of the participant's or beneficiary's aggregate monthly benefit, in the case of a plan in endangered status, as described in section 305(b)(2);

''(ii) an amount equal to 5 percent of the participant's or beneficiary's aggregate monthly benefit, in the case of a plan in critical status, as described in section 305(b)(3);

''(iii) an amount equal to 7 percent of the participant's or beneficiary's aggregate monthly benefit, in the case of a plan in critical and declining status (as described in section 305(b)(7)), a plan that became an insolvent plan after the date of enactment of this paragraph, or a plan that has been terminated under section 4041A or 4042 but is not insolvent, unless that plan is (or was) an original or successor plan pursuant to a special partition order under section 4233A; or

''(iv) notwithstanding clauses (i), (ii), or (iii), an amount equal to 10 percent of the participant's or beneficiary's aggregate monthly benefit, in the case of a plan which is (or was) an original or successor plan pursuant to a special partition order under section 4233A, regardless of the status of the original or successor plan.

''(C) COORDINATION WITH SUSPENSION OF BENEFITS.—In the case of any participant or beneficiary whose benefits are suspended under section 305(f)(9), the percentage of benefits payable under the applicable clause of subparagraph (B) with respect to the participant or beneficiary shall be reduced (but not below zero) by the percentage of benefits which were so suspended.

''(D) TREATMENT OF BENEFITS BASED ON DISABILITY.—No benefits—

''(i) based on disability (as defined by the plan), or

''(ii) of a participant or beneficiary who is entitled to a benefit under title II of the Social Security Act on the basis of a disability (as defined in section 223(d)(2) of such Act),

shall be included in the calculation of the participant's or beneficiary's aggregate monthly benefit for purposes of determining the payment due under subparagraph (B).

''(E) PHASEOUT OF PREMIUM FOR THOSE AGED 75 AND OLDER.—

''(i) IN GENERAL.—In the case of a participant or beneficiary who has attained or will attain at least 75 years of age in a plan year, the monthly amount payable by such participant or beneficiary for months during such plan year under this paragraph (determined without regard to this subparagraph) shall be reduced by the applicable percentage of such amount.

''(ii) APPLICABLE PERCENTAGE.— For purposes of clause (i), the applicable percentage for any month shall be determined in accordance with the following table:

"If the individual is, or will attain during the plan year, age:	The applicable percentage is:
75	20 percent
76	40 percent
77	60 percent
78	80 percent
79 or older	100 percent

''(F) METHODS OF COLLECTION.—The premiums payable under subparagraph (B) shall be collected by the plan from participants who are receiving benefits under the plan by deducting the amount of the premium from the benefits as and when paid, and holding such amounts in a separate account to be remitted to the corporation annually, as prescribed by regulations of the corporation. Amounts held in a separate account under this subparagraph shall not accrue interest, shall not be treated as assets of the plan, and shall not be commingled with any other assets of the plan.

''(G) PLAN AMENDMENTS.—The administrator of each multiemployer plan shall amend the plan documents to allow for deductions from benefits pursuant to this paragraph.

''(H) PREEMPTION.—This paragraph shall supersede any law of a State which would directly or indirectly prohibit or restrict an employer, plan, or labor organization from withholding or remitting premium amounts in accordance with this paragraph.

''(I) DETERMINATION OF PLAN STATUS.—

''(i) IN GENERAL.—Except as otherwise provided by the regulations issued pursuant to clause (ii), for purposes of determining premiums due under this paragraph, the plan's status shall be the status certified under section 305 for the first plan year beginning on or after January 1, 2021.

''(ii) SUBSEQUENT CHANGES IN STATUS.—The corporation shall issue regulations regarding the timing required for reflecting, in the amounts withheld, a revised plan status certified at a later date. In no event shall such regulations allow a delay of more than 90 days.

''(11) ADDITIONAL PREMIUMS PAYABLE BY EMPLOYERS AND LABOR ORGANIZATIONS.—

''(A) IN GENERAL.—In addition to the amounts payable under paragraph (3), for plan years beginning after December 31, 2021, with respect to multiemployer plans, premiums shall be payable to the corporation with respect to employers and labor organizations in accordance with this paragraph.

''(B) EMPLOYERS.—The monthly amount payable by employers, for each employee participating in the plan (as determined under subparagraph (D)) during that month is—

''(i) $1 in the case of a plan in unrestricted status pursuant to section 305(b)(1)(B), or $1.50 in the case of a plan in stable status pursuant to section 305(b)(1)(A), but only if the plan is not an original plan or a successor plan within the meaning of section 4233A; and

''(ii) $2.50 in any other case.

''(C) LABOR ORGANIZATIONS.—The monthly amount payable by labor organizations, for each member paying dues and participating in the plan (as determined under subparagraph (D)) during that month is—

''(i) $1 in the case of a plan in unrestricted status pursuant to section 305(b)(1)(B), or $1.50 in the case of a plan in stable status pursuant to section 305(b)(1)(A), but only if the plan is not an original plan or a successor plan within the meaning of section 4233A; and

''(ii) $2.50 in any other case.

''(D) PERSONS PARTICIPATING IN THE PLAN.—For purposes of subparagraphs (B) and (C), an employee or member participating in the plan during any month is a person with respect to whom the employer had an obligation to contribute to the plan under the terms of a collective bargaining agreement or other participation agreement for that month.

''(E) REMITTANCE.—Premiums required under subparagraph (B) or (C) shall be remitted to the plan monthly and held in a separate account until remittance, as prescribed in subparagraph (F). In the case of a participant or beneficiary on whose behalf more than one employer contributed during a month, the plan may elect to apportion the monthly amount to the employers on a proportional basis. Amounts held in a separate account under this subparagraph shall not accrue interest, shall not be treated as assets of the plan, and shall not be commingled with any other assets of the plan.

''(F) SUBMISSION TO THE CORPORATION.—Each plan shall submit the premiums under subparagraph (E) to the corporation, on an annual basis, as prescribed by regulations of the corporation.

''(G) DETERMINATION OF PLAN STATUS.—

''(i) IN GENERAL.—Except as otherwise provided by the regulations issued pursuant to clause (ii), for purposes of determining premiums due under this paragraph, the plan's status shall be the status certified under section 305 for the first plan year beginning on or after January 1, 2021.

''(ii) SUBSEQUENT CHANGES IN STATUS.—The corporation shall issue regulations regarding the timing required for reflecting, in the amounts due, a revised plan status certified at a later date. In no event shall such regulations allow a delay of more than 90 days.''.

(d) PAYMENT OF PREMIUMS.—

(1) APPLICABILITY OF PREMIUMS.—Section 4007(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)) is amended by adding at the end the following:

''(3)(A)(i) The following plans shall not owe a variable rate premium determined under section 4006(a)(3)(N):

''(I) An insolvent plan that has commenced receiving financial assistance.

''(II) A plan which is certified by the plan actuary under section 305 as being in unrestricted status pursuant to section 305(b)(1)(B), and which is not an original plan within the meaning of section 4233A.

''(III) With respect to plan years beginning before January 1, 2025, a plan which is certified by the plan actuary under section 305 as being in stable status pursuant to section 305(b)(1)(A), and which is not an original plan within the meaning of section 4233A.

''(ii) An insolvent plan that has commenced receiving financial assistance shall not owe the flat rate premium under section 4006(a)(3)(A)(viii)(I).

''(B) In the case of a special partition under section 4233A, the original plan shall calculate and remit premiums under section 4006 as if the original plan and successor plan were one plan and the successor plan shall not be required to remit any such premiums.

''(4) Paragraph (1) shall apply to the additional premiums required by section 4006(a)(10) and (11).''.

(2) AUTHORIZED CIVIL ACTIONS.—Section 4007(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1307(c)) is amended by inserting after the first sentence the following: ''The corporation is authorized to bring a civil action to prevent or correct any action by a designated payor, if a principal purpose of the action by the designated payor is to evade or avoid the payment of premiums, and the corporation shall be authorized to recover the amount of premium that should have been paid by such payor, plus a late payment penalty and interest.''.

(e) REPORTING ON PREMIUM INCREASES AND GUARANTEE REDUCTIONS.—Section 4008 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1308) is amended by adding at the end the following:

''(c) Beginning with the report for fiscal year 2025, if the corporation projects in its reporting under this section that the corporation's multiemployer plan program will not remain solvent for at least 10 years after the date of the report, the corporation shall include in the report a recommendation for a balanced combination of premium increases and guarantee reductions needed to ensure solvency for the next 20 years without respect to any loans under section 4005. Such recommendations shall be automatically adopted at the beginning of the next fiscal year unless Congress takes other action.''.

(f) DELINQUENT CONTRIBUTIONS.—

(1) IN GENERAL.—Section 515 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1145) is amended—

(A) by striking ''**CONTRIBUTIONS**.—Every'', and inserting ''**CONTRIBUTIONS AND PREMIUMS**.—

''(a) IN GENERAL.—Every'', and

(B) by adding at the end the following new subsection:

''(b) PREMIUMS.—Every employer or labor organization which is obligated to remit premiums with respect to a multiemployer plan under section 4006 shall remit such premiums to the plan in accordance with the terms of the plan and regulations issued by the corporation.''.

(2) CIVIL ENFORCEMENT.—Section 502(g)(2)(A) of such Act (29 U.S.C. 1132(g)(2)(A)) is amended by striking ''contributions,'' and inserting ''contributions or premiums,''.

SEC. 602. FUNDING.

(a) LOANS TO THE CORPORATION FOR THE FUND TO PAY BASIC BENEFITS.—Section 4005 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1305) is amended by adding at the end the following:

''(i)(1) The corporation may borrow from the Secretary of the Treasury such funds as are necessary to pay basic benefits guaranteed under section 4022A or expenses related to the corporation's multiemployer plan program if the balance of assets in the revolving fund established under subsection (a) for purposes of paying such benefits is $500,000,000 or less within that year. The corporation may invest amounts so borrowed in accordance with subsection (b)(3)(A).

''(2) Amounts borrowed under this subsection shall be—

''(A) issued at an annual interest rate of 0 percent; and

''(B) repaid by the corporation—

''(i) beginning 20 years after the date on which the loan is issued;

''(ii) over a period of not more than 20 years from commencement of repayment; and

''(iii) out of the fund established under subsection (a) to pay basic benefits guaranteed under section 4022A.

''(3) The corporation shall notify the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Education and Labor and the Committee on Ways and Means of the House of Representatives within 14 days of requesting a loan under this subsection.

''(4) Beginning on January 1, 2021, if, as of the close of any calendar year the outstanding balance of the loans provided to the corporation during the previous year under this subsection exceeded $2,000,000,000, the multiemployer flat-rate premium rates applicable under section 4006(a) solely for plan

years beginning in the immediately succeeding calendar year shall be increased by 20 percent.''.

(b) STUDY ON FUNDING FOR BASIC BENEFIT GUARANTEE.—Section 4022A(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322a(f)) is amended—

(1) by striking ''Committee on Labor and Human Resources'' each place such term appears and inserting ''Committee on Health, Education, Labor, and Pensions'';

(2) in paragraph (1)(A)—

(A) in clause (i), by striking '', and'' and inserting a semicolon; and

(B) by inserting after clause (ii) the following:

''(iii) whether the Corporation projects that the loans issued under section 4005(i) will be repaid in accordance with the schedule set forth in paragraph (2)(B) of such section; and'';

(3) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting ''and repayment of loans under section 4005(i)'' after ''multiemployer plans''; and

(ii) in clause (ii), by inserting '', and repayment of any loans issued under section 4005(i)'' before the comma at the end; and

(B) in subparagraph (C), by striking ''second''; and

(4) in paragraph (3)(A)(ii), by inserting ''and repayment of loans issued under section 4005(i)'' before the period.

SEC. 603. COMPOSITE PLAN TRANSITION FEE.

(a) IN GENERAL.—Section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)), as amended by this Act, is further is amended by adding at the end the following:

''(12) COMPOSITE PLAN TRANSITION FEE.—Notwithstanding paragraph (9), in any year after 2024, a composite plan (as defined in section 801(a)) shall remit to the legacy plan (within the meaning of section 805) $15 per participant that is not also a participant in the legacy plan. The legacy plan shall remit such amount to the corporation in addition to its premiums otherwise required under this section.''.

(b) CONFORMING AMENDMENT.—Section 4007(b)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)(4)), as added by section 601, is amended by inserting '', and the transition fees required by section 4006(a)(12)'' before the period.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 804—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD INITIATE NEGOTIATIONS TO ENTER INTO A FREE TRADE AGREEMENT WITH TAIWAN

Mr. TOOMEY (for himself, Mr. COTTON, Mr. LANKFORD, Mr. CRAMER, Mr. HOEVEN, Mr. YOUNG, Mrs. HYDE-SMITH, Mr. SASSE, Mr. CORNYN, Mrs. BLACKBURN, Mr. BOOZMAN, Mr. WICKER, Mr. RUBIO, Mr. TILLIS, Mr. JOHNSON, Mr. CRUZ, Mr. INHOFE, Mr. KENNEDY, Mrs. FISCHER, Mr. BRAUN, Mr. SCOTT of South Carolina, Mr. ROUNDS, Mr. DAINES, Mr. BARRASSO, Mrs. CAPITO, and Mr. LEE) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 804

Whereas, pursuant to section 2(b)(1) of the Taiwan Relations Act (22 U.S.C. 3301(b)(1)), it is the policy of the United States to ''promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan'';

Whereas the friendship between the United States and Taiwan is based on a shared commitment to individual and economic freedom, shared values, and an appreciation for the blessings of liberty and democracy;

Whereas the United States and Taiwan enjoy a robust trade partnership, marked by the exchange of goods and services and international travel;

Whereas Taiwan has shown an interest in strengthening its economic relationship with the United States by investing in technology manufacturing facilities located within the United States and agreeing to lift restrictions on the importation of certain United States agricultural products;

Whereas Taiwan has demonstrated a commitment to protecting intellectual property and individual freedom by serving as a leader in the responsible development of technology, as evidenced through a Joint Declaration on 5G Security announced between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in August 2020;

Whereas Taiwan has played an integral role in the global supply chain during the coronavirus disease 2019 (commonly known as ''COVID–19'') pandemic, producing mass amounts of masks at the time when masks were most scarce and ensuring that this critical tool was available to individuals around the world;

Whereas the United States has consistently supported peaceful relations between Taiwan and the People's Republic of China, and respected the provisions of both the Taiwan Relations Act (22 U.S.C. 3301 et seq.) and the Six Assurances offered by President Ronald Reagan to Taiwan in 1982;

Whereas the People's Republic of China has shown a hostility to Taiwan, aggressively asserting its military power, using coercive economic measures to keep Taiwan economically dependent on the People's Republic of China, and seeking to isolate Taiwan from the rest of the world;

Whereas the policy of the United States is to advance a free and open Indo-Pacific region, and achieving that vision must include working with like-minded countries in the region to liberalize trade;

Whereas the United States is currently Taiwan's 2nd largest trading partner, and Taiwan is the 10th largest trading partner of the United States in goods and 11th largest trading partner overall;

Whereas Taiwan has been a member of the World Trade Organization since 2002;

Whereas bilateral trade in goods between Taiwan and the United States increased from $62,000,000,000 in 2010 to $86,000,000,000 in 2019, according to the United States Census Bureau;

Whereas Taiwan's foreign direct investment stock in the United States was $11,100,000,000 as of 2019;

Whereas trade with Taiwan supports an estimated 208,000 United States jobs according to estimates of the United States Department of Commerce as of 2015;

Whereas closer engagement with Taiwan through trade negotiations would encourage even greater access to Taiwan's market and would benefit both security and economic growth for the United States, Taiwan, and the Indo-Pacific region;

Whereas it is essential that a free trade agreement negotiated between the United States and Taiwan lower tariff and nontariff barriers to trade, including meaningfully expanded access to agricultural markets and ensuring that science-based standards govern international trade in animals and animal products;

Whereas the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4201 et seq.) enables the President to negotiate reciprocal reductions of nontariff barriers while preserving the authority of Congress over foreign trade as required by section 8 of article I of the Constitution of the United States;

Whereas the procedures laid out in the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 were designed by Congress to maintain the sovereignty of Congress over trade; and

Whereas, for legislation implementing a trade agreement to qualify for trade authorities procedures under the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, the trade agreement is required to make progress toward achieving the applicable objectives, policies, and priorities set forth by Congress in that Act, and failure by the administration of a President to adhere to the trade negotiating objectives and notification and consultation requirements established by Congress renders a trade agreement ineligible for fast-track consideration: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should initiate negotiations to enter into a free trade agreement with Taiwan.

SENATE RESOLUTION 805—PROVIDING FOR STAFF TRANSITION FOR A SENATOR IF THE RESULTS OF THE ELECTION FOR AN ADDITIONAL TERM OF OFFICE OF THE SENATOR HAVE NOT BEEN CERTIFIED

Mr. BLUNT submitted the following resolution; which was considered and agreed to:

S. RES. 805

Resolved,

SECTION 1. STAFF TRANSITION IF ELECTION RESULTS NOT CERTIFIED.

Section 6 of Senate Resolution 458 (98th Congress), agreed to October 4, 1984, is amended—

(1) in subsection (a)—

(A) in paragraph (3)(A)—

(i) in clause (i), by striking ''or'' at the end;

(ii) in clause (ii)—

(I) by striking ''but only''; and

(II) by adding ''or'' at the end; and

(iii) by adding at the end the following:

''(iii) in an office of a Senator on the expiration of the term of office of such Senator as a Senator, if the Senator was a candidate in the general election for the next term of office and the office is not filled at the commencement of that next term,''; and

(B) in paragraph (4)—

(i) in subparagraph (A)(ii), by striking ''paragraph (3)(A)(ii)'' and inserting ''clause (ii) or (iii) of paragraph (3)(A)''; and

(ii) in subparagraph (B), by striking ''not later than 60 days after the date of the change or expiration of term of office, whichever is applicable,'' and inserting ''not later than 60 days after the date of the change for an eligible staff member described in clause (i) of paragraph (3)(A), or after the expiration of the term of office of the supervising Senator for an eligible staff member described in clause (ii) or (iii) of paragraph (3)(A),'';

(2) in subsection (c)(1)—

(A) by striking ''not to exceed 60 days'' and inserting the following: ''not to exceed—

''(A) in the case of a displaced staff member described in clause (i) or (ii) of subsection (a)(3)(A), 60 days'';

(B) by striking the period at the end and inserting '', and''; and

(C) by adding at the end the following:

''(B) in the case of a displaced staff member described in clause (iii) of subsection (a)(3)(A), the earliest of—

''(i) 60 days following the staff member's date of termination;

''(ii) the date the staff member becomes otherwise gainfully employed; or

''(iii) if the supervising Senator qualifies for the next term of office as a Senator not later than 60 days after the staff member's date of termination, the date of such qualification.'';

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

''(d)(1) Each displaced staff member described in clause (iii) of subsection (a)(3)(A) may, with the approval, direction, and supervision of the Secretary of the Senate, perform limited duties such as archiving and transferring case files.

''(2) With respect to a Senator who was a candidate in the general election for the next term of office and for which the office is not filled at the commencement of that next term, during the 60-day period beginning on the first day of that next term of office, the official office and State office expenses relating to—

''(A) archiving and transferring case files of the Senator, with prior approval by and upon vouchers approved and obligated by the Secretary of the Senate; and

''(B) rent for office space upon vouchers approved and obligated by the Sergeant at Arms and Doorkeeper of the Senate,

shall be paid from the account for Miscellaneous Items within the contingent fund of the Senate.''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2712. Mr. HEINRICH proposed an amendment to the bill S. 2165, to enhance protections of Native American tangible cultural heritage, and for other purposes.

SA 2713. Mr. BRAUN (for Mr. WICKER) proposed an amendment to the bill H.R. 2610, to establish an office within the Federal Trade Commission and an outside advisory group to prevent fraud targeting seniors and to direct the Commission to study and submit a report to Congress on scams targeting seniors and Indian tribes, and for other purposes.

SA 2714. Mr. BRAUN (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 481, to encourage States to require the installation of residential carbon monoxide detectors in homes, and for other purposes.

SA 2715. Mr. BRAUN (for Mr. MORAN) proposed an amendment to the bill S. 3248, to reauthorize the United States Anti-Doping Agency, and for other purposes.

SA 2716. Mr. BRAUN (for Mr. ALEXANDER) proposed an amendment to the bill S. 1681, to educate health care providers and the public on biosimilar biological products, and for other purposes.

SA 2717. Mr. BRAUN (for Ms. CORTEZ MASTO (for herself and Mrs. FISCHER)) proposed an amendment to the bill H.R. 1923, to amend title 31, United States Code, to require the Secretary of the Treasury to mint and issue certain circulating collectible coins, and for other purposes.

TEXT OF AMENDMENTS

SA 2712. Mr. HEINRICH proposed an amendment to the bill S. 2165, to enhance protections of Native American tangible cultural heritage, and for other purposes; as follows:

On page 28, strike lines 15 through 23 and insert the following:

SEC. 4. ENHANCED NAGPRA PENALTIES.

Section 1170 of title 18, United States Code, is amended—

(1) by striking ''5 years'' each place it appears and inserting ''10 years''; and

(2) in subsection (a), by striking ''12 months'' and inserting ''1 year and 1 day''.

SA 2713. Mr. BRAUN (for Mr. WICKER) proposed an amendment to the bill H.R. 2610, to establish an office within the Federal Trade Commission and an outside advisory group to prevent fraud targeting seniors and to direct the Commission to study and submit a report to Congress on scams targeting seniors and Indian tribes, 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 ''Fraud and Scam Reduction Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—PREVENTING CONSUMER SCAMS DIRECTED AT SENIORS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Stop Senior Scams Act''.

SEC. 102. SENIOR SCAMS PREVENTION ADVISORY GROUP.

(a) ESTABLISHMENT.—There is established a Senior Scams Prevention Advisory Group (referred to in this title as the ''Advisory Group'').

(b) MEMBERS.—The Advisory Group shall be composed of stakeholders such as the following individuals or the designees of those individuals:

(1) The Chairman of the Federal Trade Commission.

(2) The Secretary of the Treasury.

(3) The Attorney General.

(4) The Director of the Bureau of Consumer Financial Protection.

(5) Representatives from each of the following sectors, including trade associations, to be selected by Federal Trade Commission:

(A) Retail.

(B) Gift cards.

(C) Telecommunications.

(D) Wire-transfer services.

(E) Senior peer advocates.

(F) Consumer advocacy organizations with efforts focused on preventing seniors from becoming the victims of scams.

(G) Financial services, including institutions that engage in digital currency.

(H) Prepaid cards.

(6) A member of the Board of Governors of the Federal Reserve System.

(7) A prudential regulator, as defined in section 1002 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481).

(8) The Director of the Financial Crimes Enforcement Network.

(9) Any other Federal, State, or local agency, industry representative, consumer advocate, or entity, as determined by the Federal Trade Commission.

(c) NO COMPENSATION FOR MEMBERS.—A member of the Advisory Group shall serve without compensation in addition to any compensation received for the service of the member as an officer or employee of the United States, if applicable.

(d) DUTIES.—

(1) IN GENERAL.—The Advisory Group shall—

(A) collect information on the existence, use, and success of educational materials and programs for retailers, financial services, and wire-transfer companies, which—

(i) may be used as a guide to educate employees on how to identify and prevent scams that affect seniors; and

(ii) include—

(I) useful information for retailers, financial services, and wire transfer companies for the purpose described in clause (i);

(II) training for employees on ways to identify and prevent senior scams;

(III) best practices for keeping employees up to date on current scams;

(IV) the most effective signage and placement in retail locations to warn seniors about scammers' use of gift cards, prepaid cards, and wire transfer services;

(V) suggestions on effective collaborative community education campaigns;

(VI) available technology to assist in identifying possible scams at the point of sale; and

(VII) other information that would be helpful to retailers, wire transfer companies, financial institutions, and their employees as they work to prevent fraud affecting seniors; and

(B) based on the findings in subparagraph (A)—

(i) identify inadequacies, omissions, or deficiencies in those educational materials and programs for the categories listed in subparagraph (A) and their execution in reaching employees to protect older adults; and

(ii) create model materials, best practices guidance, or recommendations to fill those inadequacies, omissions, or deficiencies that may be used by industry and others to help protect older adults from scams.

(2) ENCOURAGED USE.—The Chairman of the Federal Trade Commission shall—

(A) make the materials or guidance created by the Federal Trade Commission described in paragraph (1) publicly available; and

(B) encourage the use and distribution of the materials created under this subsection to prevent scams affecting seniors by governmental agencies and the private sector.

(e) REPORTS.—Section 101(c)(2) of the Elder Abuse Prevention and Prosecution Act (34 U.S.C. 21711(c)(2)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) for the Federal Trade Commission, in relevant years, information on—

''(i) the newly created materials, guidance, or recommendations of the Senior Scams Prevention Advisory Group established under section 102 of the Stop Senior Scams Act, and any relevant views or considerations made by members of the Advisory Group that were not included in the Advisory Group's model materials or considered an official recommendation by the Advisory Group;

''(ii) the Senior Scams Prevention Advisory Group's findings about senior scams and

industry educational materials and programs; and

''(iii) any recommendations on ways stakeholders can continue to work together to reduce scams affecting seniors.''.

(f) TERMINATION.—This title, and the amendments made by this title, ceases to be effective on the date that is 5 years after the date of enactment of this Act.

TITLE II—SENIOR FRAUD ADVISORY OFFICE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Seniors Fraud Prevention Act of 2020''.

SEC. 202. OFFICE FOR THE PREVENTION OF FRAUD TARGETING SENIORS.

(a) ESTABLISHMENT OF ADVISORY OFFICE.—The Federal Trade Commission shall establish an office within the Bureau of Consumer Protection for the purpose of advising the Commission on the prevention of fraud targeting seniors and to assist the Commission with the following:

(1) OVERSIGHT.—The advisory office shall monitor the market for mail, television, internet, telemarketing, and recorded message telephone call (hereinafter referred to as ''robocall'') fraud targeting seniors and shall coordinate with other relevant agencies regarding the requirements of this section.

(2) CONSUMER EDUCATION.—The Commission through the advisory office shall, in consultation with the Attorney General, the Secretary of Health and Human Services, the Postmaster General, the Chief Postal Inspector for the United States Postal Inspection Service, and other relevant agencies—

(A) disseminate to seniors and families and caregivers of seniors general information on mail, television, internet, telemarketing, and robocall fraud targeting seniors, including descriptions of the most common fraud schemes;

(B) disseminate to seniors and families and caregivers of seniors information on reporting complaints of fraud targeting seniors either to the national toll-free telephone number established by the Commission for reporting such complaints, or to the Consumer Sentinel Network, operated by the Commission, where such complaints will become immediately available to appropriate law enforcement agencies, including the Federal Bureau of Investigation and the attorneys general of the States;

(C) in response to a specific request about a particular entity or individual, provide publically available information of enforcement action taken by the Commission for mail, television, internet, telemarketing, and robocall fraud against such entity; and

(D) maintain a website to serve as a resource for information for seniors and families and caregivers of seniors regarding mail, television, internet, telemarketing, robocall, and other identified fraud targeting seniors.

(3) COMPLAINTS.—The Commission through the advisory office shall, in consultation with the Attorney General, establish procedures to—

(A) log and acknowledge the receipt of complaints by individuals who believe they have been a victim of mail, television, internet, telemarketing, and robocall fraud in the Consumer Sentinel Network, and shall make those complaints immediately available to Federal, State, and local law enforcement authorities; and

(B) provide to individuals described in subparagraph (A), and to any other persons, specific and general information on mail, television, internet, telemarketing, and robocall fraud, including descriptions of the most common schemes using such methods of communication.

(b) COMMENCEMENT.—The Commission shall commence carrying out the requirements of this section not later than one year after the date of the enactment of this Act.

SA 2714. Mr. BRAUN (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 481, to encourage States to require the installation of residential carbon monoxide detectors in homes, 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 ''Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act of 2019''.

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Carbon monoxide is a colorless, odorless gas produced by burning any fuel. Exposure to unhealthy levels of carbon monoxide can lead to carbon monoxide poisoning, a serious health condition that could result in death.

(2) Unintentional carbon monoxide poisoning from motor vehicles and improper operation of fuel-burning appliances, such as furnaces, water heaters, portable generators, and stoves, annually kills more than 400 individuals and sends approximately 15,000 individuals to hospital emergency rooms for treatment.

(3) Research shows that installing carbon monoxide alarms close to the sleeping areas in residential homes and other dwelling units can help avoid fatalities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should promote the installation of carbon monoxide alarms in residential homes and dwelling units across the United States in order to promote the health and public safety of citizens throughout the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) CARBON MONOXIDE ALARM.—The term ''carbon monoxide alarm'' means a device or system that—

(A) detects carbon monoxide; and

(B) is intended to sound an alarm at a carbon monoxide concentration below a concentration that could cause a loss of the ability to react to the dangers of carbon monoxide exposure.

(2) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(3) COMPLIANT CARBON MONOXIDE ALARM.—The term ''compliant carbon monoxide alarm'' means a carbon monoxide alarm that complies with the most current version of—

(A) the Standard for Single and Multiple Station Carbon Monoxide Alarms of the American National Standards Institute and UL (ANSI/UL 2034), or any successor standard; and

(B) the Standard for Gas and Vapor Detectors and Sensors of the American National Standards Institute and UL (ANSI/UL 2075), or any successor standard.

(4) DWELLING UNIT.—The term ''dwelling unit''—

(A) means a room or suite of rooms used for human habitation; and

(B) includes—

(i) a single family residence;

(ii) each living unit of a multiple family residence, including an apartment building; and

(iii) each living unit in a mixed use building.

(5) FIRE CODE ENFORCEMENT OFFICIALS.—The term ''fire code enforcement officials'' means officials of the fire safety code enforcement agency of a State or local government or a Tribal organization.

(6) INTERNATIONAL FIRE CODE.—The term ''IFC'' means—

(A) the 2015 or 2018 edition of the International Fire Code published by the International Code Council; or

(B) any amended or similar successor code pertaining to the proper installation of carbon monoxide alarms in dwelling units.

(7) INTERNATIONAL RESIDENTIAL CODE.—The term ''IRC'' means—

(A) the 2015 or 2018 edition of the International Residential Code published by the International Code Council; or

(B) any amended or similar successor code pertaining to the proper installation of carbon monoxide alarms in dwelling units.

(8) NFPA 720.—The term ''NFPA 720'' means—

(A) the Standard for the Installation of Carbon Monoxide Detection and Warning Equipment issued by the National Fire Protection Association in 2012; and

(B) any amended or similar successor standard relating to the proper installation of carbon monoxide alarms in dwelling units.

(9) STATE.—The term ''State''—

(A) has the meaning given the term in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)); and

(B) includes—

(i) the Commonwealth of the Northern Mariana Islands; and

(ii) any political subdivision of a State.

(10) TRIBAL ORGANIZATION.—The term ''Tribal organization'' has the meaning given the term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(l)).

SEC. 4. GRANT PROGRAM FOR CARBON MONOXIDE POISONING PREVENTION.

(a) IN GENERAL.—Subject to the availability of appropriations authorized under subsection (f), the Commission shall establish a grant program to provide assistance to States and Tribal organizations that are eligible under subsection (b) to carry out the carbon monoxide poisoning prevention activities described in subsection (e).

(b) ELIGIBILITY.—For the purposes of this section, an eligible State or Tribal organization is any State or Tribal organization that—

(1) demonstrates to the satisfaction of the Commission that the State or Tribal organization has adopted a statute or a rule, regulation, or similar measure with the force and effect of law, requiring compliant carbon monoxide alarms to be installed in dwelling units in accordance with NFPA 72, the IFC, or the IRC; and

(2) submits an application—

(A) to the Commission at such time, in such form, and containing such additional information as the Commission may require; and

(B) that may be filed on behalf of the State or Tribal organization by the fire safety code enforcement agency of that State or Tribal organization.

(c) GRANT AMOUNT.—The Commission shall determine the amount of each grant awarded under this section.

(d) SELECTION OF GRANT RECIPIENTS.—In selecting eligible States and Tribal organizations for the award of grants under this section, the Commission shall give favorable consideration to an eligible State or Tribal organization that demonstrates a reasonable need for funding under this section and that—

(1) requires the installation of a one or more compliant carbon monoxide alarms in a new or existing educational facility, childcare facility, health care facility, adult dependent care facility, government building, restaurant, theater, lodging establishment, or dwelling unit—

(A) within which a fuel-burning appliance, including a furnace, boiler, water heater,

fireplace, or any other apparatus, appliance, or device that burns fuel, is installed; or

(B) that has an attached garage; and

(2) has developed a strategy to protect vulnerable populations, such as children, the elderly, or low-income households, from exposure to unhealthy levels of carbon monoxide.

(e) USE OF GRANT FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), an eligible State or Tribal organization to which a grant is awarded under this section may use the grant—

(A) to purchase and install compliant carbon monoxide alarms in the dwelling units of low-income families or elderly individuals, facilities that commonly serve children or the elderly (including childcare facilities, public schools, and senior centers);

(B) for the development and dissemination of training materials, instructors, and any other costs relating to the training sessions authorized under this subsection; or

(C) to educate the public about—

(i) the risk associated with carbon monoxide as a poison; and

(ii) the importance of proper carbon monoxide alarm use.

(2) LIMITATIONS.—

(A) ADMINISTRATIVE COSTS.—An eligible State or Tribal organization to which a grant is awarded under this section may use not more than 5 percent of the grant amount to cover administrative costs that are not directly related to training described in paragraph (1)(B).

(B) PUBLIC OUTREACH.—An eligible State or Tribal organization to which a grant is awarded under this section may use not more than 25 percent of the grant amount to cover the costs of activities described in paragraph (1)(D).

(C) STATE CONTRIBUTIONS.—An eligible State to which a grant is awarded under this section shall, with respect to the costs incurred by the State in carrying out activities under the grant, provide non-Federal contributions in an amount equal to not less than 25 percent of amount of Federal funds provided under the grant to administer the program. This subparagraph shall not apply to Tribal organizations.

(f) FUNDING.—

(1) IN GENERAL.—The Commission shall carry out this Act using amounts appropriated to the Commission for each of fiscal years 2020 through 2024, to extent such funds are available.

(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—In a fiscal year, not more than 10 percent of the amounts appropriated or otherwise made available to carry out this Act may be used for administrative expenses.

(g) REPORT.—Not later than 1 year after the last day of each fiscal year in which grants are awarded under this section, the Commission shall submit to Congress a report that evaluates the implementation of the grant program required under this section.

SA 2715. Mr. BRAUN (for Mr. MORAN) proposed an amendment to the bill S. 3248, to reauthorize the United States Anti-Doping Agency, 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 ''United States Anti-Doping Agency Reauthorization Act of 2020''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States Anti-Doping Agency—

(A) is the independent national anti-doping organization of the United States; and

(B) manages the anti-doping program, results management processes, drug reference resources, and athlete education for all United States Olympic Committee-recognized national governing bodies and the athletes and events of such national governing bodies.

(2) The United States Anti-Doping Agency contributes to the advancement of clean sport through scientific research, anti-doping education, and outreach programs, and the mission of the United States Anti-Doping Agency is to preserve the integrity of competition and protect the rights of athletes.

(3) Participation in youth sports has the potential to equip young athletes with important skills and values necessary for success in life, and it is essential that the culture of youth sports emphasizes such skills and values.

(4) The TrueSport program of the United States Anti-Doping Agency partners with youth sport organizations across the United States to promote sportsmanship, character building, and healthy performance through the use of targeted educational materials designed to promote a positive youth sport experience.

(5) In modifying the authority of the United States Anti-Doping Agency to include the promotion of the positive values of youth sport, Congress sends a strong signal that the goals of youth sport should include instilling in young athletes the values of integrity, respect, teamwork, courage, and responsibility.

(6) Due to the unique leadership position of the United States in the global community, adequate funding of the anti-doping and clean sport programs of the United States Anti-Doping Agency is imperative to the preparation for the 2028 Summer Olympic Games, which will be held in Los Angeles, California.

(7) Increased appropriations for fiscal years 2021 through 2029 would enable the United States Anti-Doping Agency to directly affect the integrity and well-being of sport, both domestically and internationally.

SEC. 3. MODIFICATIONS OF AUTHORITY.

Section 701 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 2001) is amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1)(A) serve as the independent anti-doping organization for the amateur athletic competitions recognized by the United States Olympic and Paralympic Committee;

''(B) be responsible for certifying in advance any testing conducted by international organizations under the World Anti-Doping Code for international amateur athletes and athletic competitions occurring within the jurisdiction of the United States; and

''(C) be recognized worldwide as the independent national anti-doping organization for the United States;'';

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) promote a positive youth sport experience by using a portion of the funding of the United States Anti-Doping Agency to provide educational materials on sportsmanship, character building, and healthy performance for the athletes, parents, and coaches who participate in youth sports.''; and

(2) by adding at the end the following:

''(c) DUE PROCESS IN ARBITRATION PROCEEDINGS.—Any action taken by the United States Anti-Doping Agency to enforce a policy, procedure, or requirement of the United States Anti-Doping Agency against a person with respect to a violation of Federal law, including an investigation, a disciplinary action, a sanction, or any other administrative action, shall be carried out in a manner that provides due process protection to the person.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 703 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 2003) is amended to read as follows:

''SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the United States Anti-Doping Agency—

''(1) for fiscal year 2021, $15,500,000;

''(2) for fiscal year 2022, $16,200,000;

''(3) for fiscal year 2023, $16,900,000;

''(4) for fiscal year 2024, $17,700,000;

''(5) for fiscal year 2025, $18,500,000;

''(6) for fiscal year 2026, $19,800,000;

''(7) for fiscal year 2027, $22,100,000;

''(8) for fiscal year 2028, $24,900,000; and

''(9) for fiscal year 2029, $23,700,000.''.

SEC. 5. INFORMATION SHARING.

Except as otherwise prohibited by law and except in cases in which the integrity of a criminal investigation would be affected, pursuant to the obligation of the United States under Article 7 of the United Nations Educational, Scientific, and Cultural Organization International Convention Against Doping in Sport done at Paris October 19, 2005, and ratified by the United States in 2008, the Attorney General, the Secretary of Homeland Security, and the Commissioner of Food and Drugs shall provide to the United States Anti-Doping Agency any relevant information relating to the prevention of the use of performance-enhancing drugs or the prohibition of performance-enhancing methods.

SA 2716. Mr. BRAUN (for Mr. ALEXANDER) proposed an amendment to the bill S. 1681, to educate health care providers and the public on biosimilar biological products, 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 ''Advancing Education on Biosimilars Act of 2020''.

SEC. 2. EDUCATION ON BIOLOGICAL PRODUCTS.

Subpart 1 of part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following:

''SEC. 352A. EDUCATION ON BIOLOGICAL PRODUCTS.

''(a) INTERNET WEBSITE.—

''(1) IN GENERAL.—The Secretary may maintain and operate an internet website to provide educational materials for health care providers, patients, and caregivers, regarding the meaning of the terms, and the standards for review and licensing of, biological products, including biosimilar biological products and interchangeable biosimilar biological products.

''(2) CONTENT.—Educational materials provided under paragraph (1) may include—

''(A) explanations of key statutory and regulatory terms, including 'biosimilar' and 'interchangeable', and clarification regarding the use of interchangeable biosimilar biological products;

''(B) information related to development programs for biological products, including biosimilar biological products and interchangeable biosimilar biological products and relevant clinical considerations for prescribers, which may include, as appropriate and applicable, information related to the comparability of such biological products;

''(C) an explanation of the process for reporting adverse events for biological products, including biosimilar biological products and interchangeable biosimilar biological products; and

''(D) an explanation of the relationship between biosimilar biological products and interchangeable biosimilar biological products licensed under section 351(k) and reference products (as defined in section 351(i)), including the standards for review and licensing of each such type of biological product.

''(3) FORMAT.—The educational materials provided under paragraph (1) may be—

''(A) in formats such as webinars, continuing education modules, videos, fact sheets, infographics, stakeholder toolkits, or other formats as appropriate and applicable; and

''(B) tailored for the unique needs of health care providers, patients, caregivers, and other audiences, as the Secretary determines appropriate.

''(4) OTHER INFORMATION.—In addition to the information described in paragraph (2), the Secretary shall continue to publish—

''(A) the action package of each biological product licensed under subsection (a) or (k) of section 351; or

''(B) the summary review of each biological product licensed under subsection (a) or (k) of section 351.

''(5) CONFIDENTIAL AND TRADE SECRET INFORMATION.—This subsection does not authorize the disclosure of any trade secret, confidential commercial or financial information, or other matter described in section 552(b) of title 5.

''(b) CONTINUING EDUCATION.—The Secretary shall advance education and awareness among health care providers regarding biological products, including biosimilar biological products and interchangeable biosimilar biological products, as appropriate, including by developing or improving continuing education programs that advance the education of such providers on the prescribing of, and relevant clinical considerations with respect to, biological products, including biosimilar biological products and interchangeable biosimilar biological products.''.

SA 2717. Mr. BRAUN (for Ms. CORTEZ MASTO (for herself and Mrs. FISCHER)) proposed an amendment to the bill H.R. 1923, to amend title 31, United States Code, to require the Secretary of the Treasury to mint and issue certain circulating collectible coins, and for other purposes; as follows:

At the end, add the following:

SEC. 8. COST.

No coin or medal minted and issued under this Act, or an amendment made by this Act, may be sold at a price such that would result in a net cost to the Federal Government.

FRAUD AND SCAM REDUCTION ACT

Mr. BRAUN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 2610 and that 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. 2610) to establish an office within the Federal Trade Commission and an outside advisory group to prevent fraud targeting seniors and to direct the Commission to study and submit a report to Congress on scams targeting seniors and Indian tribes, and for other purposes.

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

Mr. BRAUN. I ask unanimous consent that the Wicker substitute amendment at the desk be agreed to and that the bill, as amended, be considered read a third time.

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

The amendment (No. 2713), 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; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fraud and Scam Reduction Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—PREVENTING CONSUMER SCAMS DIRECTED AT SENIORS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Stop Senior Scams Act''.

SEC. 102. SENIOR SCAMS PREVENTION ADVISORY GROUP.

(a) ESTABLISHMENT.—There is established a Senior Scams Prevention Advisory Group (referred to in this title as the ''Advisory Group'').

(b) MEMBERS.—The Advisory Group shall be composed of stakeholders such as the following individuals or the designees of those individuals:

(1) The Chairman of the Federal Trade Commission.

(2) The Secretary of the Treasury.

(3) The Attorney General.

(4) The Director of the Bureau of Consumer Financial Protection.

(5) Representatives from each of the following sectors, including trade associations, to be selected by Federal Trade Commission:

(A) Retail.

(B) Gift cards.

(C) Telecommunications.

(D) Wire-transfer services.

(E) Senior peer advocates.

(F) Consumer advocacy organizations with efforts focused on preventing seniors from becoming the victims of scams.

(G) Financial services, including institutions that engage in digital currency.

(H) Prepaid cards.

(6) A member of the Board of Governors of the Federal Reserve System.

(7) A prudential regulator, as defined in section 1002 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481).

(8) The Director of the Financial Crimes Enforcement Network.

(9) Any other Federal, State, or local agency, industry representative, consumer advocate, or entity, as determined by the Federal Trade Commission.

(c) NO COMPENSATION FOR MEMBERS.—A member of the Advisory Group shall serve without compensation in addition to any compensation received for the service of the member as an officer or employee of the United States, if applicable.

(d) DUTIES.—

(1) IN GENERAL.—The Advisory Group shall—

(A) collect information on the existence, use, and success of educational materials and programs for retailers, financial services, and wire-transfer companies, which—

(i) may be used as a guide to educate employees on how to identify and prevent scams that affect seniors; and

(ii) include—

(I) useful information for retailers, financial services, and wire transfer companies for the purpose described in clause (i);

(II) training for employees on ways to identify and prevent senior scams;

(III) best practices for keeping employees up to date on current scams;

(IV) the most effective signage and placement in retail locations to warn seniors about scammers' use of gift cards, prepaid cards, and wire transfer services;

(V) suggestions on effective collaborative community education campaigns;

(VI) available technology to assist in identifying possible scams at the point of sale; and

(VII) other information that would be helpful to retailers, wire transfer companies, financial institutions, and their employees as they work to prevent fraud affecting seniors; and

(B) based on the findings in subparagraph (A)—

(i) identify inadequacies, omissions, or deficiencies in those educational materials and programs for the categories listed in subparagraph (A) and their execution in reaching employees to protect older adults; and

(ii) create model materials, best practices guidance, or recommendations to fill those inadequacies, omissions, or deficiencies that may be used by industry and others to help protect older adults from scams.

(2) ENCOURAGED USE.—The Chairman of the Federal Trade Commission shall—

(A) make the materials or guidance created by the Federal Trade Commission described in paragraph (1) publicly available; and

(B) encourage the use and distribution of the materials created under this subsection to prevent scams affecting seniors by governmental agencies and the private sector.

(e) REPORTS.—Section 101(c)(2) of the Elder Abuse Prevention and Prosecution Act (34 U.S.C. 21711(c)(2)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) for the Federal Trade Commission, in relevant years, information on—

''(i) the newly created materials, guidance, or recommendations of the Senior Scams Prevention Advisory Group established under section 102 of the Stop Senior Scams Act, and any relevant views or considerations made by members of the Advisory Group that were not included in the Advisory Group's model materials or considered an official recommendation by the Advisory Group;

''(ii) the Senior Scams Prevention Advisory Group's findings about senior scams and industry educational materials and programs; and

''(iii) any recommendations on ways stakeholders can continue to work together to reduce scams affecting seniors.''.

(f) TERMINATION.—This title, and the amendments made by this title, ceases to be effective on the date that is 5 years after the date of enactment of this Act.

TITLE II—SENIOR FRAUD ADVISORY OFFICE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Seniors Fraud Prevention Act of 2020''.

SEC. 202. OFFICE FOR THE PREVENTION OF FRAUD TARGETING SENIORS.

(a) ESTABLISHMENT OF ADVISORY OFFICE.—The Federal Trade Commission shall establish an office within the Bureau of Consumer Protection for the purpose of advising the Commission on the prevention of fraud targeting seniors and to assist the Commission with the following:

(1) OVERSIGHT.—The advisory office shall monitor the market for mail, television, internet, telemarketing, and recorded message telephone call (hereinafter referred to as ''robocall'') fraud targeting seniors and shall coordinate with other relevant agencies regarding the requirements of this section.

(2) CONSUMER EDUCATION.—The Commission through the advisory office shall, in consultation with the Attorney General, the Secretary of Health and Human Services, the Postmaster General, the Chief Postal Inspector for the United States Postal Inspection Service, and other relevant agencies—

(A) disseminate to seniors and families and caregivers of seniors general information on mail, television, internet, telemarketing, and robocall fraud targeting seniors, including descriptions of the most common fraud schemes;

(B) disseminate to seniors and families and caregivers of seniors information on reporting complaints of fraud targeting seniors either to the national toll-free telephone number established by the Commission for reporting such complaints, or to the Consumer Sentinel Network, operated by the Commission, where such complaints will become immediately available to appropriate law enforcement agencies, including the Federal Bureau of Investigation and the attorneys general of the States;

(C) in response to a specific request about a particular entity or individual, provide publically available information of enforcement action taken by the Commission for mail, television, internet, telemarketing, and robocall fraud against such entity; and

(D) maintain a website to serve as a resource for information for seniors and families and caregivers of seniors regarding mail, television, internet, telemarketing, robocall, and other identified fraud targeting seniors.

(3) COMPLAINTS.—The Commission through the advisory office shall, in consultation with the Attorney General, establish procedures to—

(A) log and acknowledge the receipt of complaints by individuals who believe they have been a victim of mail, television, internet, telemarketing, and robocall fraud in the Consumer Sentinel Network, and shall make those complaints immediately available to Federal, State, and local law enforcement authorities; and

(B) provide to individuals described in subparagraph (A), and to any other persons, specific and general information on mail, television, internet, telemarketing, and robocall fraud, including descriptions of the most common schemes using such methods of communication.

(b) COMMENCEMENT.—The Commission shall commence carrying out the requirements of this section not later than one year after the date of the enactment of this Act.

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

The bill was read the third time.

Mr. BRAUN. I know of no further debate on the bill as amended.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass, as amended?

The bill (H.R. 2610), as amended, was passed.

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

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

NICHOLAS AND ZACHARY BURT MEMORIAL CARBON MONOXIDE POISONING PREVENTION ACT OF 2019

Mr. BRAUN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 524, S. 481.

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

The senior assistant legislative clerk read as follows:

A bill (S. 481) to encourage States to require the installation of residential carbon monoxide detectors in homes, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act of 2019''.

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Carbon monoxide is a colorless, odorless gas produced by burning any fuel. Exposure to unhealthy levels of carbon monoxide can lead to carbon monoxide poisoning, a serious health condition that could result in death.

(2) Unintentional carbon monoxide poisoning from motor vehicles and improper operation of fuel-burning appliances, such as furnaces, water heaters, portable generators, and stoves, annually kills more than 400 individuals and sends approximately 15,000 individuals to hospital emergency rooms for treatment.

(3) Research shows that installing carbon monoxide alarms close to the sleeping areas in residential homes and other dwelling units can help avoid fatalities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should promote the installation of carbon monoxide alarms in residential homes and dwelling units across the United States in order to promote the health and public safety of citizens throughout the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) CARBON MONOXIDE ALARM.—The term ''carbon monoxide alarm'' means a device or system that—

(A) detects carbon monoxide; and

(B) is intended to sound an alarm at a carbon monoxide concentration below a concentration that could cause a loss of the ability to react to the dangers of carbon monoxide exposure.

(2) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(3) COMPLIANT CARBON MONOXIDE ALARM.—The term ''compliant carbon monoxide alarm'' means a carbon monoxide alarm that complies with the most current version of—

(A) the Standard for Single and Multiple Station Carbon Monoxide Alarms of the American National Standards Institute and UL (ANSI/UL 2034), or any successor standard; and

(B) the Standard for Gas and Vapor Detectors and Sensors of the American National Standards Institute and UL (ANSI/UL 2075), or any successor standard.

(4) DWELLING UNIT.—The term ''dwelling unit''—

(A) means a room or suite of rooms used for human habitation; and

(B) includes—

(i) a single family residence;

(ii) each living unit of a multiple family residence, including an apartment building; and

(iii) each living unit in a mixed use building.

(5) FIRE CODE ENFORCEMENT OFFICIALS.—The term ''fire code enforcement officials'' means officials of the fire safety code enforcement agency of a State or local government or a Tribal organization.

(6) INTERNATIONAL FIRE CODE.—The term ''IFC'' means—

(A) the 2015 or 2018 edition of the International Fire Code published by the International Code Council; or

(B) any amended or similar successor code pertaining to the proper installation of carbon monoxide alarms in dwelling units.

(7) INTERNATIONAL RESIDENTIAL CODE.—The term ''IRC'' means—

(A) the 2015 or 2018 edition of the International Residential Code published by the International Code Council; or

(B) any amended or similar successor code pertaining to the proper installation of carbon monoxide alarms in dwelling units.

(8) NFPA 720.—The term ''NFPA 720'' means—

(A) the Standard for the Installation of Carbon Monoxide Detection and Warning Equipment issued by the National Fire Protection Association in 2012; and

(B) any amended or similar successor standard relating to the proper installation of carbon monoxide alarms in dwelling units.

(9) STATE.—The term ''State''—

(A) has the meaning given the term in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)); and

(B) includes—

(i) the Commonwealth of the Northern Mariana Islands; and

(ii) any political subdivision of a State.

(10) TRIBAL ORGANIZATION.—The term ''Tribal organization'' has the meaning given the term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(l)).

SEC. 4. GRANT PROGRAM FOR CARBON MONOXIDE POISONING PREVENTION.

(a) IN GENERAL.—Subject to the availability of appropriations authorized under subsection (f), the Commission shall establish a grant program to provide assistance to States and Tribal organizations that are eligible under subsection (b) to carry out the carbon monoxide poisoning prevention activities described in subsection (e).

(b) ELIGIBILITY.—For the purposes of this section, an eligible State or Tribal organization is any State or Tribal organization that—

(1) demonstrates to the satisfaction of the Commission that the State or Tribal organization has adopted a statute or a rule, regulation, or similar measure with the force and effect of law, requiring compliant carbon monoxide alarms to be installed in dwelling units in accordance with NFPA 72, the IFC, or the IRC; and

(2) submits an application—

(A) to the Commission at such time, in such form, and containing such additional information as the Commission may require; and

(B) that may be filed on behalf of the State or Tribal organization by the fire safety code enforcement agency of that State or Tribal organization.

(c) GRANT AMOUNT.—The Commission shall determine the amount of each grant awarded under this section.

(d) SELECTION OF GRANT RECIPIENTS.—In selecting eligible States and Tribal organizations for the award of grants under this section, the Commission shall give favorable consideration to an eligible State or Tribal organization that—

(1) requires the installation of a compliant carbon monoxide alarm in a new or existing educational facility, childcare facility, health care facility, adult dependent care facility, government building, restaurant, theater, lodging establishment, or dwelling unit—

(A) within which a fuel-burning appliance, including a furnace, boiler, water heater, fireplace, or any other apparatus, appliance, or device that burns fuel, is installed; or

(B) that has an attached garage; and

(2) has developed a strategy to protect vulnerable populations, such as children, the elderly, or low-income households, from exposure to unhealthy levels of carbon monoxide.

(e) USE OF GRANT FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), an eligible State or Tribal organization to which a grant is awarded under this section may use the grant—

(A) to purchase and install compliant carbon monoxide alarms in the dwelling units of low-income families or elderly individuals, facilities that commonly serve children or the elderly (including childcare facilities, public schools, and senior centers), or student dwelling units owned by public universities;

(B) to train State, Tribal organization, or local fire code enforcement officials in the proper enforcement of State, Tribal, or local laws regarding compliant carbon monoxide alarms and the installation of those alarms in accordance with NFPA 720, the IFC, or the IRC;

(C) for the development and dissemination of training materials, instructors, and any other costs relating to the training sessions authorized under this subsection; or

(D) to educate the public about—

(i) the risk associated with carbon monoxide as a poison; and

(ii) the importance of proper carbon monoxide alarm use.

(2) LIMITATIONS.—

(A) ADMINISTRATIVE COSTS.—An eligible State or Tribal organization to which a grant is awarded under this section may use not more than 5 percent of the grant amount to cover administrative costs that are not directly related to training described in paragraph (1)(B).

(B) PUBLIC OUTREACH.—An eligible State or Tribal organization to which a grant is awarded under this section may use not more than 25 percent of the grant amount to cover the costs of activities described in paragraph (1)(D).

(C) STATE CONTRIBUTIONS.—An eligible State to which a grant is awarded under this section shall, with respect to the costs incurred by the State in carrying out activities under the grant, provide non-Federal contributions in an amount equal to not less than 20 percent of amount of Federal funds provided under the grant to administer the program. This subparagraph shall not apply to Tribal organizations.

(f) FUNDING.—

(1) IN GENERAL.—The Commission shall carry out this Act using amounts appropriated to the Commission for each of fiscal years 2020 through 2024, to extent such funds are available.

(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—In a fiscal year, not more than 10 percent of the amounts appropriated or otherwise made available to carry out this Act may be used for administrative expenses.

(g) REPORT.—Not later than 1 year after the last day of each fiscal year in which grants are awarded under this section, the Commission shall submit to Congress a report that evaluates the implementation of the grant program required under this section.

Mr. BRAUN. Mr. President, I ask unanimous consent that the committee-reported amendment be withdrawn; that the Klobuchar amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 2714) 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 ''Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act of 2019''.

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Carbon monoxide is a colorless, odorless gas produced by burning any fuel. Exposure to unhealthy levels of carbon monoxide can lead to carbon monoxide poisoning, a serious health condition that could result in death.

(2) Unintentional carbon monoxide poisoning from motor vehicles and improper operation of fuel-burning appliances, such as furnaces, water heaters, portable generators, and stoves, annually kills more than 400 individuals and sends approximately 15,000 individuals to hospital emergency rooms for treatment.

(3) Research shows that installing carbon monoxide alarms close to the sleeping areas in residential homes and other dwelling units can help avoid fatalities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should promote the installation of carbon monoxide alarms in residential homes and dwelling units across the United States in order to promote the health and public safety of citizens throughout the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) CARBON MONOXIDE ALARM.—The term ''carbon monoxide alarm'' means a device or system that—

(A) detects carbon monoxide; and

(B) is intended to sound an alarm at a carbon monoxide concentration below a concentration that could cause a loss of the ability to react to the dangers of carbon monoxide exposure.

(2) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(3) COMPLIANT CARBON MONOXIDE ALARM.—The term ''compliant carbon monoxide alarm'' means a carbon monoxide alarm that complies with the most current version of—

(A) the Standard for Single and Multiple Station Carbon Monoxide Alarms of the American National Standards Institute and UL (ANSI/UL 2034), or any successor standard; and

(B) the Standard for Gas and Vapor Detectors and Sensors of the American National Standards Institute and UL (ANSI/UL 2075), or any successor standard.

(4) DWELLING UNIT.—The term ''dwelling unit''—

(A) means a room or suite of rooms used for human habitation; and

(B) includes—

(i) a single family residence;

(ii) each living unit of a multiple family residence, including an apartment building; and

(iii) each living unit in a mixed use building.

(5) FIRE CODE ENFORCEMENT OFFICIALS.—The term ''fire code enforcement officials'' means officials of the fire safety code enforcement agency of a State or local government or a Tribal organization.

(6) INTERNATIONAL FIRE CODE.—The term ''IFC'' means—

(A) the 2015 or 2018 edition of the International Fire Code published by the International Code Council; or

(B) any amended or similar successor code pertaining to the proper installation of carbon monoxide alarms in dwelling units.

(7) INTERNATIONAL RESIDENTIAL CODE.—The term ''IRC'' means—

(A) the 2015 or 2018 edition of the International Residential Code published by the International Code Council; or

(B) any amended or similar successor code pertaining to the proper installation of carbon monoxide alarms in dwelling units.

(8) NFPA 720.—The term ''NFPA 720'' means—

(A) the Standard for the Installation of Carbon Monoxide Detection and Warning Equipment issued by the National Fire Protection Association in 2012; and

(B) any amended or similar successor standard relating to the proper installation of carbon monoxide alarms in dwelling units.

(9) STATE.—The term ''State''—

(A) has the meaning given the term in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)); and

(B) includes—

(i) the Commonwealth of the Northern Mariana Islands; and

(ii) any political subdivision of a State.

(10) TRIBAL ORGANIZATION.—The term ''Tribal organization'' has the meaning given the term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(l)).

SEC. 4. GRANT PROGRAM FOR CARBON MONOXIDE POISONING PREVENTION.

(a) IN GENERAL.—Subject to the availability of appropriations authorized under subsection (f), the Commission shall establish a grant program to provide assistance to States and Tribal organizations that are eligible under subsection (b) to carry out the carbon monoxide poisoning prevention activities described in subsection (e).

(b) ELIGIBILITY.—For the purposes of this section, an eligible State or Tribal organization is any State or Tribal organization that—

(1) demonstrates to the satisfaction of the Commission that the State or Tribal organization has adopted a statute or a rule, regulation, or similar measure with the force and effect of law, requiring compliant carbon monoxide alarms to be installed in dwelling units in accordance with NFPA 72, the IFC, or the IRC; and

(2) submits an application—

(A) to the Commission at such time, in such form, and containing such additional information as the Commission may require; and

(B) that may be filed on behalf of the State or Tribal organization by the fire safety code enforcement agency of that State or Tribal organization.

(c) GRANT AMOUNT.—The Commission shall determine the amount of each grant awarded under this section.

(d) SELECTION OF GRANT RECIPIENTS.—In selecting eligible States and Tribal organizations for the award of grants under this section, the Commission shall give favorable

consideration to an eligible State or Tribal organization that demonstrates a reasonable need for funding under this section and that—

(1) requires the installation of a one or more compliant carbon monoxide alarms in a new or existing educational facility, childcare facility, health care facility, adult dependent care facility, government building, restaurant, theater, lodging establishment, or dwelling unit—

(A) within which a fuel-burning appliance, including a furnace, boiler, water heater, fireplace, or any other apparatus, appliance, or device that burns fuel, is installed; or

(B) that has an attached garage; and

(2) has developed a strategy to protect vulnerable populations, such as children, the elderly, or low-income households, from exposure to unhealthy levels of carbon monoxide.

(e) USE OF GRANT FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), an eligible State or Tribal organization to which a grant is awarded under this section may use the grant—

(A) to purchase and install compliant carbon monoxide alarms in the dwelling units of low-income families or elderly individuals, facilities that commonly serve children or the elderly (including childcare facilities, public schools, and senior centers);

(B) for the development and dissemination of training materials, instructors, and any other costs relating to the training sessions authorized under this subsection; or

(C) to educate the public about—

(i) the risk associated with carbon monoxide as a poison; and

(ii) the importance of proper carbon monoxide alarm use.

(2) LIMITATIONS.—

(A) ADMINISTRATIVE COSTS.—An eligible State or Tribal organization to which a grant is awarded under this section may use not more than 5 percent of the grant amount to cover administrative costs that are not directly related to training described in paragraph (1)(B).

(B) PUBLIC OUTREACH.—An eligible State or Tribal organization to which a grant is awarded under this section may use not more than 25 percent of the grant amount to cover the costs of activities described in paragraph (1)(D).

(C) STATE CONTRIBUTIONS.—An eligible State to which a grant is awarded under this section shall, with respect to the costs incurred by the State in carrying out activities under the grant, provide non-Federal contributions in an amount equal to not less than 25 percent of amount of Federal funds provided under the grant to administer the program. This subparagraph shall not apply to Tribal organizations.

(f) FUNDING.—

(1) IN GENERAL.—The Commission shall carry out this Act using amounts appropriated to the Commission for each of fiscal years 2020 through 2024, to extent such funds are available.

(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—In a fiscal year, not more than 10 percent of the amounts appropriated or otherwise made available to carry out this Act may be used for administrative expenses.

(g) REPORT.—Not later than 1 year after the last day of each fiscal year in which grants are awarded under this section, the Commission shall submit to Congress a report that evaluates the implementation of the grant program required under this section.

The bill (S. 481), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

UNITED STATES ANTI-DOPING AGENCY REAUTHORIZATION ACT OF 2020

Mr. BRAUN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 594, S. 3248.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3248) to reauthorize the United States Anti-Doping Agency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, 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. 3248

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 ''United States Anti-Doping Agency Reauthorization Act of 2020''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States Anti-Doping Agency—

(A) is the independent national anti-doping organization of the United States; and

(B) manages the anti-doping program, results management processes, drug reference resources, and athlete education for all United States Olympic Committee-recognized national governing bodies and the athletes and events of such national governing bodies.

(2) The United States Anti-Doping Agency contributes to the advancement of clean sport through scientific research, anti-doping education, and outreach programs, and the mission of the United States Anti-Doping Agency is to preserve the integrity of competition and protect the rights of athletes.

(3) Participation in youth sports has the potential to equip young athletes with important skills and values necessary for success in life, and it is essential that the culture of youth sports emphasizes such skills and values.

(4) The TrueSport program of the United States Anti-Doping Agency partners with youth sport organizations across the United States to promote sportsmanship, character building, and healthy performance through the use of targeted educational materials designed to promote a positive youth sport experience.

(5) In modifying the authority of the United States Anti-Doping Agency to include the promotion of the positive values of youth sport, Congress sends a strong signal that the goals of youth sport should include instilling in young athletes the values of integrity, respect, teamwork, courage, and responsibility.

(6) Due to the unique leadership position of the United States in the global community, adequate funding of the anti-doping and clean sport programs of the United States Anti-Doping Agency is imperative to the preparation for the 2028 Summer Olympic Games, which will be held in Los Angeles, California.

[(7) Increased appropriations for fiscal years 2021 through 2029 would enable the United States Anti-Doping Agency to directly affect the integrity and well-being of sport, both domestically and internationally.**]**

SEC. 3. PROMOTION OF YOUTH SPORTS.

Section 701(b) of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 2001(b)) is amended—

(1) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(2) by adding at the end the following:

''(5) promote a positive youth sport experience **[**1by using a portion of the funding of the United States Anti-Doping Agency to provide educational**]** *by providing educational* materials on sportsmanship, character building, and healthy performance for the athletes, parents, and coaches who participate in youth sports.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 703 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 2003) is amended to read as follows:

''SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the United States Anti-Doping Agency—

''(1) for fiscal year 2021, $15,500,000;

''(2) for fiscal year 2022, $16,200,000;

''(3) for fiscal year 2023, $16,900,000;

''(4) for fiscal year 2024, $17,700,000;

''(5) for fiscal year 2025, $18,500,000;

''(6) for fiscal year 2026, $19,800,000;

''(7) for fiscal year 2027, $22,100,000;

''(8) for fiscal year 2028, $24,900,000; and

''(9) for fiscal year 2029, $23,700,000.''.

SEC. 5. INFORMATION SHARING.

Except as otherwise prohibited by law and except in cases in which the integrity of a criminal investigation would be affected, pursuant to the obligation of the United States under Article 7 of the United Nations Educational, Scientific, and Cultural Organization International Convention Against Doping in Sport done at Paris October 19, 2005, and ratified by the United States in 2008, the Attorney General, the Secretary of Homeland Security, and the Commissioner of Food and Drugs shall provide to the United States Anti-Doping Agency any relevant information relating to the prevention of the use of performance-enhancing drugs or the prohibition of performance-enhancing methods.

SEC. 6. REPORT ON CAPACITY TO IMPLEMENT EQUINE ANTI-DOPING AND MEDICATION CONTROL PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the United States Anti-Doping Agency shall submit to Congress a report that—

(1) assesses the capacity of the United States Anti-Doping Agency to implement an equine anti-doping and medication control program; and

(2) includes—

(A) recommendations with respect to best practices for design, resources, and any other consideration necessary for the successful implementation of such a program in the United States; and

(B) recommendations developed in consultation with the National Veterinary Services Laboratories with respect to the appropriate technical standards and best practices for such a program.

Mr. BRAUN. I ask unanimous consent that the committee-reported amendments be withdrawn; that the Moran substitute amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendments were withdrawn.

The amendment (No. 2715) 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 ''United States Anti-Doping Agency Reauthorization Act of 2020''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States Anti-Doping Agency—

(A) is the independent national anti-doping organization of the United States; and

(B) manages the anti-doping program, results management processes, drug reference resources, and athlete education for all United States Olympic Committee-recognized national governing bodies and the athletes and events of such national governing bodies.

(2) The United States Anti-Doping Agency contributes to the advancement of clean sport through scientific research, anti-doping education, and outreach programs, and the mission of the United States Anti-Doping Agency is to preserve the integrity of competition and protect the rights of athletes.

(3) Participation in youth sports has the potential to equip young athletes with important skills and values necessary for success in life, and it is essential that the culture of youth sports emphasizes such skills and values.

(4) The TrueSport program of the United States Anti-Doping Agency partners with youth sport organizations across the United States to promote sportsmanship, character building, and healthy performance through the use of targeted educational materials designed to promote a positive youth sport experience.

(5) In modifying the authority of the United States Anti-Doping Agency to include the promotion of the positive values of youth sport, Congress sends a strong signal that the goals of youth sport should include instilling in young athletes the values of integrity, respect, teamwork, courage, and responsibility.

(6) Due to the unique leadership position of the United States in the global community, adequate funding of the anti-doping and clean sport programs of the United States Anti-Doping Agency is imperative to the preparation for the 2028 Summer Olympic Games, which will be held in Los Angeles, California.

(7) Increased appropriations for fiscal years 2021 through 2029 would enable the United States Anti-Doping Agency to directly affect the integrity and well-being of sport, both domestically and internationally.

SEC. 3. MODIFICATIONS OF AUTHORITY.

Section 701 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 2001) is amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1)(A) serve as the independent anti-doping organization for the amateur athletic competitions recognized by the United States Olympic and Paralympic Committee;

''(B) be responsible for certifying in advance any testing conducted by international organizations under the World Anti-Doping Code for international amateur athletes and athletic competitions occurring within the jurisdiction of the United States; and

''(C) be recognized worldwide as the independent national anti-doping organization for the United States;'';

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) promote a positive youth sport experience by using a portion of the funding of the United States Anti-Doping Agency to provide educational materials on sportsmanship, character building, and healthy performance for the athletes, parents, and coaches who participate in youth sports.''; and

(2) by adding at the end the following:

''(c) DUE PROCESS IN ARBITRATION PROCEEDINGS.—Any action taken by the United States Anti-Doping Agency to enforce a policy, procedure, or requirement of the United States Anti-Doping Agency against a person with respect to a violation of Federal law, including an investigation, a disciplinary action, a sanction, or any other administrative action, shall be carried out in a manner that provides due process protection to the person.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 703 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 2003) is amended to read as follows:

''SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the United States Anti-Doping Agency—

''(1) for fiscal year 2021, $15,500,000;

''(2) for fiscal year 2022, $16,200,000;

''(3) for fiscal year 2023, $16,900,000;

''(4) for fiscal year 2024, $17,700,000;

''(5) for fiscal year 2025, $18,500,000;

''(6) for fiscal year 2026, $19,800,000;

''(7) for fiscal year 2027, $22,100,000;

''(8) for fiscal year 2028, $24,900,000; and

''(9) for fiscal year 2029, $23,700,000.''.

SEC. 5. INFORMATION SHARING.

Except as otherwise prohibited by law and except in cases in which the integrity of a criminal investigation would be affected, pursuant to the obligation of the United States under Article 7 of the United Nations Educational, Scientific, and Cultural Organization International Convention Against Doping in Sport done at Paris October 19, 2005, and ratified by the United States in 2008, the Attorney General, the Secretary of Homeland Security, and the Commissioner of Food and Drugs shall provide to the United States Anti-Doping Agency any relevant information relating to the prevention of the use of performance-enhancing drugs or the prohibition of performance-enhancing methods.

The bill (S. 3248), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

COMBATING PANDEMIC SCAMS ACT OF 2020

Mr. BRAUN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 6435 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 6435) to direct the Federal Trade Commission to develop and disseminate information to the public about scams related to COVID–19, and for other purposes.

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

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

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

The bill (H.R. 6435) was ordered to a third reading, was read the third time, and passed.

SCHOOL-BASED ALLERGIES AND ASTHMA MANAGEMENT PROGRAM ACT

Mr. BRAUN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of H.R. 2468 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. 2468) to amend the Public Health Service Act to increase the preference given, in awarding certain allergies and asthma-related grants, to States that require certain public schools to have allergies and asthma management programs, and for other purposes.

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

Mr. BRAUN. I ask unanimous consent that the bill be considered read a third time.

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

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

Mr. BRAUN. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate on the bill, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2468) was passed.

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

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

ADVANCING EDUCATION ON BIOSIMILARS ACT OF 2019

Mr. BRAUN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 1681 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. 1681) to educate health care providers and the public on biosimilar biological products, and for other purposes.

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

Mr. BRAUN. I ask unanimous consent that the Alexander 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. 2716) 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 ''Advancing Education on Biosimilars Act of 2020''.

SEC. 2. EDUCATION ON BIOLOGICAL PRODUCTS.

Subpart 1 of part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following:

''SEC. 352A. EDUCATION ON BIOLOGICAL PRODUCTS.

''(a) INTERNET WEBSITE.—

''(1) IN GENERAL.—The Secretary may maintain and operate an internet website to provide educational materials for health care providers, patients, and caregivers, regarding the meaning of the terms, and the standards for review and licensing of, biological products, including biosimilar biological products and interchangeable biosimilar biological products.

''(2) CONTENT.—Educational materials provided under paragraph (1) may include—

''(A) explanations of key statutory and regulatory terms, including 'biosimilar' and 'interchangeable', and clarification regarding the use of interchangeable biosimilar biological products;

''(B) information related to development programs for biological products, including biosimilar biological products and interchangeable biosimilar biological products and relevant clinical considerations for prescribers, which may include, as appropriate and applicable, information related to the comparability of such biological products;

''(C) an explanation of the process for reporting adverse events for biological products, including biosimilar biological products and interchangeable biosimilar biological products; and

''(D) an explanation of the relationship between biosimilar biological products and interchangeable biosimilar biological products licensed under section 351(k) and reference products (as defined in section 351(i)), including the standards for review and licensing of each such type of biological product.

''(3) FORMAT.—The educational materials provided under paragraph (1) may be—

''(A) in formats such as webinars, continuing education modules, videos, fact sheets, infographics, stakeholder toolkits, or other formats as appropriate and applicable; and

''(B) tailored for the unique needs of health care providers, patients, caregivers, and other audiences, as the Secretary determines appropriate.

''(4) OTHER INFORMATION.—In addition to the information described in paragraph (2), the Secretary shall continue to publish—

''(A) the action package of each biological product licensed under subsection (a) or (k) of section 351; or

''(B) the summary review of each biological product licensed under subsection (a) or (k) of section 351.

''(5) CONFIDENTIAL AND TRADE SECRET INFORMATION.—This subsection does not authorize the disclosure of any trade secret, confidential commercial or financial information, or other matter described in section 552(b) of title 5.

''(b) CONTINUING EDUCATION.—The Secretary shall advance education and awareness among health care providers regarding biological products, including biosimilar biological products and interchangeable biosimilar biological products, as appropriate, including by developing or improving continuing education programs that advance the education of such providers on the prescribing of, and relevant clinical considerations with respect to, biological products, including biosimilar biological products and interchangeable biosimilar biological products.''.

The bill (S. 1681), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

PROVIDING FOR STAFF TRANSITION FOR A SENATOR IF THE RESULTS OF THE ELECTION FOR AN ADDITIONAL TERM OF OFFICE OF THE SENATOR HAVE NOT BEEN CERTIFIED

Mr. BRAUN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 805, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 805) providing for staff transition for a Senator if the results of the election for an additional term of office of the Senator have not been certified.

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

Mr. BRAUN. I ask unanimous consent that the resolution be agreed to and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 805) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

1921 SILVER DOLLAR COIN ANNIVERSARY ACT

Mr. BRAUN. Mr. President, I ask unanimous consent that the committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 6192 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 6192) 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.

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

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

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

The bill (H.R. 6192) was ordered to a third reading, was read the third time, and passed.

CIRCULATING COLLECTIBLE COIN REDESIGN ACT OF 2020

Mr. BRAUN. Mr. President, I ask unanimous consent that the committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 1923 and that 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. 1923) to amend title 31, United States Code, to require the Secretary of the Treasury to mint and issue certain circulating collectible coins, and for other purposes.

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

Mr. BRAUN. I ask unanimous consent that the Cortez Masto amendment, which is at the desk, be considered and 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. 2717) was agreed to, as follows

(Purpose: To improve the bill)

At the end, add the following:

SEC. 8. COST.

No coin or medal minted and issued under this Act, or an amendment made by this Act, may be sold at a price such that would result in a net cost to the Federal Government.

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. 1923), as amended, was passed.

THE CALENDAR

Mr. BRAUN. Mr. President, I ask unanimous consent that the applicable committees be discharged and the Senate proceed to the immediate consideration of the following bills en bloc: H.R. 3976, H.R. 5597, H.R. 7810, H.R. 5972, H.R. 4988, H.R. 5123, H.R. 5451, H.R. 5983, H.R. 6418, H.R. 7088, H.R. 7502, H.R. 8611, H.R. 6161, S. 4971, and S. 4857.

There being no objection, the committees, where applicable, were discharged, and the Senate proceeded to consider the bills en bloc.

Mr. BRAUN. I ask unanimous consent that the bills, en bloc, be considered read a third time and passed and that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

ARETHA FRANKLIN POST OFFICE BUILDING

A bill (H.R. 3976) to designate the facility of the United States Postal Service located at 12711 East Jefferson Avenue in Detroit, Michigan, as the ''Aretha Franklin Post Office Building'' was ordered to a third reading, was read the third time, and passed.

CLARA LUPER POST OFFICE BUILDING

A bill (H.R. 5597) to designate the facility of the United States Postal Service located at 305 Northwest 5th Street in Oklahoma City, Oklahoma, as the ''Clara Luper Post Office Building'' was ordered to a third reading, was read the third time, and passed.

TOM REID POST OFFICE BUILDING

A bill (H.R. 7810) to designate the facility of the United States Postal Service located at 3519 East Walnut Street in Pearland, Texas, as the ''Tom Reid Post Office Building'' was ordered to a third reading, was read the third time, and passed.

MARY ANN SHADD CARY POST OFFICE

A bill (H.R. 5972) to designate the facility of the United States Postal Service located at 500 Delaware Avenue, Suite 1, in Wilmington, Delaware, as the ''Mary Ann Shadd Cary Post Office'' was ordered to a third reading, was read the third time, and passed.

CLARA BARTON POST OFFICE BUILDING

A bill (H.R. 4988) to designate the facility of the United States Postal Service located at 14 Walnut Street in Bordentown, New Jersey, as the ''Clara Barton Post Office Building'' was ordered to a third reading, was read the third time, and passed.

SENIOR AIRMAN DANIEL MILLER POST OFFICE BUILDING

A bill (H.R. 5123) to designate the facility of the United States Postal Service located at 476 East Main Street in Galesburg, Illinois, as the ''Senior Airman Daniel Miller Post Office Building'' was ordered to a third reading, was read the third time, and passed.

GEORGE H. BACEL POST OFFICE BUILDING

A bill (H.R. 5451) to designate the facility of the United States Postal Service located at 599 East Genesse Street in Fayetteville, New York, as the ''George H. Bacel Post Office Building'' was ordered to a third reading, was read the third time, and passed.

WOODIE RUCKER-HUGHES POST OFFICE BUILDING

A bill (H.R. 5983) to designate the facility of the United States Postal Service located at 4150 Chicago Avenue in Riverside, California, as the ''Woodie Rucker-Hughes Post Office Building'' was ordered to a third reading, was read the third time, and passed.

WILLIAM 'JACK' JACKSON EDWARDS III POST OFFICE BUILDING

A bill (H.R. 6418) to designate the facility of the United States Postal Service located at 509 Fairhope Avenue in Fairhope, Alabama, as the ''William 'Jack' Jackson Edwards III Post Office Building'' was ordered to a third reading, was read the third time, and passed.

SENATOR JACK HILL POST OFFICE BUILDING

A bill (H.R. 7088) to designate the facility of the United States Postal Service located at 111 James Street in Reidsville, Georgia, as the ''Senator Jack Hill Post Office Building'' was ordered to a third reading, was read the third time, and passed.

JESSIE FIELD SHAMBAUGH POST OFFICE BUILDING

A bill (H.R. 7502) to designate the facility of the United States Postal Service located at 101 South 16th Street in Clarinda, Iowa, as the ''Jessie Field Shambaugh Post Office Building'' was ordered to a third reading, was read the third time, and passed.

JOSEPH BULLOCK POST OFFICE BUILDING

A bill (H.R. 8611) to designate the facility of the United States Postal Service located at 4755 Southeast Dixie Highway in Port Salerno, Florida, as the ''Joseph Bullock Post Office Building'' was ordered to a third reading, was read the third time, and passed.

J. HOWARD COBLE POST OFFICE BUILDING

A bill (H.R. 6161) to designate the facility of the United States Postal Service located at 1585 Yanceyville Street, Greensboro, North Carolina, as the ''J. Howard Coble Post Office Building'' was ordered to a third reading, was read the third time, and passed.

JIM RAMSTAD POST OFFICE

A bill (S. 4971) to designate the facility of the United States Postal Service located at 229 Minnetonka Avenue South in Wayzata, Minnesota, as the ''Jim Ramstad Post Office'' was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4971

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

SECTION 1. JIM RAMSTAD POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 229 Minnetonka Avenue South in Wayzata, Minnesota, shall be known and designated as the ''Jim Ramstad Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Jim Ramstad Post Office''.

HOWARD ARTHUR TIBBS POST OFFICE

A bill (S. 4857) to designate the facility of the United States Postal Service located at 275 Penn Avenue in Salem, Ohio, as the ''Howard Arthur Tibbs Post Office'' was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4857

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

SECTION 1. HOWARD ARTHUR TIBBS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 275 Penn Avenue in Salem, Ohio, shall be known and designated as the ''Howard Arthur Tibbs Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Howard Arthur Tibbs Post Office''.

MARC LEE MEMORIAL POST OFFICE BUILDING

Mr. BRAUN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6016, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 6016) to designate the facility of the United States Postal Service located at 14955 West Bell Road in Surprise, Arizona, as the ''Marc Lee Memorial Post Office Building''.

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

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

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

The bill (H.R. 6016) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, DECEMBER 18, 2020

Mr. BRAUN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Friday, December 18; 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; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Aenlle-Rocha nomination.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BRAUN. 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 Friday, December 18, 2020, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES POSTAL SERVICE

ROMOLO A. BERNARDI, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2023, VICE CAROLYN L. GALLAGHER, TERM EXPIRED.

THE JUDICIARY

TERRENCE M. ANDREWS, OF CALIFORNIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE EDWARD J. DAMICH, TERM EXPIRED.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

DANIEL Z. EPSTEIN, OF TEXAS, TO BE CHAIRMAN OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES FOR THE TERM OF FIVE YEARS, VICE PAUL R. VERKUIL, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 17, 2020:

THE JUDICIARY

CHARLES EDWARD ATCHLEY, JR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE.

ZACHARY N. SOMERS, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on December 17, 2020 withdrawing from further Senate consideration the following nomination:

DANIEL Z. EPSTEIN, OF TEXAS, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE EDWARD J. DAMICH, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON FEBRUARY 4, 2020.

EXTENSIONS OF REMARKS

SUPPORTING H.R. 1375, THE PROVIDE ACCURATE INFORMATION DIRECTLY ACT

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. BILIRAKIS. Madam Speaker, I rise today in support of H.R. 1375, the Provide Accurate Information Directly (or PAID) Act which includes an important provision amending the Medicare Secondary Payer Act. That provision facilitates expanded communication between the Medicare program and insurers and self-insured entities settling liability, no-fault, and workers' compensation claims with Medicare beneficiaries who may be covered by a Medicare Advantage (Part C) Plan or Medicare Prescription Drug (Part D) Plan. This is important for Medicare beneficiaries, who today resolve claims around a car crash or a slip and fall, but because of the way the law works can later be sued by a Medicare Advantage Plan for repayment. It has happened before—the PAID Act will fix that problem and allow beneficiaries to sleep at night knowing that they have fully resolved their claims.

Congress amended the MSP statute in 2007 through Section 111 of the MMSEA to require parties to a dispute (known as ''Primary Plans'') to report settlements, judgments and awards to Medicare, called ''Section 111 Reports.'' That allowed Medicare to seek recovery from settling parties under the Act when Medicare paid for health care because other payment was not available or reasonably expected to be available. While that program has been successful for the Medicare fee-for-service program, where the Center for Medicare and Medicaid Services (CMS) has the claims data for recovery, it has not been as successful for the Part C and Part D programs, where CMS does not have the 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. The PAID Act closes that critical information gap, 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 is aware that for the last eight years CMS has provided all 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 18 months to implement this law and urges CMS to move with all deliberate speed to both implement its own system changes and coordinate with all Primary Plans throughout the implementation process. Regular communication and coordination will be critical to ensuring that Primary Plans are aware of the data exchange requirements that CMS plans to implement, and to ensure that Primary Plans 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 intention that the needed Plan identity information be available for parties to coordinate benefits as quickly as possible.

I urge my colleagues to support this fix.

URBAN FARMING

HON. KWANZA HALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. HALL. Madam Speaker, I rise today to speak on the importance of urban farming.

Urban Farming first had its start during World War II where it supplied over 40 percent of produce.

But in recent days, it is making a comeback, and just in time. As our population grows, it is unrealistic to expect that urban farming will meet all of our food needs.

But, it will most certainly make a dent. But it will also do other things. It will encourage healthier diets, which is a much-needed skill for many in urban areas, who often resort to fast food and other conveniences of big city life.

It will also do must erode the large caloric diets that many in cities follow. Urban farming also bolsters local communities by bringing folks together, which itself foster greater collaboration and understanding of other people.

It can deliver produce at a lower cost, leaving families to spend on other costs of living, like housing.

It can also be good for the environment, as it can reduce CO2 emissions attendant with transporting food from faraway farms to urban centers.

And, it can also be another source of minority entrepreneurship by encouraging ownership of these farming centers with those who live in the buildings where the food is grown.

There are many benefits to this practice and I hope that we can take advantage of them in the days ahead.

IN HONOR OF JAYME ORR RHODES

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to recognize Jayme Orr Rhodes of Blair County, Pennsylvania for her service to Pennsylvania's 13th Congressional District on the 2020 U.S. Service Academy Nomination Committee.

Nominating exceptional candidates to attend our nation's service academies is one of my most important responsibilities in Congress. During this process, I rely on members of the Service Academy Nomination Committee, which is comprised of dedicated volunteers who have served our nation with distinction.

Jayme is one of nine academy alumni who graciously volunteered their time to meet with and evaluate perspective nominees for the Class of 2025. As a graduate of the United States Military Academy in West Point, New York, Jayme knows firsthand the qualities and dedication that are critical for succeeding at the academies. She provided wise counsel and expertise throughout the nominating process, and I am grateful for her time and commitment.

Jayme Orr Rhodes is an outstanding Pennsylvanian and American, as well as an excellent role model for future academy students. On behalf of the 13th District of Pennsylvania, it is my honor to recognize Jayme for her service to our community and our nation.

EAGLE SCOUTS

HON. NEAL P. DUNN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. DUNN. Madam Speaker, I rise today to recognize three exceptional students from Florida's Second Congressional District who will soon earn the esteemed Eagle Scout rank.

Corey Phelps and Sean Farnsley, of Port St. Joe, Florida, recently completed their community service projects to meet the requirements for the Eagle Scout rank.

Sean's Eagle project was to build a butterfly garden and reflecting area at the Constitution Convention Museum State Park in Port St. Joe.

Corey's project was to build a flag deposit box out of steel for the John C. Gainous Veterans of Foreign Wars Post 10069.

This is the first time in Troop 347's existence that two scouts have become members of the 2020 Gulf Coast Council Eagle Class.

It has also been approximately twenty-four years since Port St. Joe has had its last Eagle Scout.

But they weren't the only ones making history.

Macey Hartman of Chiles High School in Tallahassee, Florida will be a part of the national inaugural class of female Eagle Scouts.

During the Halloween weekend, Macey completed her Eagle Scout community service project, where she built four benches along the 1.75-mile Centerville Pedway in Tallahassee.

She will join the first wave of young women to achieve the highest scouting rank.

These students are making great strides towards bright futures.

I commend them for taking on this challenge and for giving back to their communities.

HONORING THE CAREER OF JUDGE MARTHA WALSH HOOD

HON. JOHN KATKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. KATKO. Madam Speaker, I rise today to honor the career of Judge Martha Walsh Hood, who has been a New York Family Court Judge in Onondaga County for 20 years. Judge Walsh Hood has been a dedicated public servant and a strong advocate for Central New York families throughout her career, and I am honored to know her.

After graduating from Syracuse University College of Law in 1979, Judge Walsh Hood began a long and respectable career as a lawyer. In 2000, Judge Walsh Hood was appointed as a Family Court Judge for New York's fifth judicial district and was subsequently designated as an acting State Supreme Court Justice. Additionally, she was the Presiding Justice of the Onondaga Integrated Domestic Violence Court, which she helped found, until June of 2005.

Throughout her career, Judge Walsh Hood has displayed a strong commitment to preserving the integrity of the law and advocating for the children and families of Central New York. She has repeatedly demonstrated the strength of her character through her fairness, unmatched work ethic, and her dedication to public service. During her time at the New York Family Court, she helped create and organize the annual National Adoption Day celebration in Central New York. Each year on National Adoption Day, judges from courts around Central New York volunteer to finalize numerous adoptions and celebrate their new families while raising awareness of the thousands of children in foster care. Judge Walsh Hood generously volunteers each year to organize this important event as a demonstration of her commitment to Central New York families.

Outside of her career, Judge Walsh Hood is a dedicated wife to her husband, Paul, and a loving mother to her two children.

Madam Speaker, I ask that my colleagues in the House join me in recognizing the distinguished career of Martha Walsh Hood. A dedicated public servant, I wish Judge Walsh Hood the best in her retirement.

HONORING THE RETIREMENT OF HON. JUDGE ERNESTINE S. GRAY

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. RICHMOND. Madam Speaker, I rise to honor the retirement of the Honorable Judge Ernestine S. Gray who served as a judge in the Orleans Parish Juvenile Court in New Orleans for over 35 years.

A native of South Carolina, Judge Ernestine S. Gray was educated in Orangeburg before graduating from Spelman College in 1971 and Louisiana State University Law Center in 1976. Prior to her election to the Orleans Parish Juvenile Court, Judge Gray was involved in private practice. During her career in public service she worked in the Louisiana Attorney General's office focusing on antitrust law issues and the Equal Employment Opportunity Commission (EEOC) as a trial attorney.

From the beginning of her career, Judge Gray has dedicated herself to the juvenile justice system. She demonstrated that commitment through her work at the Baton Rouge Legal Aid Society where she presided over several family law cases. Judge Gray also held various president level positions at the National Council of Juvenile and Family Court Judges, National CASA, and the local YWCA amongst others. Currently, she serves as the president of the Pelican Center for Children and Families.

A highly respected public servant, and member of Delta Sigma Theta Sorority, Inc., Judge Gray is the recipient of numerous awards including the 2018 American Bar Foundation Outstanding Service Award, the 2013 City Business Leadership in Law Award, the 2011 Louisiana Association of Black Woman Attorney's Trailblazer Award, the 2008 Honorary Membership for the Louisiana Chapter of the Order of the Coif, the 2004 recipient of Spirit of Crazy Horse Award Reclaiming Youth International, the 2002 Albert Elias Award for Advancement of Compassionate Care of Troubled Youth, the National Council on Crime and Delinquency Prevention, and the 1995 American Bar Association Franklin D. Flaschner Judicial Award.

Judge Gray had an extraordinary judicial career and truly made a substantial impact on the lives of children and families in New Orleans. We cannot match the sacrifices made by Judge Gray, but surely we can try to match her sense of service. We cannot match her courage, but we can strive to match her devotion.

Madam Speaker, I celebrate the retirement of the Honorable Judge Ernestine S. Gray.

RECOGNIZING NOLAN MEJIA AS CONSTITUENT OF THE MONTH

HON. MIKE LEVIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. LEVIN of California. Madam Speaker, it is my honor to recognize local Carlsbad teen, Nolan Mejia, as my December Constituent of the Month. As the COVID–19 pandemic spread in our communities, 17-year-old Nolan saw an opportunity to ease the struggles of his neighbors and friends. After witnessing his own grandparents have nearby family members do their grocery shopping, he worried for those that did not have anyone to do the same for them.

Feeling inspired by his own family's kindness, Mejia started the Grocery Grab service. Run by himself and a few of his classmates from Sage Creek High School in Carlsbad, the free grocery shopping service is designed to accommodate those who are immunocompromised and advised to stay at home to prevent exposure to COVID–19. So far, the group has delivered over 7,000 items to various seniors in the community, with any tips received for their services donated to the San Diego COVID–19 Community Response Fund.

While the pandemic continues to impact our communities in North County San Diego and South Orange County, it is absolutely vital that we embrace teamwork and togetherness. I am incredibly encouraged by the enthusiasm and charity of Nolan and his Grocery Grab staff for rising to the moment on the behalf of those CA–49 residents in need. In order to get through this unprecedented time, it's important that we support our most vulnerable neighbors. I am deeply grateful for Nolan's service to our District, and I am proud to recognize him as my Constituent of the Month.

IN HONOR OF ROD EDMINSTON

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to recognize Rod Edminston of Blair County, Pennsylvania for his service to Pennsylvania's 13th Congressional District on the 2020 U.S. Service Academy Nomination Committee.

Nominating exceptional candidates to attend our nation's service academies is one of my most important responsibilities in Congress. During this process, I rely on members of the Service Academy Nomination Committee, which is comprised of dedicated volunteers who have served our nation with distinction.

Rod is one of nine academy alumni who graciously volunteered their time to meet with and evaluate perspective nominees for the Class of 2025. As a graduate of the United States Military Academy in West Point, New York, Rod knows firsthand the qualities and dedication that are critical for succeeding at the academies. He provided wise counsel and expertise throughout the nominating process, and I am grateful for his time and commitment.

Rod Edminston is an outstanding Pennsylvanian and American, as well as an excellent role model for future academy students. On behalf of the 13th District of Pennsylvania, it is my honor to recognize Rod for his service to our community and our nation.

IN HONOR OF REP. GREG WALDEN

HON. SUZANNE BONAMICI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Ms. BONAMICI. Madam Speaker, I rise today on behalf of the people of our home state of Oregon to honor my friend, colleague, and fellow Oregon Duck, GREG WALDEN, for his twenty-two years of service in the U.S. House of Representatives. Congressman WALDEN's call to service did not start in this chamber—and it will not end here. GREG WALDEN and I share similar paths. We both attended the University of Oregon School of

Journalism, and we both began our careers in elected office in the Oregon State Legislature. We both started in the Oregon House, we were both appointed to the Oregon Senate, and we both served in leadership there before joining Congress.

Congressman WALDEN was first elected to the U.S. House of Representatives in 1999, and his ascent in Congress, in both leadership positions in his party and on some of our most powerful committees, brought central, eastern, and southern Oregon to the table during the most pressing policy debates of the past two decades. Although Congressman WALDEN and I didn't agree on every vote, we worked together to find areas of common ground that helped Oregonians by advancing good policies. I am grateful for his most recent work to bring more resources to those with opioid addiction, and for our work together on wildfire relief. In this time of great division, I greatly admire Congressman WALDEN's lifelong commitment to serving with integrity, honesty, and humility. He puts pen to paper and does the hard work that's needed to serve his constituents and move our country forward. When I first joined the Oregon delegation, he welcomed me with kind words on the House floor and then invited me to the House dining room for lunch, a gesture that meant a lot to me as a new member of Congress. I will miss our chance to catch up on long flights to and from Oregon, and I'll certainly miss having a fellow Duck in the delegation.

I offer my congratulations to Congressman WALDEN, as he closes this chapter of his career dedicated to helping others, and I know he will continue serving his community and Oregonians in new ways in the years ahead. Best wishes to him and his family.

HONORING MARY MORIARTY

HON. ILHAN OMAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Ms. OMAR. Madam Speaker, I rise today to honor Mary Moriarty, who embodies what it means to be a public defender. For 30 years, Ms. Moriarty has dedicated herself to the Hennepin County Chief Public Defender's Office. Her tireless commitment to our community, providing quality representation to our most marginalized and vulnerable neighbors should not go unappreciated.

Ms. Moriarty was appointed Chief Public Defender in 2014. Her leadership resulted in significant reforms, providing ample and often training to new lawyers, bringing in social workers for misdemeanor cases, and requiring lawyers to have knowledge in forensic science and DNA analysis.

An evaluation from the National Center for State Courts Public Defender's Office under Ms. Moriarty's leadership validated that she runs one of the best public defender offices in the country, one that is as successful as a private firm. Dr. Brian Ostrom stated this: ''let me say unequivocally that Ms. Moriarty is the most accomplished, passionate, and articulate public defender I have ever met.''

In her tenure Ms. Moriarty has been a devoted champion in addressing the racial inequalities in the justice system: whether that be advocating for more awareness of implicit bias for jurors, or requesting data that shows police disproportionately stop and charge African American's with obstruction of justice, compared to Caucasians. Ms. Moriarty has first-hand seen the disparities that impact our community through the legal system and has worked diligently to reform them.

To me, Ms. Moriarty represents what the standard should be for a public defender: someone who is committed to their clients and provides service to the highest of their ability, someone willing to call out the injustices and inequalities our neighbors endure, and working to reform them. Ms. Moriarty deserves the upmost admiration for continuing the good fight of improving our justice system, even in the face of considerable pushback.

I thank Chief Public Defender Mary Moriarty for her service to our community. It has been an honor to work alongside her to make our state, country and justice system a better, fairer place.

RECOGNIZING LIZ MCBRIDE

HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. RODNEY DAVIS of Illinois. Madam Speaker, I rise today to recognize one of our finest House servants, director of the Office of Employee Assistance, Liz McBride. Throughout her nearly thirty-year tenure with the office she has worked tirelessly to meet the needs of Members, their families, and the staff of the U.S. House—often meeting outside of normal business hours to ensure they received the support they needed. As Director of the office, Liz has gifted the House with a new vision—expanding confidential counseling and bringing a new focus to health with the establishment of the House Wellness Center. Throughout this pandemic, Liz and her office have played an essential role in helping Members and staff work through what has been for many a difficult year. Liz is leaving us with a bright vision for the future and a legacy worth emulating. Her retirement is a genuine loss for us and this institution, and I am grateful for her years of dedicated service to our community.

IN RECOGNITION OF RANDY CLINTON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. BURGESS. Madam Speaker, I rise today to honor Randy Clinton, the President & CEO of the Community Enrichment Center, who will be retiring after 25 years of faithful leadership of the Tarrant County non-profit.

Mr. Clinton received his Bachelor of Science in Education from Abilene Christian University, where he demonstrated his leadership skills through his role as the ACU Band Drum Major. After graduation, he initially served as Director of Recruiting at Abilene Christian, before his career path took him to Granbury where he opened a restaurant, and then moved to the Dallas-Fort Worth area for a 13-year career in banking. His varied background experience in the recruitment, business and finance fields provided him the skills that would prove necessary for the challenges he would eventually face with the Community Enrichment Center.

Established in 1988, Randy joined the organization already in existence, but brought his personal and business skills to effectively manage and expand the organization's original mission to serve Northeast Tarrant County's growing community needs. The area's expanding population brought an ever-increasing need for assistance from individuals and families facing homelessness or other forms of personal crisis. To address the challenge, Randy led the acquisition and sale of several properties through debt-free operation and management of 206 properties. This effort to assist struggling families also involved offering additional support services including the CEC's Food Pantry, GED completion classes and other programs to improve job opportunities and wages to move individuals out of poverty to self-sufficiency.

This mission expanded significantly with the merger of CEC with Open Arms Home, Inc., allowing an even greater ability for Randy and his team to aid families in transition. It also expanded the capacity of CEC to assist victims of domestic violence by providing them the time and space necessary to work through their challenges in a healthy and supportive environment. Funding these efforts without debt required not only efficient management skills, but also creative funding. CEC, through Randy's efforts, was successful in securing, and successfully managing, a number of federal grants including Victims of Crime Assistance (VOCA), Other Victim Assistance Grant (OVAG), and HUD Homeless Housing grants. These grant funds, as well as other funding streams, supported the CEC's offerings to those in need, such as adult literacy programs and VITA Free Tax Preparation.

His service wasn't limited to his official duties at the CEC. Mr. Clinton served his fellow North Texans through participation in several area boards, including the Northeast Leadership Forum, Northeast Tarrant Chamber of Commerce, the Northeast Richland Lions Club, the Joint Advisory Council for JPS Hospital and the United Way Northeast Steering Committee. He also shared his personal time and leadership skills as Board Chairman of the Northeast Tarrant Chamber of Commerce, the Texas Homeless Network, Mid Cities Pacesetters Rotary, Tarrant County Continuum of Care for the Homeless, United Way Agency Partners and the Saginaw Area Chamber. He was also a founding member of Summer Santa and serves actively at The Hills Church of Christ as Elder and Class Leader.

Randy Clinton successfully bridged his personal faith and professional skills as a compassionate community steward, leading the CEC to offer practical resources, tools and encouragement to community members in need. Thanks to his committed engagement, families have found transitional resources to move from crisis to stability and break the cycles of poverty and family violence. Bringing hope to current, and future generations of North Texas residents, Randy has made an indelible mark through his service with Community Enrichment Center. On behalf of the 26th Congressional District, I wish him and his family the same success and fulfillment his efforts over

the past quarter decade have enabled for so many other families.

IMPORTANCE OF HOUSING

HON. KWANZA HALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. HALL. Madam Speaker, I rise today to speak about the importance of housing.

Housing is a basic human necessity.

Across our country, housing affordability is among the most difficult challenges facing cities today.

The metropolitan Atlanta region is no exception.

In 2017, Atlanta was the third fastest growing metropolitan region in the U.S.

If we want to fulfill our most basic promise on achieving the American Dream, then we must make affordable housing opportunities a reality.

A rule of personal bookkeeping is that you should spend no more than 30 percent of your income on housing.

But in many places, that cost is too high.

For many still, who cannot these rates, we must make public housing more affordable.

In Atlanta, we have a tremendous opportunity to expedite the redevelopment of vacant public housing sites including: Bowen Homes, Bankhead Court, Hollywood court, Harris Homes, Thomasville, and Jonesboro North and South.

All of these sites have the potential to not only incorporate affordable housing, but the addition of grocery stores in food desserts; healthcare facilities, improved access to public transportation; job and commercial centers, quality schools and parks and greenspace.

We have seen this model created in other development projects including the Bedford Pines transformation into City Lights, Eastlake, Centennial Place and the newly renovated Wheat Street Towers.

The activation of these vacant sites could create thousands of units of affordable housing—ensuring that one's zip code does not determine their economic mobility.

IN HONOR OF BILL WARD, JR.

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to recognize Bill Ward, Jr. of Blair County, Pennsylvania for his service to Pennsylvania's 13th Congressional District on the 2020 U.S. Service Academy Nomination Committee.

Nominating exceptional candidates to attend our nation's service academies is one of my most important responsibilities in Congress. During this process, I rely on members of the Service Academy Nomination Committee, which is comprised of dedicated volunteers who have served our nation with distinction.

Bill is one of nine academy alumni who graciously volunteered their time to meet with and evaluate perspective nominees for the Class of 2025. As a graduate of the U.S. Naval Academy in Annapolis, Maryland, Bill knows firsthand the qualities and dedication that are critical for succeeding at the academies. He provided wise counsel and expertise throughout the nominating process, and I am grateful for his time and commitment.

Bill Ward, Jr. is an outstanding Pennsylvanian and American, as well as an excellent role model for future academy students. On behalf of the 13th District of Pennsylvania, it is my honor to recognize Bill for his service to our community and our nation.

HONORING MY CHIEF OF STAFF BRIAN THOMAS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. MARCHANT. Madam Speaker, I rise today to pay tribute to my first and only Chief of Staff, Brian Thomas. I have had the high honor of serving in Congress since 2005, and Brian Thomas has been my right-hand man every step of the way on this amazing journey. Through the good days and the most difficult ones, Brian has been a constant professional and source of wise counsel. I consider myself very fortunate and blessed to have only had one Chief of Staff during my entire service in the House, and I could not have asked for a better man for the job than Brian Thomas. Brian will soon retire as the Dean of the Texas Republican Chiefs of Staff, an honor he has held for the last several years.

Brian's service to the people of his home state of Texas did not start in my office, as he worked for our former colleagues Sam Johnson and Jeb Hensarling, in addition to our current colleague MAC THORNBERRY. Hailing from Denver City, Texas and a graduate of McMurry University in Abilene, Brian never forgot his Texan roots, though he did do two tours outside of the Texas delegation for Charlie Norwood and Chuck Hagel. Brian celebrates a collective twenty-five years of Congressional service this month, a truly outstanding accomplishment that only a small number of Congressional staffers ever reach.

We could not do our jobs without the dedicated service of our staff who are always working behind the scenes. Brian's advice, experience, and especially his hard work, which often occurs at odd hours of the day and night, have all played a large role in helping me best represent the 24th Congressional District.

Brian will be greatly missed by so many upon his retirement as a Congressional staffer. His constant service is something not often found on the Hill, where frequent transitions are the norm. Throughout his career, Brian served as a mentor to staffers in not only my office, but also to those working for other members. No task was ever too big or too small for Brian, from answering the main line of the office telephone, to dealing with intense negotiations with leadership, Brian was always there for me and his colleagues. I hope that in the coming years, Brian's friends and colleagues will continue to ask for his sage advice—once a hill staffer, always a hill staffer.

I congratulate Brian on his remarkable twenty-five years of Congressional service and for leading my Washington, D.C. office for the people of the 24th Congressional district the last sixteen years. I wish him, his wonderful wife Amy, and their three adorable children, Allie Ross, Jack, and John all the very best for the holiday season and a well-earned Congressional retirement for Brian.

RECOGNIZING THE SERVICE OF JOE KRAUS AND MATT PROUTY WITH PROJECT VISION

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. WELCH. Madam Speaker, I rise today to honor Joe Kraus and Matt Prouty for their service to Project VISION of Rutland, Vermont. Both Joe and Matt will soon be ending their impressive service to Project VISION after years of success helping Rutland build a better, stronger community.

Formed in 2013 at the height of Rutland's opioid crisis, Project VISION has celebrated two core values since its founding: collaboration for the greater good and focus on the positives that make Rutland a special community. The former Chief of Police for the City of Rutland, James Baker, spearheaded the creation of Project VISION with the enthusiastic support of Mayor Christopher Louras and the Board of Alderman. These leaders recognized that the community's challenges were not going to be fixed by making more arrests, so they sought community partners to build real and substantive change.

With passion and hard work, Joe Kraus and Matt Prouty have helped Project VISION lead a diverse coalition of over 300 social and health service agencies and organizations, who are united in their goal of making Rutland one of the healthiest, safest and happiest places in America. Project VISION's allies include the Rutland Regional Medical Center, the Rutland City Police Department, Rutland City Public Schools, Rutland Regional Planning Commission, NeighborWorks, and the Southwestern Vermont Council on Aging.

In its early years, the coalition concentrated on treating addiction and substance abuse, reducing crime, and building great neighborhoods. Their success was impressive. A survey conducted in Rutland's Northwest neighborhood just three years after Project VISION was founded showed that people felt safer, had a more trusting relationship with law enforcement, and were proud of their neighborhood.

Thanks to the work of Joe and Matt, Project VISION continues to grow. It has expanded its work beyond opioid addiction to address larger health and welfare issues affecting Rutland. Most recently, the organization announced that it would focus on reforming systems that relate to social and racial justice.

I am proud to say that Rutland's future is bright. This is a community that has worked together to accomplish their common vision of a stronger Rutland. My thanks to Joe Kraus and Matt Prouty for stepping forward with energy and commitment to ensure the success of Project VISION. Their work has made a positive difference that will be felt by generations to come.

HONORING BENJAMIN MILLER

HON. JARED HUFFMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. HUFFMAN. Madam Speaker, I rise today on behalf of myself and our former House colleague, the great George Miller. Together, we wish to honor Benjamin

(Ben) Miller who served each of us, and our country, with distinction for the past eighteen years. Ben departs the Hill on January 1, 2021 after eight years as my Chief of Staff, and before that a decade in Congressman Miller's office where he worked his way up from intern, to Legislative Assistant, to Legislative Director, to Deputy Chief of Staff. Throughout the Capitol and on both sides of the aisle, Ben has earned the respect, admiration, and affection of his peers. His tenure in the House is the very model of public service.

When I was first elected to Congress in 2012, I sought out Ben knowing that his talents, experience and disposition would make him a great Chief of Staff. He exceeded my highest expectations. He helped me assemble a quality staff team and establish an office culture that reflects a strong work ethic, a fun and collegial environment, and a constant focus on carrying out our progressive policy agenda and getting things done. Ben never sought attention or personal recognition; he just did excellent work, usually behind the scenes.

Like Congressman Miller and myself, Ben shares a passion for the sustainable management of our natural resources. Throughout his career on the Hill, Ben has been a friend to flora and fauna, a champion of bedrock environmental laws like NEPA and the Endangered Species Act, and a happy warrior in defense of our great American outdoors and the people and organizations that passionately work for its protection.

Longtime staffers and outside experts can attest that Ben is a subject matter guru on what is arguably the most intricate, combustible, and Byzantine issue of all: California water. Ben understands that California water conflicts sometimes require you to fight, which is easy enough to do; but he also knows that achieving meaningful, durable results requires you to do the much harder work of engaging constructively and solving complex water problems.

Beyond his policy expertise and legislative acumen, Ben will be remembered fondly by Team Huffman for the human qualities that were hallmarks of his leadership: honesty, professionalism, kindness of spirit, and the good humor he brought to work every day.

Ben is a dedicated husband to Caitlin, and a proud father to Sam and Campbell. For reasons I will never understand, he is also a passionate fan of the San Antonio Spurs, through good times and bad. We forgive him for that.

Madam Speaker, the functioning of our legislative branch which is so vital to our democratic republic has always depended on skilled, dedicated, unheralded congressional staffers. For eighteen years, in the most exemplary manner, Ben has provided that essential public service. He has earned the deep respect of his peers, and my enduring gratitude for being such a wonderful Chief of Staff.

On behalf of myself, Congressman Miller, and dozens of current and former staffers who were privileged to work with Ben, we thank him for his public service; we thank his family for sharing him with us; and we wish him much success and happiness in his future endeavors.

CELEBRATING IRIS CUMMINGS CRITCHELL'S 100TH BIRTHDAY

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Ms. JUDY CHU of California. Madam Speaker, I rise today to recognize and celebrate the 100th birthday of one of my constituents, Iris Cummings Critchell, a remarkable woman who has led an extraordinary life.

Iris was born on December 21, 1920, in Los Angeles, California. She was a competitive swimmer in her youth and was the U.S. champion in the 200-meter breaststroke from 1936 to 1939. Her hard work and talents led her to represent the United States in the 1936 Olympic Games in Berlin. Shortly thereafter, she attended the University of Southern California (USC) and graduated in 1941 with a degree in physical sciences and mathematics.

Interested in aviation from an early age, Iris was accepted into USC's first Civilian Pilot Training Program in 1939. She received her pilot's license in 1940 and began work as a pilot instructor after graduating college. During WWII, Iris joined the Women's Auxiliary Ferrying Squadron (WAFS), which later merged into the Women Airforce Service Pilots (WASP). She served as a member of the 6th Ferrying Group out of Long Beach, California, ferrying planes built in Southern California across the country. During her service, she flew 27 different types of military aircraft, nearly 30 types of civilian aircraft, and flew 18 military aircraft as the pilot in command. It was during her time in the service that she met her husband and fellow military pilot, Howard Critchell.

After the War, Iris returned to the University of Southern California to develop and teach a curriculum on civilian aviation for returning veterans. In 1962, Iris and Howard joined the faculty of Harvey Mudd College, where they founded the Bates Aeronautics Program, a two-year program to teach undergraduates to fly. She ran the program with Howard until he retired in 1979 and continued alone until the program ended in 1990 with her retirement, although she continued to teach aeronautics classes until 1996.

Among her many honors, Iris was inducted into the National Flight Instructors Hall of Fame in 2000, awarded the Federal Aviation Administration's Wright Brothers Master Pilot Award in 2006, and awarded the Nile Gold Medal of the Fédération Aéronautique Internationale in 2007 for her lifetime of dedication to aviation education.

Although she has been retired for 30 years, Iris continues to be an active member of both the Harvey Mudd College and aviation communities, mentoring students and anyone interested in aviation. She serves as a role model for women aviators and is an inspiration to all with whom she interacts. It is my distinct honor to recognize Iris Cummings Critchell's lifetime service to our country, and I ask my colleagues to join me in sending our best wishes to her and her family as they celebrate her 100th birthday on December 21st.

IN HONOR OF COLONEL ANDREW ''COBY'' SHORT

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to recognize Colonel Andrew ''Coby'' Short of Allegheny County, Pennsylvania for his service to Pennsylvania's 13th Congressional District on the 2020 U.S. Service Academy Nomination Committee.

Nominating exceptional candidates to attend our nation's service academies is one of my most important responsibilities in Congress. During this process, I rely on members of the Service Academy Nomination Committee, which is comprised of dedicated volunteers who have served our nation with distinction.

Colonel Short is one of nine academy alumni who graciously volunteered their time to meet with and evaluate perspective nominees for the Class of 2025. As a graduate of the United States Military Academy in West Point, New York, Colonel Short knows firsthand the qualities and dedication that are critical for succeeding at the academies. He provided wise counsel and expertise throughout the nominating process, and I am grateful for his time and commitment.

Colonel Andrew ''Coby'' Short is an outstanding Pennsylvanian and American, as well as an excellent role model for future academy students. On behalf of the 13th District of Pennsylvania, it is my honor to recognize Colonel Short for his service to our community and our nation.

MORRIS BROWN COLLEGE

HON. KWANZA HALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. HALL. Madam Speaker, To God and Truth.

That is the motto of Morris Brown College.

This is a historic institution which was founded in 1881 as a private Methodist college in Atlanta to educate blacks, just 20 years after the start of the Civil War.

Unfortunately, over the last 20 years, the state of this legendary institution has fallen on hard times.

But true to its tradition and the abolitionist mantra to keep going, Morris Brown College has developed a plan to come back and be reborn.

Madam Speaker, I rise today to urge this body's support for this plan in two distinct ways.

First, we should reallocate federal funding for this place of knowledge and of truth and of God.

And, we should do what we can to reinvest in the revitalization of the Atlanta University Center.

If we do this, then the College can repurpose itself to the proud tradition of teaching the next generation of black scholars the important lessons of business and entrepreneurship.

In so doing, we can support this next generation to ensure that the black wealth gap begins to narrow and all can realize and take part in the American dream.

SNEADS HIGH SCHOOL VOLLEYBALL

HON. NEAL P. DUNN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. DUNN. Madam Speaker, I rise today to recognize the outstanding accomplishments of the Sneads High School Volleyball program in Sneads, Florida.

They recently set a new Florida High School Athletic Association (FHSAA) record by winning their eighth straight state championship.

This accomplishment was achieved through hard work and excellence.

This dedicated team was made up of the following Sneads High School students: Caleigh Davis, Brooke A. Smith, Jada Coleman, Lily Glover, Kiara Garrett, Sister Arnold, Jade Fitzsimmons, Chloe King, Katelyn Chumly, Taylor-Reese Howell, Janiyah Jones, Aaliyah Baker, Brooke R. Smith, Gabby Bellamy, and Ella Sprouse.

The Sneads High School Volleyball program is fortunate to have the leadership of their current head coach Heather Edge and former head coach Sheila Roberts.

Coach Roberts started this legacy with five consecutive state championships followed by Coach Edge raking in three more consecutive championships to break the state record for a total of eight consecutive state championship wins.

Congratulations to the Sneads High School Lady Pirates on this outstanding accomplishment.

I know that they make their hometown of Sneads and the Jackson County School District very proud.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. KING of Iowa. Madam Speaker, I was unable to vote on December 16, 2020 due to not being in DC. Had I been present, I would have voted as follows: YES on Roll Call No. 242.

HONORING CHRIS DONESA, COUNSEL TO THE RULEMAKING MEMBER FOR THE HOUSE ETHICS COMMITTEE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. MARCHANT. Madam Speaker, I rise today to pay special tribute to a long-standing Capitol Hill veteran, Chris Donesa. For this Congress, I have had the honor of serving as Ranking Member for the House Ethics Committee, and would like to honor someone who played a critical and important role in supporting me.

For the past two years Chris has served as Counsel to the Ranking Member for the House Ethics Committee. This is an extraordinary assignment to accept, and Chris has conducted himself with the highest levels of professionalism and legal scholarly advice. He has been integral and pivotal in assisting my fellow Republican Members of the Ethics Committee and me this Congress.

A native of Indiana, Chris has a deep commitment to public service that has continued throughout more than three decades of service in the House of Representatives. A Congressional jack of all trades, immediately prior to his service with the Ethics Committee, Chris served as Legal Counsel to the Clerk of the House. I am most fortunate that Chris brought his vast experiences and great wisdom to help my fellow Members of the Ethics Committee and me during this Congress.

The House Ethics Committee is unique amongst the committees in this chamber, as it is evenly split between the Majority and Minority parties. The committee fulfils many key roles for the House community in providing advice, education, and training to help ensure proper compliance. Perhaps the most difficult assignment for the Ethics Committee is to stand in judgment of Members and staffers when they are accused of potential wrongdoing. It takes a very special staffer to serve in this role—someone of the highest integrity and character, coupled with the desire to serve in a position that is often met with unique challenges and high stress. I could not ask for a better person than Chris to fulfill this essential role for me and the greater House community.

Chris has earned himself a well-deserved retirement at the conclusion of this Congress. However, knowing Chris, I know he won't sit still for long and I wish him all the very best for his continued service and new endeavors. I ask for all of my colleagues to join me in thanking Chris Donesa for his service to the House Ethics Committee.

IMPORTANCE OF MINORITY AND WOMEN OWNED BUSINESSES

HON. KWANZA HALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. HALL. Madam Speaker, I rise today to speak to the importance of Minority and Women owned businesses.

During the Obama Administration, this body, together with our colleagues across the Capitol, passed Dodd-Frank—legendary financial reforms in the wake of the great recession.

One of the key parts of this legislation was Section 342, the office of minority and Women inclusion. The law ensured the eventual development of standards for the following areas:

Equal employment opportunity and the racial, ethnic, and gender diversity of the workforce and senior management of the agency;

Increased participation of minority-owned and women-owned businesses in the programs and contracts of the agency, including standards for coordinating technical assistance to such businesses; and

Assessment of the diversity policies and practices of entities regulated by the agency.

But this cannot be enough.

We must also ensure that legacy banks and black own banks are sources of capital to support financing of projects for minority communities.

We must also ensure that we support the MBDA, the Minority Business Development Agency.

The MBDA is the only federal agency tasked with promoting the growth and competitiveness of minority-owned businesses.

Madam Speaker, if we do this, we in this Chamber will ensure that the promise of the American Dream is within reach of all who seek it, especially those groups that have been historically marginalized.

IN HONOR OF MICHAEL DELGROSSO

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to recognize Michael DelGrosso of Blair County, Pennsylvania for his service to Pennsylvania's 13th Congressional District on the 2020 U.S. Service Academy Nomination Committee.

Nominating exceptional candidates to attend our nation's service academies is one of my most important responsibilities in Congress. During this process, I rely on members of the Service Academy Nomination Committee, which is comprised of dedicated volunteers who have served our nation with distinction.

Michael is one of nine academy alumni who graciously volunteered their time to meet with and evaluate perspective nominees for the Class of 2025. As a graduate of the U.S. Naval Academy in Annapolis, Maryland, Michael knows firsthand the qualities and dedication that are critical for succeeding at the academies. He provided wise counsel and expertise throughout the nominating process, and I am grateful for his time and commitment.

Michael DelGrosso of Blair County is an outstanding Pennsylvanian and American, as well as an excellent role model for future academy students. On behalf of the 13th District of Pennsylvania, it is my honor to recognize Michael for his service to our community and our nation.

PERSONAL EXPLANATION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. OLSON. Madam Speaker, due to a family matter, I was unable to make votes on 12/16/20. Had I been present, I would have voted YEA on Roll Call No. 242.

HONORING RECIPIENTS OF THE INNOVATION AND ADAPTATION RECOGNITION

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. SMITH of Nebraska. Madam Speaker, today I honor nine individuals and businesses from Nebraska's Third District for receiving the Innovation and Adaptation Recognition.

Throughout the 75 counties of the Third District, Nebraskans know our communities grow when individuals step up: helping their neighbors, being involved, and creating opportunities for themselves and others.

In August, I called for nominations as part of a new initiative to acknowledge the contributions of individuals, organizations, and those who are working every day to improve and help their communities in the current environment.

Billy Estes is the Executive Director of the Midwest Theater of Scottsbluff. Midwest Theater's programming, which includes live performances, orchestras, and concerts, makes an important contribution to the cultural and social experiences of Nebraska's panhandle. When the Coronavirus pandemic reached western Nebraska, under the guidance of Mr. Estes, the Midwest Theater partnered with the Legacy of the Plains Museum to create the Skyview Drive-in Movie Theater. As the pandemic progressed, this venture proved so popular they outgrew their location and had to move to larger accommodations. Thanks to the creativity and leadership of Mr. Estes, in spite of the pandemic, the Midwest Theater has continued to thrive throughout 2020.

Grand Central Foods of York is owned by the Warren Thomas family. Mr. Thomas prides himself on his commitment to the York community. In ''normal'' times, Warren and the Grand Central Team are the first to ask where they can help with a project or how they can partner on events. The selflessness shown by everyone at Grand Central is a testament to the example of their ownership. Within a few days of the pandemic's arrival to York, Warren purchased a second grocery delivery van and expanded his service to the entire community. Because Warren believes in positive reinforcement, he encouraged his customers to wear a mask while in his store by offering a 5 percent discount on their purchases. He is an active member of many community groups, and his passion and commitment to his community are unmatched.

Alyssa Cochnar of Crete is the leader of Gold Star Martial Arts of Crete and Seward. At 26 years old, she is already a 5th-degree black belt, chief instructor, and co-owner of the martial arts facility. When directed health measures forced Gold Star to close in-person training classes, she spearheaded the process of creating online modules for her students to continue their training independently. Before long, she began offering Zoom Classes to provide her students with another safe and flexible option to continue their training and explore expanded experiences to encourage healthy eating habits and socialization while social distancing. I commend her positive attitude and commitment to an enriching educational experience for all her students, regardless of their experience level.

Bryce Jensen is the Director of the World Theatre of Kearney. His adaptability, especially during the pandemic, demonstrates his commitment to his community. Though the organization he operates, the World Theatre, was closed due to the pandemic, his outside of the box thinking inspired him to create, through strategic community collaborations, a World Theatre drive-in. Not only did this ensure the World Theatre could still bring respite to many during these trying times, but it restored a drive-in movie experience to the Kearney region, reminding many of the happy memories of their youth.

Kirk Zeller grew up in the community of Ravenna, Nebraska. After high school, he attended university and later worked in the medical field in Japan, Europe, and the United States. Eventually, Kirk returned to his hometown of Ravenna to raise his family. Since returning to Ravenna, he has turned the former Carnegie library into an entrepreneurship center, purchased a downtown building and renovated the upper story apartments, and recently directed a movie in Ravenna and Los Angeles which premiered at the Kearney World Theatre's drive-in, all while working on bringing new medical products to the market. He is a great story of returning to rural Nebraska and reinvesting in the community.

Dick Cochran of Kearney founded the nonprofit Hot Meals USA in October 2017. By February 2018, he signed a memorandum of understanding with the American Red Cross to call on him for assistance in wildfires, floods, tornadoes, and other disasters. Every time Dick and Hot Meals USA are called upon, no less than 150 volunteers have supported the program. Since their inception, the policy has been to feed anyone, no questions asked. In just over three years, they have provided more than 155,000 meals across the country.

John McCoy is the CEO of Orthman Manufacturing of Lexington. He embraced the opportunity to help feed families who come from a poverty background in the Lexington area. When he first brought Hot Meals USA to the community, Orthman Manufacturing partnered with the Lexington Community Foundation and others to provide over 1,000 hot meals weekly to families. He then made feeding the community a priority as he and his employees took the lead to distribute USDA food boxes. When schools reopened in August, John was there for the community again. He donated 3,700 masks to Lexington Public Schools to make sure no student was unprepared for their school experience. John's actions represent his commitment to all members of the Lexington community.

Anthony May of Hastings is an entrepreneur. When the pandemic forced the taproom of Steeple Brewery Anthony co-owns to close, he quickly responded. Collaborating with Wave Pizza Company, the brewery's restaurant partner, he developed a community delivery program, which eventually offered their products to 21 communities in south-central Nebraska. This innovative program ensured many Nebraskans, whose communities either do not have a grocery store or now lacked a local place to eat due to the pandemic restrictions, had ready access to an easy to use food delivery program.

Matt Dennis and Michael Stepp are more than small-town business owners; they are master storytellers with a dream. What began as two friends making copper mugs in an old shop has turned into an opportunity to reshape the meaning of community. When they purchased the building they now call Handlebend, their goal was to create a community of small businesses under one roof and welcome the community with open arms to come and enjoy a mule, coffee, or gather and with friends and family. Though the Coronavirus pandemic has caused the Handlebend community to adapt their approach, their dream to create an innovative experience for the O'Neill community continues.

I am proud to honor these individuals today, and I thank them for their many contributions to Nebraska.

RECOGNIZING LIEUTENANT COMMANDER CAMERON MASSEY

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. COURTNEY. Madam Speaker, I rise today to honor Lieutenant Commander Cam Massey, United States Navy, on his service as a legislative fellow in my Washington, D.C. office this year. Cam has played a critical role this year supporting my work on the House Armed Services Committee and representing the proud Navy community in Eastern Connecticut.

As Chairman of the House Armed Services Subcommittee on Seapower and Projection Forces, I have the high honor of overseeing much of our nation's Navy, Marine Corps, and various Air Force programs. This year, as our subcommittee considered how best to fund critical shipbuilding programs, revitalize our nation's sealift, and Navy and Marine Corps readiness across the INDOPACOM, Cam provided critical insight and guidance into how our subcommittee could best provide the resources and platforms that our Sailors and Marines need to achieve mission success.

Cam has also seized the initiative in a variety of areas beyond naval affairs. He worked to craft an amendment to this year's NDAA that would prioritize the sourcing and processing of rare earth minerals from the United States and our allies to strengthen our national security supply chains. He has also served as the staff-lead for the Friends of Australia Caucus, of which I serve as co-chair, ensuring that the ties between our countries remain as strong as ever as we recently celebrated more than 100 years of mateship.

Cam's adaptability was put to a severe test this year with the onset of the COVID–19 global pandemic, which completely altered the normal operations of our subcommittee. Cam was able to work remotely, and performed all his assignments without a hitch.

Cam's work ethic, character, humor, intelligence, and first-hand experience when it comes to nuanced naval affairs made an immediate impact on my office and I know their absence will be felt with the same immediacy. Cam and his family have made tremendous sacrifices for our nation, traveling around the world with the fleet. They've uprooted their family nearly a dozen times in just as many years. We're grateful that they've landed close to Washington for the time being and thank them for always answering our nation's call without hesitation.

Madam Speaker, the Navy's legislative fellowship program is an invaluable effort that benefits members of the House and Senate with the insight of junior officers who like Cam, bring real world experience from military duty. I can honestly say I have learned a great deal from Cam's insights based on his training and experience. That has also been the case for each of his predecessors that my office has had the opportunity to host. I also enjoy watching through their eyes the workings of Congress, which I've come to know from end of year debriefs, greatly expanded their understanding of the legislative branch of government. This recurring process that the fellowship program fosters, strengthens civilian-military understanding for future leaders of the greatest military in the world, which I believe is so important to our democracy.

Cam is leaving Congress but he isn't going far and will be serving as an Operations Officer at the National Joint Operations & Intelligence Center, Operations Team Five. I know his expertise and humor will be deeply missed by both my personal staff and Seapower staff.

Our nation is best served at sea and here on shore by officers and leaders of the highest caliber. This perfectly describes Cam, who has a promising career ahead as a commander and leader in service to our nation. On his final month here in Congress, I wish LCDR Massey the best of luck in his new role. To Cam, his wife Cassidy, their children Avery and Colin, Hotty Toddy and War Eagle. Fair winds, and following seas, Massey Family.

PERSONAL EXPLANATION

HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mrs. ROBY. Madam Speaker, I was unable to vote on Wednesday, December 16, 2020. Had I been present I would have voted as follows:

YEA on Roll Call No. 244.

UNITED STATES POSTAL SERVICE

HON. KWANZA HALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. HALL. Madam Speaker, I rise today to speak about the importance of the United States Postal Service.

The Postal Service is an integral institution—so integral that its presence in our nation is mandated in our founding charter.

The United States Postal Service is so deeply ingrained in our nation's history, commerce, and quality of life, that we can often take it for granted.

In fact, their role in our country's democracy was never more evident than in this last election.

This year in addition to delivering our prescriptions and packages, they also delivered our ballots and made sure our voices were heard.

They are the unsung heroes.

During this holiday season, as we all await packages to give to our loved ones, let us not forget the Postal workers who deliver more than 155 billion pieces of mail per year.

For their work and commitment this season, and every holiday season, I support overtime pay.

It's time to revisit the idea of mandatory overtime and propose a measure that will provide automatic overtime to workers who extend their time beyond eight hours a day during the holiday season.

IN HONOR OF EDWARD MOE

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to recognize Edward Moe of Adams County, Pennsylvania for his service to Pennsylvania's 13th Congressional District on the 2020 U.S. Service Academy Nomination Committee.

Nominating exceptional candidates to attend our nation's service academies is one of my most important responsibilities in Congress. During this process, I rely on members of the Service Academy Nomination Committee, which is comprised of dedicated volunteers who have served our nation with distinction.

Edward is one of nine academy alumni who graciously volunteered their time to meet with and evaluate perspective nominees for the Class of 2025. As a graduate of the U.S. Merchant Marine Academy in Kings Point, New York, Edward knows firsthand the qualities and dedication that are critical for succeeding at the academies. He provided wise counsel and expertise throughout the nominating process, and I am grateful for his time and commitment.

Edward Moe is an outstanding Pennsylvanian and American, as well as an excellent role model for future academy students. On behalf of the 13th District of Pennsylvania, it is my honor to recognize Edward for his service to our community and our nation.

HONORING THE RETIREMENT OF CHIEF JUSTICE BERNETTE JOSHUA JOHNSON

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. RICHMOND. Madam Speaker, I rise to honor the retirement of Chief Justice Bernette Joshua Johnson who serves as the Louisiana Supreme Court 25th Chief Justice. She is the second female Chief Justice and the Court's first ever African American Chief Justice.

A native of Donaldsville, Louisiana, Chief Justice Johnson graduated from Spelman College in 1964 and became one of the first African American women at Louisiana State University Law Center to earn her Juris Doctorate Degree in 1969.

During the 1960's Chief Justice Johnson worked as a community organizer with the National Association for the Advancement of Colored People (NAACP) Legal Defense and Education Fund and at the U.S. Department of Justice's Civil Rights Division. After graduating from law school, Chief Justice Johnson served as the Managing Attorney of the New Orleans Legal Assistance Corporation (NOLAC). In that role she provided legal services to over 3,000 clients in underprivileged communities. In an effort to help improve civil rights for underrepresented communities, Chief Justice Johnson also worked in federal, state, and juvenile courts. In 1981, she joined the New Orleans City Attorney's Office and later became a Deputy City Attorney for the City of New Orleans. She also served as a supervisor for the litigations and appeals involving agencies of the City of New Orleans.

In 1984 Chief Justice Johnson was elected as the first woman to serve on the Civil District Court of New Orleans. Six years later she was easily re-elected and faced no opposition. In 1994, she was elected by her peers to ascend to Chief Judge. Shortly after, she was elected to serve on the Louisiana Supreme Court where she would ultimately be re-elected in 2000 and 2010 with no opposition. In 2013, she became Chief Justice of Louisiana's highest court.

Not only has Chief Justice Johnson been instrumental on the Court, she has also been a pillar of her community. She has served in several leadership roles including as an Executive Committee Member of the National Alumnae Association of Spelman College, as the Chair of the New Orleans Chapter of the Southern Christian Leadership Conference, and as a Member of the Board of Directors of the Young Women Christian Association, amongst others.

Chief Justice Johnson is also the recipient of numerous awards including the 2020 National Association of Women Judges Lady Justice Award, the National Bar Association Judicial Council's 2019 William H. Hastie Award, the National Bar Association's 2019 Gertrude E. Rush Award, and Louisiana State University's 2013 Rev. Dr. Martin Luther King Unsung Hero Award. Additionally, she was inducted into the National Bar Association and Louisiana State University Law Center Halls of Fame.

Chief Justice Johnson is a treasure to the city of New Orleans and the state of Louisiana. As the first African American Chief Justice of the Louisiana Supreme Court, Chief Justice Johnson is a trailblazer whose judicial career and dedication to public service is unrivaled. I am grateful for her service in the fight for justice and equality.

Madam Speaker, I celebrate Chief Justice Bernette Joshua Johnson on her retirement from the Louisiana Supreme Court.

GREATER PITTSBURGH COMMUNITY FOOD BANK

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. MICHAEL F. DOYLE of Pennsylvania. Madam Speaker, I rise today to inform my colleagues that this year is the Greater Pittsburgh Community Food Bank's fortieth anniversary, and I would like to formally commemorate their four decades of service to the people and communities of Pittsburgh. Over the past forty years, the Greater Pittsburgh Community Food Bank has become an integral part of our region by providing thousands of neighbors and

friends with the food support they need when they need it most.

The food bank was established in Pittsburgh's Hill District at a time of painful change for our region, when the unemployment rate rose to almost 20 percent and the need for food assistance surged. Over the years, the Greater Pittsburgh Community Food Bank has expanded to the point where today it works with hundreds of partner agencies in an 11-county area distributing millions of pounds of food to those who need it.

The organization's work has never been more important than in 2020, as COVID–19 has spread rapidly across the country, devastating our economy and leaving tens of millions of hard-working Americans unemployed. As a result, many Americans who had been living paycheck to paycheck before the pandemic were suddenly unable to afford their next meal. According to the Food Bank, food insecurity in Southwestern Pennsylvania increased 42 percent this year, including a 57 percent increase in childhood hunger. The Food Bank's response has been nothing short of lifesaving—having distributed more than 30 million pounds of food since March.

I want to commend the exemplary work that the food bank has done this year, and I can say unequivocally that many in our community would not be able to get through these hard times without the remarkable contribution it's made to the region.

My staff and I have worked closely with the Greater Pittsburgh Community Food Bank over many years to support and improve federal anti-hunger programs. I participated in food distribution events recently where I met many community members whose lives were markedly improved by this organization's impressive work. The Greater Pittsburgh Community Food Bank has been recognized a number of times over the years for its outstanding work, including by America's Second Harvest, Charity Navigator, the Pennsylvania Association of Nonprofit Organizations, and the Congressional Hunger Center.

I want to commend and congratulate the Greater Pittsburgh Community Food Bank on its 40th anniversary of outstanding service to our community. I thank its staff, affiliates, and volunteers for their tremendous service to the people of Pittsburgh and look forward to continuing to work with them to fight hunger in Southwestern Pennsylvania.

IN RECOGNITION OF PAT McGRAIL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. BURGESS. Madam Speaker, I rise today in recognition of Pat McGrail as he concludes over twenty years of public service, retiring as the longest-serving Mayor in the history of Keller, Texas.

Mayor McGrail's tenure prioritized a broad spectrum of accomplishments to build community and enhance Keller's overall quality of life. Mr. McGrail's Public Safety initiatives helped Keller earn national accreditation and honors, including consistent recognition as one of the safest communities in the country. These efforts included expansion of the Police station and the outdoor warning system, as well as construction of the new Fire Station 1 and renovations to the existing fire stations. His leadership helped secure approval of the Town's first Crime Control & Prevention District, and arrange regional partnerships with neighboring cities, including 911 dispatch, jail, municipal court and animal control services that served to meet community needs in a creative and cost-savings manner.

Mr. McGrail's service reached beyond Public Safety to build and improve a number of other important municipal facilities and public assets. Early in his public life, he celebrated the opening of Keller's Town Hall as Councilman McGrail, the first of many facilities he would help deliver first-hand. Keller's Municipal Service Center and Public Library were two additional high-profile investments made during his service to the community, He was also among the critical Town leadership establishing The Keller Pointe fitness and aquatics center and realizing the new Keller Senior Activities Center with its recent groundbreaking. Additionally, several parks and trails have opened or been improved, such as Bear Creek Park, preserving the natural beauty of the area and adding to current and future recreational opportunities for local citizens.

Mayor McGrail has led the town through natural and economic challenges, including floods, recessions and the current COVID–19 pandemic. Throughout these immediate leadership tests, he has remained aware of the Town's future needs. A long-standing proponent of road and utility infrastructure investment, Mr. McGrail has sought to support the needs demanded of the growing North Texas communities while protecting public and private property from the natural events all well-managed Texas communities have learned to expect.

Through his decades of service, Mayor McGrail has experienced the celebrations, satisfaction, frustrations, and sharp elbows all in public service come to know. His vision, perseverance and dedication have left a permanent mark, supporting and enhancing the quality of life to lead Keller to national recognition among the Best Small Cities in America. On behalf of the 26th Congressional District, I wish him, his wife Pauline, and his family much joy in his next endeavors. Keller is a stronger, better Town because of your service.

IN HONOR OF TODD ALEXANDER

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to recognize Todd Alexander of Fulton County, Pennsylvania for his service to Pennsylvania's 13th Congressional District on the 2020 U.S. Service Academy Nomination Committee.

Nominating exceptional candidates to attend our nation's service academies is one of my most important responsibilities in Congress. During this process, I rely on members of the Service Academy Nomination Committee, which is comprised of dedicated volunteers who have served our nation with distinction.

Todd is one of nine academy alumni who graciously volunteered their time to meet with and evaluate perspective nominees for the Class of 2025. As a graduate of the U.S. Naval Academy in Annapolis, Maryland, Todd knows firsthand the qualities and dedication that are critical for succeeding at the academies. He provided wise counsel and expertise throughout the nominating process, and I am grateful for his time and commitment.

Todd Alexander is an outstanding Pennsylvanian and American, as well as an excellent role model for future academy students. On behalf of the 13th District of Pennsylvania, it is my honor to recognize Todd for his service to our community and our nation.

IN APPRECIATION OF MILAGROS CISNEROS' WORK WITH THE HOUSE JUDICIARY COMMITTEE

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. NADLER. Madam Speaker, today, as the Chairman of the Committee on the Judiciary, I join with Representative KAREN BASS, Chair of the Subcommittee on Crime, Terrorism, and Homeland Security, in expressing our appreciation for Milagros Cisneros' work with the Committee over the past two years.

Milagros came to us as a detailee from the Administrative Office of the U.S. Courts, having worked for nearly sixteen years as an Assistant Federal Public Defender in Phoenix, Arizona, representing indigent clients in federal criminal cases. Prior to starting her career as a public defender, Milagros attended Bryn Mawr College and the Arizona State University College of Law.

At the conclusion of her detail to the Committee, she will be resuming her work in the Federal Defender's office in Phoenix, Arizona.

As counsel to the Committee's Democrats, Milagros provided indispensable analysis and advice concerning oversight hearings and a wide range of proposed legislation concerning various issues, such as criminal justice reform, prison reform, reforming our drug laws, combatting violence against women, immigration-related issues, tribal justice issues, and the federal death penalty. Her works was particularly instrumental in obtaining passage of the Effective Assistance of Counsel in the Digital Era Act, the Marijuana Opportunity Reinvestment and Expungement (MORE) Act, and important provisions in the CARES Act and HEROEs Act to protect incarcerated individuals from the COVID–19 pandemic.

As the Committee continued its effort to reform our criminal justice system, Milagros' experience as a federal defender informed our legislative and oversight efforts, particularly with respect to issues related to the Department of Justice's implementation of the FIRST STEP Act.

We have appreciated and benefited from Milagros' energy, enthusiasm, and insight over the past two years, during which she became an integral part of our team. We will miss her.

We thank Milagros for her selfless service to the Committee, and we wish her the best as she continues her career.

SUPPORTING PRINCE HALL MASONS BUILDING AND MARTIN LUTHER KING'S OFFICE RENOVATION IN HONOR JOHN LEWIS

HON. KWANZA HALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. HALL. Madam Speaker, I rise today to speak a truth.

And that truth is quite simple.

I stand on the shoulders of giants.

I hail from Atlanta which is the home of the King Center, a place dedicated to the memory of Dr. Martin Luther King, Jr., one of America's greatest citizens.

We honor him with a federal holiday and a memorial on our national mall, just outside this great chamber.

I am also the heir to the seat held by the late great John Lewis. Congressman Lewis was by Dr. King's side and Congressman Lewis dedicated his life to peaceful nonviolence.

Congressman Lewis was a beacon in this Chamber for the dozens of years that he served. It is one of the greatest honors of my life to complete the term for which he was last elected, can take the baton and bring his service across the finish line.

But I would be remiss if I did not use my opportunity to make sure their lessons are known for other generations to come.

That is why it is critical to make sure that we preserve the buildings in Metro Atlanta that give life to their work. We must establish the former headquarters of the Southern Christian Leadership Conference, where Dr. King did his work, alongside Congressman Lewis, as a national historic site.

If we do this, then we can do our small part to ensure that those that follow in our footsteps do so mindful of the example of these giants of the civil rights movement.

FAREWELL REMARKS

HON. BEN RAY LUJÁN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. LUJÁN. Madam Speaker, I am honored to rise for the last time on the floor of the House of Representatives.

Growing up on a small farm in New Mexico, I never imagined that I would walk these hallowed halls and speak from this chamber.

Of course, I did not get here alone. I stand on the shoulders of giants like Dennis Chavez, Manual Luján, and many others who blazed a trail for me and other Hispanic Americans to serve our communities proudly in this, the People's House.

I also owe my public service to heroes a little closer to home: my mother Carmen, a retired public-school employee, and my late father Ben, a union ironworker who became Speaker of the New Mexico House of Representatives.

They taught me that no job is too big or too small and that we must be guided by our compassion for others. It was their passion for serving others that propelled me to seek public office.

Thanks to Mom and Dad.

I also want to take this opportunity to express my gratitude to Speaker PELOSI, Majority Leader HOYER, and Whip CLYBURN and countless other members for their guidance and mentorship during my career in the House and during the last two years that I've served as the Assistant Speaker.

I thank my colleagues on both sides of the aisle for their friendship and support.

And I thank the freshman members who I have had the honor of working with mentoring during the 116th Congress. During a difficult time in our nation's history, their commitment to their constituents and the nation has inspired me every day.

I thank my staff who work long hours and weekends to serve the people of New Mexico. Their support has enabled me to make progress on the issues that matter most to New Mexicans.

And finally, I thank the people of New Mexico's Third Congressional District. It's been such an honor to represent them in the House, and I'll never stop working to make a positive difference.

I'm proud of what we were able to accomplish for New Mexico's Third District:

Defending the Affordable Care Act, which expanded health coverage to 270,000 New Mexicans;

Reaching across the aisle to pass bills into law combating the opioid epidemic that has ravaged families and communities;

Working with my Republican colleagues to make robust investments in our world-class National Labs;

Creating good-paying jobs for New Mexicans by passing measures to bolster our state's growing outdoor economy and to improve broadband deployment in our rural communities;

Passing legislation to preserve and protect Native languages for future generations;

Ensuring New Mexico's land grants and acequias are treated with dignity and respect, and can continue to thrive;

And assisting thousands of New Mexicans in navigating our federal agencies—helping veterans and seniors secure their hard-earned benefits, taxpayers navigate the IRS, and new citizens through the naturalization process.

I include in the RECORD a list of 29 bills that I led and 10 that I co-led that became law while I've served in the House.

Come January, the Third District will have a new representative in Teresa Leger Fernandez. I know she will be a champion for working families, for New Mexico.

I look forward to continuing to work with her and the rest of my friends in the New Mexico delegation from the other side of the Capitol.

I'm truly humbled that the people of New Mexico have sent me to be their voice in the United States Senate. To be perfectly honest, it hasn't sunk in yet.

But I'll miss the People's House. It's been the privilege of my lifetime to serve here along with my colleagues. Let's continue to heed the call of the American people and make a positive difference every day that we can.

I'm proud to have led the following bills passed into law to improve the lives of New Mexicans:

The Esther Martinez Native American Languages Programs Reauthorization Act;

The Prompt and Fast Action to Stop Damages Act of 2019;

The Department of Energy National Labs Jobs ACCESS Act;

The Map Improvement Act;

The Cerros del Norte Conservation Act;

The Rio Puerco Watershed Management Program Reauthorization Act;

The San Juan County Settlement Implementation Act;

The Santa Clara Pueblo Leasing Authority Act;

The Support Startup Business Act;

The Child Health Outreach and Mentorship Program Act;

The Opioid and Heroin Abuse Crisis Investment Act of 2017;

The Broadband Infrastructure Inventory Act;

The Acequia Conservation Program Eligibility Act;

A bill to amend the Public Health Service Act to reauthorize a grant program improving treatment for pregnant and postpartum women;

The Peer Support Communities of Recovery Act;

The Growing Value-Added Economies Act;

The Medicaid Substance Use Disorder Treatment via Telehealth Act;

The New Mexico Navajo Water Settlement Technical Corrections Act;

The Improving Treatment for Pregnant and Postpartum Women Act of 2016;

The Opioid and Heroin Abuse Crisis Investment Act;

The Columbine-Hondo Wilderness Act;

The Sabinoso Wilderness Act of 2009;

The Eastern New Mexico Rural Water System Authorization Act;

The New Mexico Aquifer Assessment Act;

The Rio Grande Pueblos Irrigation Infrastructure Improvement Act;

The Northwestern New Mexico Rural Water Project Act;

The Taos Pueblo Indian Water Rights Settlement Act;

The Aamodt Litigation Settlement Act;

A bill to authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo.

I'm proud to have co-led the following bills passed into law to improve the lives of New Mexicans:

The Comprehensive Opioid Recovery Centers Act of 2018;

The Maternal Opioid Treatment, Health, Education, and Recovery Act of 2018;

The Better Pain Management Through Data Act;

The Addiction Treatment Access Improvement Act;

A bill to amend title XVIII of the Social Security Act to require prescription drug plan sponsors under the Medicare program to establish drug management programs for at-risk beneficiaries;

The Standardizing Electronic Prior Authorization for Safe Prescribing Act of 2018;

The Ashlynne Mike AMBER Alert in Indian Country Act;

The Assist Socially Disadvantaged and Veteran Farmers and Ranchers Act of 2018;

The Preventing Interruptions in Physical Therapy Act;

The Medicare Part D Patient Safety and Drug Abuse Prevention Act.

IN HONOR OF STEVEN SIMS

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to recognize Steven Sims of

Adams County, Pennsylvania for his service to Pennsylvania's 13th Congressional District on the 2020 U.S. Service Academy Nomination Committee.

Nominating exceptional candidates to attend our nation's service academies is one of my most important responsibilities in Congress. During this process, I rely on members of the Service Academy Nomination Committee, which is comprised of dedicated volunteers who have served our nation with distinction.

Steven is one of nine academy alumni who graciously volunteered their time to meet with and evaluate perspective nominees for the Class of 2025. As a graduate of the United States Military Academy in West Point, New York, Steven knows firsthand the qualities and dedication that are critical for succeeding at the academies. He provided wise counsel and expertise throughout the nominating process, and I am grateful for his time and commitment.

Steven Sims is an outstanding Pennsylvanian and American, as well as an excellent role model for future academy students. On behalf of the 13th District of Pennsylvania, it is my honor to recognize Steven for his service to our community and our nation.

RECOGNIZING JOHN ''JACK'' BENNETT

HON. ERIC SWALWELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. SWALWELL of California. Madam Speaker, along with Representatives MARK DESAULNIER, ANNA G. ESHOO, RO KHANNA, BARBARA LEE, JERRY MCNERNEY, JIMMY PANETTA, and MIKE THOMPSON, I rise to recognize John ''Jack'' Bennett on the occasion of his retirement from the Federal Bureau of Investigation (FBI) on November 30, 2020.

Before finding himself with a federal badge, Jack was a Special Agent with the Georgia Bureau of Investigation. From there, he joined the Drug Enforcement Administration before landing at the FBI Academy in 1998. From the beginning, Jack's leadership skills were apparent. His academy class awarded him the ''Fidelity, Bravery, and Integrity'' award upon graduation. When the World Trade Center was attacked on 9/11, Jack was in his first assignment in nearby Newark, New Jersey and aided in the investigation.

Jack's experience goes well beyond law enforcement and into law creation. His legislative experience came from serving as the FBI's agent embedded with the National Center for Missing and Exploited Children. There, he was instrumental in drafting child-protection legislation that would become the Adam Walsh Act.

Jack's portfolio and experience continued to expand and evolve as he was appointed to the FBI Director's Next Generation Cyber Initiative, leading to partnerships with the tech community and encouraging collaboration the public and private sectors. His experience there made him a natural fit to run the FBI's Digital Forensics and Analysis Section, where he worked with several of our allies around the world to embed American forensic professionals and assist with counterterrorism efforts worldwide.

It was my privilege to work with Jack while he served as the Special Agent in Charge of the San Francisco Division. While charged with running the FBI's 6th largest field office, he also served as the Director of National Intelligence for the Pacific Region and chaired the FBI Director's Special Agents in Charge Advisory Committee.

As Bay Area Members of Congress, we appreciated Jack's leadership most when our nearby communities suffered great tragedy, such as the investigation into the mass shooting in Gilroy in July 2019.

I thank Jack for his service. His entire career has been dedicated to keeping Americans safe, and it is much appreciated. We wish him all the best on his well-earned retirement and while he spends more time with his wife, Teresa, and children, Natalie and Luke.

HONORING SUSIE MILLER, DISTRICT DIRECTOR FOR TEXAS–24TH

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. MARCHANT. Madam Speaker, I have had the high honor of representing the 24th Congressional District of Texas since 2005, and throughout the past sixteen years, I have been most fortunate to have only one District Director. My District Director, Susie Miller, has been the bedrock of my team, ensuring the highest levels of constituent outreach and service throughout the district. Her standards of service and professionalism are a model to others, as is the humble manner with which she goes about her work. She is an outstanding public servant in the truest fashion.

Susie is the longest tenured staff member of the Team Marchant office, as her service dates back to when I was serving in the Texas House of Representatives. Her experience and knowledge of the district is irreplaceable. She has led an outstanding district office, one where her encouragement drives the staffers she supervises to achieve the best outcome for our constituents in every situation.

Her impact was not limited to the district, but was felt in Washington, D.C. as well. Susie was instrumental in fostering a great working relationship between my Washington and Texas offices. All too often, I will hear my colleagues complain about needless tensions between their Washington and district offices. That was never the case for me, in large part because of Susie and her constant dedication to ensure all staffers were on the same page and supported each other. Truth be told, the Washington office always looked forward to the frequent deliveries of Girl Scout cookie care packages that Susie would send—of course, those cookies didn't last long.

I ask all of my colleagues to join me in thanking Susie Miller for her many years of service and to also express our gratitude to the entire Miller family, her husband Doug and their sons Doug, Jr. and Rick. They have been most supportive of Susie with her work at odd hours of the day and on weekends. Like many of our staffers, Susie's work was not limited by the nine-to-five schedule, often requiring work on the weekends or after hours. I know that Susie will miss much about the job when she retires from being a Congressional staffer at the end of this Congress, but perhaps the late evening and weekend emergency phone calls will not be missed too much. I thank Susie for all of her hard work, I could not have done my job without her.

WILLIAM EPPES PROCTOR

HON. NEAL P. DUNN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. DUNN. Madam Speaker, I rise today to honor the life of William Eppes Proctor, who sadly passed away on December 6, 2020.

William was a Tallahassee native and a Senior at Florida State University pursuing a degree in Risk Management and Insurance.

William was loved by everyone he interacted with and made certain that he left a positive mark on each community he touched.

William found his second family with the brothers of Sigma Phi Epsilon, where he excelled in one of the fraternity's main staples—virtue.

William's high moral standards and principles enabled him to serve in many different departments of his university—including his fraternity, the Florida State Student Foundation, and Garnet & Gold Key.

William will continue to serve as an inspiration and a light to all.

My thoughts, prayers, and condolences are with William's mother, Lesley; his father, Robert; his sister, Grace; and his friends.

Though not here with us physically, his laughter, heart, spirit, and memory will live on forever—may he rest in peace.

IN HONOR OF DAVID DIEDRICH

HON. JOHN JOYCE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 2020

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to recognize David Diedrich of Blair County, Pennsylvania for his service to Pennsylvania's 13th Congressional District on the 2020 U.S. Service Academy Nomination Committee.

Nominating exceptional candidates to attend our nation's service academies is one of my most important responsibilities in Congress. During this process, I rely on members of the Service Academy Nomination Committee, which is comprised of dedicated volunteers who have served our nation with distinction.

David is one of nine academy alumni who graciously volunteered their time to meet with and evaluate perspective nominees for the Class of 2025. As a graduate of the United States Military Academy in West Point, New York, David knows firsthand the qualities and dedication that are critical for succeeding at the academies. He provided wise counsel and expertise throughout the nominating process, and I am grateful for his time and commitment.

David Diedrich is an outstanding Pennsylvanian and American, as well as an excellent role model for future academy students. On behalf of the 13th District of Pennsylvania, it is my honor to recognize David for his service to our community and our nation.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7563–S7645

Measures Introduced: Twenty-three bills and two resolutions were introduced, as follows: S. 5040–5062, and S. Res. 804–805. **Pages S7589–90**

Measures Reported:

Special Report entitled ''The 2020 Joint Economic Report''. (S. Rept. No. 116–335)

Special Report entitled ''A Record of Bipartisan Policymaking in Support of Older Americans''. (S. Rept. No. 116–336) **Page S7589**

Measures Passed:

Improving Mental Health Access for Students Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. 1782, to add suicide prevention resources to school identification cards, and the bill was then passed. **Pages S7580–81**

Safeguard Tribal Objects of Patrimony Act: Senate passed S. 2165, to enhance protections of Native American tangible cultural heritage, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S7583–86**

Heinrich Amendment No. 2712, to modify certain penalties. **Page S7586**

Fraud and Scam Reduction Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 2610, to establish an office within the Federal Trade Commission and an outside advisory group to prevent fraud targeting seniors and to direct the Commission to study and submit a report to Congress on scams targeting seniors and Indian tribes, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S7638–39**

Braun (for Wicker) Amendment No. 2713, in the nature of a substitute. **Pages S7638–39**

Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act: Senate passed S. 481, to encourage States to require the installation of residential carbon monoxide detectors in homes, after withdrawing the committee amendment in the nature of a substitute, and agreeing to the following amendment proposed thereto: **Pages S7639–41**

Braun (for Klobuchar) Amendment No. 2714, in the nature of a substitute. **Pages S7640–41**

United States Anti-Doping Agency Reauthorization Act: Senate passed S. 3248, to reauthorize the United States Anti-Doping Agency, after withdrawing the committee amendments, and agreeing to the following amendment proposed thereto: **Pages S7641–42**

Braun (for Moran) Amendment No. 2715, in the nature of a substitute. **Pages S7640–42**

Combating Pandemic Scams Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 6435, to direct the Federal Trade Commission to develop and disseminate information to the public about scams related to COVID–19, and the bill was then passed. **Page S7642**

School-Based Allergies and Asthma Management Program Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 2468, to amend the Public Health Service Act to increase the preference given, in awarding certain allergies and asthma-related grants, to States that require certain public schools to have allergies and asthma management programs, and the bill was then passed. **Page S7642**

Advancing Education on Biosimilars Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. 1681, to educate health care providers and the public on biosimilar biological products, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S7642–43**

Braun (for Alexander) Amendment No. 2716, in the nature of a substitute. **Page S7643**

Providing for Senate Staff Transition: Senate agreed to S. Res. 805, providing for staff transition for a Senator if the results of the election for an additional term of office of the Senator have not been certified. **Page S7643**

1921 Silver Dollar Coin Anniversary Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 6192, 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 the bill was then passed. **Page S7643**

Circulating Collectible Coin Redesign Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 1923, to amend title 31, United States Code, to require the Secretary of the Treasury to mint and issue certain circulating collectible coins, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S7643**

Braun (for Cortez Masto/Fischer) Amendment No. 2717, to improve the bill. **Page S7643**

Aretha Franklin Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3976, to designate the facility of the United States Postal Service located at 12711 East Jefferson Avenue in Detroit, Michigan, as the "Aretha Franklin Post Office Building", and the bill was then passed. **Pages S7643–44**

Clara Luper Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5597, to designate the facility of the United States Postal Service located at 305 Northwest 5th Street in Oklahoma City, Oklahoma, as the "Clara Luper Post Office Building", and the bill was then passed. **Pages S7643–44**

Tom Reid Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 7810, to designate the facility of the United States Postal Service located at 3519 East Walnut Street in Pearland, Texas, as the "Tom Reid Post Office Building", and the bill was then passed. **Pages S7643–44**

Mary Ann Shadd Cary Post Office Dedication Act: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5972, to designate the facility of the United States Postal Service located at 500 Delaware Avenue, Suite 1, in Wilmington, Delaware, as the "Mary Ann Shadd Cary Post Office", and the bill was then passed. **Pages S7643–44**

Clara Barton Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 4988, to designate the facility of the United States Postal Service located at 14 Walnut Street in Bordentown, New Jersey, as the "Clara Barton Post Office Building", and the bill was then passed. **Pages S7643–44**

Senior Airman Daniel Miller Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5123, to designate the facility of the United States Postal Service located at 476 East Main Street in Galesburg, Illinois, as the "Senior Airman Daniel Miller Post Office Building", and the bill was then passed. **Pages S7643–44**

George H. Bacel Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5451, to designate the facility of the United States Postal Service located at 599 East Genesse Street in Fayetteville, New York, as the "George H. Bacel Post Office Building", and the bill was then passed. **Pages S7643–44**

Woodie Rucker-Hughes Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5983, to designate the facility of the United States Postal Service located at 4150 Chicago Avenue in Riverside, California, as the "Woodie Rucker-Hughes Post Office Building", and the bill was then passed. **Pages S7643–44**

William 'Jack' Jackson Edwards III Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 6418, to designate the facility of the United States Postal Service located at 509 Fairhope Avenue in Fairhope, Alabama, as the "William 'Jack' Jackson Edwards III Post Office Building", and the bill was then passed. **Pages S7643–44**

Senator Jack Hill Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 7088, to designate the facility of the United States Postal Service located at 111 James Street in Reidsville, Georgia, as the "Senator Jack Hill Post Office Building", and the bill was then passed. **Pages S7643–44**

Jessie Field Shambaugh Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 7502, to designate the facility of the United States Postal Service located at 101 South 16th Street in Clarinda, Iowa, as the "Jessie Field Shambaugh Post Office Building", and the bill was then passed. **Pages S7643–44**

Joseph Bullock Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 8611,

to designate the facility of the United States Postal Service located at 4755 Southeast Dixie Highway in Port Salerno, Florida, as the "Joseph Bullock Post Office Building", and the bill was then passed.

Pages S7643–44

J. Howard Coble Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 6161, to designate the facility of the United States Postal Service located at 1585 Yanceyville Street, Greensboro, North Carolina, as the "J. Howard Coble Post Office Building", and the bill was then passed. Pages S7643–44

Jim Ramstad Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 4971, to designate the facility of the United States Postal Service located at 229 Minnetonka Avenue South in Wayzata, Minnesota, as the "Jim Ramstad Post Office", and the bill was then passed. Pags S7643–44

Howard Arthur Tibbs Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 4857, to designate the facility of the United States Postal Service located at 275 Penn Avenue in Salem, Ohio, as the "Howard Arthur Tibbs Post Office", and the bill was then passed. Pages S7643–44

Marc Lee Memorial Post Office Building: Senate passed H.R. 6016, to designate the facility of the United States Postal Service located at 14955 West Bell Road in Surprise, Arizona, as the "Marc Lee Memorial Post Office Building". Pages S7643–44

House Messages:

Indian Community Economic Enhancement Act: Senate agreed to the motion to concur in the amendment of the House of Representatives to S. 212, to amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000, the Buy Indian Act, and the Native American Programs Act of 1974 to provide industry and economic development opportunities to Indian communities.

Page S7586

Dietz Nomination—Cloture: Senate began consideration of the nomination of Thompson Michael Dietz, of New Jersey, to be a Judge of the United States Court of Federal Claims for a term of fifteen years. Page S7579

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Saturday, December 19, 2020. Page S7579

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Executive Session to consider the nomination. Page S7579

Johnson Nomination—Cloture: Senate began consideration of the nomination of John Chase Johnson, of Oklahoma, to be Inspector General, Federal Communications Commission. Page S7579

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Thompson Michael Dietz, of New Jersey, to be a Judge of the United States Court of Federal Claims for a term of fifteen years. Page S7579

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. Page S7579

Senate agreed to the motion to proceed to Executive Session to consider the nomination. Page S7579

Soskin Nomination–Cloture: Senate began consideration of the nomination of Eric J. Soskin, of Virginia, to be Inspector General, Department of Transportation, Page S7579

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of John Chase Johnson, of Oklahoma, to be Inspector General, Federal Communications Commission. Page S7579

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. Page S7579

Senate agreed to the motion to proceed to Executive Session to consider the nomination. Page S7579

Harwell Nomination—Cloture: Senate began consideration of the nomination of Beth Harwell, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority. Page S7579

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Eric J. Soskin, of Virginia, to be Inspector General, Department of Transportation. Page S7579

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. Page S7579

Senate agreed to the motion to proceed to Executive Session to consider the nomination. Page S7579

Noland Nomination—Cloture: Senate began consideration of the nomination of Brian Noland, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority. **Pages S7579–80**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Beth Harwell, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority. **Pages S7579–80**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S7579**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. Page S7579

Stones Nomination—Cloture: Senate began consideration of the nomination of Charles A. Stones, of Kansas, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation. **Page S7580**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Brian Noland, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority. **Page S7580**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S7580**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S7580**

Aenlle-Rocha Nomination—Cloture: Senate began consideration of the nomination of Fernando L. Aenlle-Rocha, of California, to be United States District Judge for the Central District of California. **Page S7580**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Charles A. Stones, of Kansas, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation. **Page S7580**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S7580**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S7580**

A unanimous-consent agreement was reached providing for further consideration of the nomination at approximately 10:00 a.m., on Friday, December 18, 2020. **Page S7644**

Nominations Confirmed: Senate confirmed the following nominations:

By 54 yeas to 41 nays (Vote No. EX. 272), Charles Edward Atchley, Jr., of Tennessee, to be United States District Judge for the Eastern District of Tennessee. **Pages S7563–67**

By 52 yeas to 43 nays (Vote No. EX. 274), Zachary N. Somers, of the District of Columbia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years. **Pages S7567–72**

During consideration of this nomination today, Senate also took the following action:

By 52 yeas to 42 nays (Vote No. EX. 273), Senate agreed to the motion to close further debate on the nomination. **Page S7567**

Nominations Received: Senate received the following nominations:

Romolo A. Bernardi, of New York, to be a Governor of the United States Postal Service for a term expiring December 8, 2023.

Terrence M. Andrews, of California, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Daniel Z. Epstein, of Texas, to be Chairman of the Administrative Conference of the United States for the term of five years. **Page S7645**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Daniel Z. Epstein, of Texas, to be a Judge of the United States Court of Federal Claims for a term of fifteen years, which was sent to the Senate on February 4, 2020. **Page S7645**

Messages from the House: **Page S7588**

Executive Communications: **Pages S7588–89**

Petitions and Memorials: **Page S7589**

Additional Cosponsors: **Pages S7590–92**

Statements on Introduced Bills/Resolutions: **Pages S7592–S7635**

Additional Statements: **Pages S7587–88**

Amendments Submitted: **Pages S7635–38**

Record Votes: Three record votes were taken today. (Total—274) **Pages S7567, S75672**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:02 p.m., until 10 a.m. on Friday, December 18, 2020. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7644.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 28 public bills, H.R. 8996–8997, 8999–9024; and 3 resolutions, H. Res. 1267–1269 were introduced.

Pages H7258–59

Additional Cosponsors: **Page H7260**

Reports Filed: Reports were filed today as follows:

H.R. 5821, to amend title XVIII of the Social Security Act to establish hospice program survey and enforcement procedures under the Medicare program, and for other purposes, with an amendment (H. Rept. 116–660, Part 1);

H.R. 5120, to amend title 49, United States Code, to provide enhanced safety and environmental protection in pipeline transportation, and for other purposes, with an amendment (H. Rept. 116–661, Part 1);

H.R. 4347, to enhance the Federal Government's planning and preparation for extreme weather and the Federal Government's dissemination of best practices to respond to extreme weather, thereby increasing resilience, improving regional coordination, and mitigating the financial risk to the Federal Government from such extreme weather, and for other purposes (H. Rept. 116–662, Part 1);

H.R. 123, to authorize a pilot program under section 258 of the National Housing Act to establish an automated process for providing additional credit rating information for mortgagors and prospective mortgagors under certain mortgages, with an amendment (H. Rept. 116–663); and

H.R. 149, to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes, with an amendment (H. Rept. 116–664). **Pages H7257–58**

Speaker: Read a letter from the Speaker wherein she appointed Representative Clay to act as Speaker pro tempore for today. **Page H7231**

Recess: The House recessed at 1:31 p.m. and reconvened at 2 p.m. **Page H7241**

Suspensions: The House agreed to suspend the rules and pass the following measures: United States Semiquincentennial Commission Amendments Act of 2020: S. 3989, amended, to amend the United States Semiquincentennial Commission Act of 2016 to modify certain membership and other requirements of the United States Semiquincentennial Commission; **Pages H7244–45**

Deeming an urban Indian organization and employees thereof to be a part of the Public Health Service for the purposes of certain claims for personal injury: H.R. 6535, amended, to deem an urban Indian organization and employees thereof to be a part of the Public Health Service for the purposes of certain claims for personal injury; **Pages H7245–47**

Julius Rosenwald and the Rosenwald Schools Act: H.R. 3250, amended, to require the Secretary of the Interior to conduct a special resource study of the sites associated with the life and legacy of the noted American philanthropist and business executive Julius Rosenwald, with a special focus on the Rosenwald Schools, by a ⅔ yea-and-nay vote of 387 yeas to 5 nays, Roll No. 245; **Pages H7247–48, H7252–53**

Peace Corps Commemorative Work Extension Act: H.R. 7460, to extend the authority for the establishment by the Peace Corps Commemorative Foundation of a commemorative work to commemorate the mission of the Peace Corps and the ideals on which the Peace Corps was founded; **Pages H7248–49**

Jimmy Carter National Historical Park Redesignation Act: H.R. 5472, to redesignate the Jimmy Carter National Historic Site as the "Jimmy Carter National Historical Park"; and **Pages H7249–51**

Weir Farm National Historical Park Redesignation Act: H.R. 5852, to redesignate the Weir Farm National Historic Site in the State of Connecticut as the "Weir Farm National Historical Park". **Pages H7251–52**

Recess: The House recessed at 3:06 p.m. and reconvened at 3:30 p.m. Page H7252

Senate Referrals: S. 1387 was held at the desk. S. 2513 was held at the desk. S. 3287 was held at the desk. S. 5036 was held at the desk. Page H7243

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H7243.

Quorum Calls—Votes: One yea-and-nay vote developed during the proceedings of today and appear on page H7252–53.

Adjournment: The House met at 12 noon and adjourned at 5:45 p.m.

Committee Meetings

THE ROLE OF PURDUE PHARMA AND THE SACKLER FAMILY IN THE OPIOID EPIDEMIC

Committee on Oversight and Reform: Full Committee held a hearing entitled ''The Role of Purdue Pharma and the Sackler Family in the Opioid Epidemic''. Testimony was heard from public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 18, 2020

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the **SENATE**

10 a.m., Friday, December 18

Senate Chamber

Program for Friday: Senate will continue consideration of the nomination of Fernando L. Aenlle-Rocha, of California, to be United States District Judge for the Central District of California.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Friday, December 18

House Chamber

Program for Friday: Consideration of measures under suspension of the Rules.

Extensions of Remarks, as inserted in this issue

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