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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

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

Let us pray.

Eternal Father, who extends daily to our lawmakers' compassionate love, we praise Your Holy Name. In a fragile world where we often find ourselves waiting to exhale, You remain our shelter for every storm.

Lord, relieve the shadows of gloom as we face a world endangered by selfishness and sin. Bring our Senators from the fatigue of despair to the buoyancy of hope. Make their lives unflickering lights that scatter the darkness in our Nation and world. Give them an unflinching certainty that You are sovereign.

We pray in Your great 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 to address the Senate for 1 minute as in morning business.

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

IRAN

Mr. GRASSLEY. Madam President, over the past year, the Iranian regime has been increasingly aggressive, attacking oil tankers in the Persian Gulf, shooting down a U.S. drone, seizing a British tanker, attacking a Saudi oil facility, attacking U.S. military bases in Iraq, and storming the U.S. Embassy in Baghdad.

The U.S. response to Iran's increasing provocations had been too measured, to the point that we risked Iran's leaders mistaking restraint on the part of America for weakness and encouraging further escalation.

Another attack that risked many American lives was in the works when President Trump ordered U.S. forces to take out the terrorist mastermind of the Iranian regime.

Now, think about it. Sometimes you have to stand up to a bully to get him to back off or else we might be inviting further aggression.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

IMPEACHMENT

Mr. MCCONNELL. Madam President, first, this morning I want to associate myself with a statement made yesterday by one of our distinguished colleagues about the House Democrats treating impeachment like a political toy. Here is what the Senator said: ''If it's serious and urgent, send them over. If it isn't, don't.'' That was our Democratic colleague, the senior Senator from California, the ranking member of the Judiciary Committee. She wasn't alone.

''It's time to get on with it.'' That is our Democratic colleague the junior Senator from Delaware.

''At some point, it's appropriate to send them and pass the baton to Senators.'' That is our Democratic colleague, the senior Senator from Connecticut.

''I think the time has past. She should send the articles.'' That is our Democratic colleague the junior Senator from Connecticut.

Now, this is a challenging time to create bipartisan agreement in the Senate on any subject, but the Speaker of the House has managed to do the impossible. She has created this growing bipartisan unity here in the Senate in opposition to her own reckless behavior.

The Senators may not agree on much, but it appears most of us still recognize the threat to our institution when we see one. Article I, section 3, says: ''The Senate shall have the sole power to try all impeachments''—period.

The House can begin the process, and Speaker PELOSI's majority has certainly done that, but the Senate alone can resolve it. Yet, for weeks now, the House majority has blocked the Senate from fulfilling our constitutional duty. In a precedent-breaking display of partisanship, the Speaker has refused to let her own allegations proceed normally to trial unless she gets to handdesign various elements of our Senate process. In other words, the House Democrats already spent 12 weeks undermining the institution of the Presidency with a historically unfair and subjective impeachment, and now, for a sequel, they have come after the institution of the Senate as well. That is where we are.

The dwindling number of our Senate Democratic colleagues who remain complicit in this must realize what they are doing. Should future House majorities feel empowered to waste our time with junior varsity political hostage situations? Should future Speakers be permitted to conjure up this sword of Damocles at will and leave it hanging over the Senate unless we do what they say? Of course not.

This week, a majority of the Senate stepped forward to make it perfectly clear that this conversation is over. A majority of this body has said definitively that we are not ceding our constitutional authority to the partisan designs of the Speaker. We will not let

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

the House extend its precedent-breaking spree over here to our Chamber.

There will be no unfair new rule book written solely for President Trump. The basic organization of the first phase of this trial will track the phase one of the Clinton trial, which all 100 Senators voted for in 1999. I have said for months that this is our preferred route.

By the way, that is exactly what the American people want. Seventy-seven percent told a Harvard-Harris survey that the basic outline of a Clinton trial, reserving the witness question until later in the proceedings, ought to be good enough for this President as well. Fair is fair. In the same survey, 58 percent of Americans said they want Speaker PELOSI to do her job and send the articles to the Senate rather than continue delaying.

It makes sense that American families have lost patience with this act just like we Senators have lost patience with it because this is not just some intramural tiff between the two Houses in our bicameral legislature. This recklessness affects our entire country.

When you take a step back, what has really happened over the last 3 weeks? What has happened? When you take a step back from the political noise and the pundits discussing ''leverage''—by the way, that never existed—what have House Democrats actually done?

This is what they have done. They have initiated one of the most grave and most unsettling processes in our Constitution and then refused to allow a resolution of it. The Speaker began something that she herself predicted would be ''so divisive to the country,'' and now she is unilaterally saying it cannot move forward to resolution.

It is bad enough that House Democrats gave in to the temptation of subjective impeachment that every previous House for 230 years has managed to resist. However unwise, that is their constitutional prerogative. They get to start it, if they choose, but they do not get to declare that it can never be finished. They do not get to trap our entire country into an unending ''Groundhog Day'' of impeachment without resolution.

Alexander Hamilton specifically warned against a procrastinated resolution of impeachments. In part, that is because our duly-elected President deserves a verdict, just like every American who is accused by their government deserves a speedy trial.

This goes deeper than fairness to one individual. This is about what is fair to the entire country. There is a reason why the Framers did not contemplate a permanently unsettled Presidency. That is true under any circumstances, but consider especially the circumstances of recent days. Even as the Democrats have prolonged this game, we have seen Iran escalate tensions with our Nation. We live in a dangerous world.

So, yes, the House majority can create this temporary cloud over a Commander in Chief if they choose—if they choose—but they do not get to keep the cloud in place forever. Look, there is real business for the American people that the Senate needs to complete. If the Speaker continues to refuse to take her own accusations to trial, the Senate will move forward next week with the business of our people. We will operate on the assumption that House Democrats are too embarrassed—too embarrassed—to ever move forward, and we will get back to the people's business.

For example, the Senate continues to process President Trump's landmark trade deal, the USMCA, through our committees of jurisdiction. It passed the Senate Finance Committee this week by a landslide vote of 25 to 3, a major victory for the President and for working families. Now our other committees will continue their consideration.

And there is more. The epidemic of opioids, fentanyl, and other substance abuse continues to plague our Nation. Some colleagues have signaled they may raise privileged resolutions on war powers. The Senate has plenty of serious work to do for our country. So while the Speaker continues her irresponsible games, we will continue doing the people's business.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Paul J. Ray, of Tennessee, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. 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 Democratic leader is recognized.

IRAN

Mr. SCHUMER. Madam President, yesterday the Senate received a classified briefing for all Senators from the Trump administration on the recent military operation that killed Iranian General Soleimani. Nearly the entire Senate attended, but only 15 Senators were able to ask questions before the administration decided they had to go. As many as 82 Senators were left hanging in the balance without a chance to answer their questions. It was a sight like none I have ever seen in my time in the Senate.

This is a crucial issue: war and peace. These were five of the leading people involved in the decision making, past, present and future. If they couldn't stay to answer questions in a classified briefing, that is the ultimate disrespect to the Senate.

I have to tell you, it was not just Democrats who were upset and not just on the Republican side. Senator PAUL and Senator LEE were upset. Four or five Senators came over to me, in that room, when I made the request that they come back, and said: Please count me in on that.

As Secretary Pompeo was practically running out the door, I asked the White House representative if they would come back and finish the briefing. Pompeo said no, on his behalf, but the White House representative assured me the group would be back in short order.

I said: Within a week.

In the room, in the SCIF, he said they will definitely come back.

This morning, the White House told me they would explore coming back. They are already backing off, as usual. This is imperative. We are asking, in as polite a way as we can right now, Democrats and Republicans, that these five leaders—the head of DNI, the head of the CIA, the head of the Joint Chiefs, Secretary of Defense, and the Secretary of State—come before us within a week and answer the questions of the 82 Senators who were on the list and wanted to ask questions but couldn't.

The scene at yesterday's briefing was unacceptable, as Members of both sides of the aisle have attested. Eighty-two Senators—chairs, ranking members, appropriators, authorized—were snubbed by this administration on a matter of war and peace. They must return.

Again, this administration's thwarting of the exquisite balance the Founding Fathers put in place between the Congress and Presidency is something that would make the Founding Fathers turn over in their graves and strikes at the core of what America is all about.

Why is it important we have this briefing? Because the danger of war is still very real. There seems to be a sense that Iran's missile strikes on U.S. installations in Iraq, which resulted in no U.S. or coalition casualties, was a signal that our hostilities between our two countries are deescalating. If that is true, it would certainly be a good thing, but we all know Iran has many different ways of causing trouble in the Middle East. Over

the last decade, Iranian proxies have exported terror, fomented civil strife throughout the region. We know they may seek to strike the United States in many new ways, like through cyber attacks. Undoubtedly, there is still a danger Iran will retaliate for the death of General Soleimani in other ways, not only in the next days, where it is possible they could, but in the next weeks and months.

In a speech yesterday, the Iran Supreme Leader said the Iranian missile strike was just ''one slap.'' ''Such military actions,'' he continued, ''are not enough as far as the importance of retaliation is concerned.'' We have good reason to worry that Iran will do more, particularly, given the fact that they are a regime that has many hard-liners who hate the United States and will try to do us as much damage as they can. For other reasons as well, the risk of confrontation with Iran has grown more acute, some of it because of President Trump's actions.

At the President's order, we now have at least 15,000 additional U.S. forces in the Middle East—more forces than we had at the beginning of last summer—15,000 more. The Iranian public, which only weeks ago was protesting its own political leaders, has rallied behind the regime and is directing its entire ire at the United States. Iran has also announced that it will no longer abide by any restraints on its nuclear program that were imposed by the JCPOA, signaling its possible intent to pursue a nuclear weapon.

For all these reasons—that clearly Iran is still a great danger and the risk of war still looms—we need Senator KAINE's War Powers Resolution more than ever.

The President has made several erratic and impulsive decisions when it comes to foreign policy that have made Americans less safe, put even more American forces in harm's way. More American troops are now headed to the Middle East. We are not reducing our troop load; we are increasing it.

Iran is no longer constrained by limits on its nuclear program. We find ourselves even more isolated from allies and partners around the world who are shaken by the recklessness and inconsistency of the administration's foreign policy. The Trump administration cannot even complete a congressional briefing. Congress, unequivocally, must hold the President accountable and assert our authority over matters of war and peace. That is what Senator KAINE's resolution would do.

We will have a debate on the floor in the Senate. I urge my colleagues to support the Kaine resolution. There are many different ways we can make sure we don't go into a war recklessly and without check.

Senator SANDERS today is introducing legislation, of which I am a cosponsor, that will hold back funding for such a war. We Democrats will continue to pursue ways to assert our constitutional authority and make sure that before the administration takes any actions—because so many of their actions tend to be reckless and impulsive—they have to get the OK of Congress.

IMPEACHMENT

Madam President, on impeachment, I have to respond to Leader MCCONNELL's hyperbolic accusations that the Speaker is trying to dictate terms of the Senate trial. I know the Republican leader must be upset he cannot exert total control over this process, but Speaker PELOSI has done just the right thing. I can understand why Leader MCCONNELL is so frustrated. If the Speaker had sent the Articles of Impeachment over to the Senate immediately after they passed, Senate Republicans could have moved to dismiss the articles. There was a lot of talk about that a while ago. There wouldn't have been a fair or even a cursory trial, and they might have even tried to dismiss the whole articles before Christmas. Instead, over the past few weeks, not only have they been prevented from doing that, there have been several crucial disclosures of evidence that appear to further incriminate the President, each disclosure bolstering the arguments we Democrats have made for a trial that features the relevant witnesses and documents. That has been Speaker PELOSI's focus from the very beginning and has been my focus from the very beginning: getting a fair trial that considers the facts and only the facts. As I have said repeatedly on this Senate floor, as Joe Friday said in ''Dragnet,'' ''Just the facts, ma'am.''

The Speaker and I are in complete agreement on that point, and because the Republican leader has been unable to bring up the articles and dismiss them or stampede through a trial over the Christmas period, the focus of the country has been on witnesses and documents.

Leader MCCONNELL will do everything he can to divert attention from that focus on witnesses and documents. He knows his Senators are under huge pressure not to just truncate a trial and have no evidence; that it will play very badly in America and back home in their States. He is a very clever fellow, so he doesn't just say no. He says: Let's delay this for a while and see what happens.

I have little doubt most people who follow this—most Republicans probably quietly—have little doubt that Leader MCCONNELL has no interest in witnesses and documents, no interest in a fair trial. When we say ''fair trial,'' we mean facts; we mean witnesses; we mean documents.

When the impeachment trial begins in the Senate, the issue will return to witnesses and documents. It has been out there all along but will come back even stronger. That question will not be decided, fortunately, just by Leader MCCONNELL. Every Senator will have to vote on that question. Those votes at the beginning of the trial will not be the last votes on witnesses and documents. Make no mistake, we will continue to revisit the issue because it is so important to our constitutional prerogative to hold a fair impeachment trial.

The American people believe, overwhelmingly, and regardless of partisan affiliation, that the Senate should conduct a fair trial. A fair trial means that we get to hear the evidence, the facts, the truth. Every Presidential impeachment trial in history has featured witnesses and documents. The trial of the President should be no different.

The Leader has accused the Speaker of making up her own rules.

Mr. Leader, you are making up your own rules. Every trial has had witnesses. Will you support this trial having witnesses or are you making up your own rules to serve the President's purpose of covering up?

The argument in favor of witnesses is so strong and has such common sense behind it that my Republican colleagues cannot even argue against it on the merits. They can only say: We should punt the question. Maybe we will decide on that later, after both sides finish making their cases.

As already explained over and over again, but it is worth repeating, that position makes no sense from a trial perspective. Have both sides finish their presentations and then vote on whether there should be evidence? The presentation should be based on evidence, on witnesses, on documents. It should not be an afterthought.

I say to my Republican colleagues, this strategy of voting on witnesses later lives on borrowed time. To repeat, once the trial begins, there will—there will be a vote about the question of witnesses and documents, and the spotlight will be on four Republican Senators, who at any point could join Democrats and form a majority in favor of witnesses and documents. Four Republicans could stand up and do the right thing. Four Republicans could make a difference between a fair trial and a coverup. Four Republicans could do what the Founding Fathers wanted us to do: hold a fair trial with all the facts.

All Leader MCCONNELL can do right now is try to divert attention, call names—he is good at that—and delay the inevitable, but he can only delay it. Every single one of us in this Senate will have to take a stand. How do my Republican friends want the American people, their constituents, and history to remember them? We shall see.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. THUNE. Madam President, I think it is safe to say that most Republicans here in the Senate expect that at some point we will be receiving Articles of Impeachment from the House of Representatives, at which time we will conduct the Senate's business. We will give the President a fair opportunity to be heard—something that was lacking in the House of Representatives.

I heard the Democratic leader's suggestion that the reason the House had to sit on this is because if they sent this over to the Senate, somehow the Senate would dismiss this earlier, immediately, or something along those lines. I have no idea where that comes from. That has never been the intention here for Republicans in the Senate. Republicans in the Senate know full well that we have a job to do under the Constitution in which we hear the case, hear the arguments, ask questions, and consider the possibility of additional evidence being presented. We have said all along that is how we intend to treat this. But we want to make sure it is a fair process—a process that isn't rushed, a process that isn't partisan, as it was in the House of Representatives.

We have gone so far as to suggest that the precedent to be used be the Clinton precedent—in other words, the precedent that was used during President Clinton's impeachment process back in 1999. At that time, there were 100 votes in the Senate—Republican and Democrat—supporting that particular process, which, as I pointed out, allows for both sides to make their arguments. The managers in the House of Representatives come over and make their case, and the President and his team have an opportunity to respond to that, and then there is an opportunity for Senators to propound questions. It seems to me, at least, that is a fair process.

So far, we haven't seen the articles; nor have we seen any cooperation from the Senate Democrats about a process that would do all the things I just mentioned. So the Democratic leader's suggestion that they needed to wait all this time because they have to somehow ensure that Republicans were not going to dismiss this is a false argument.

I would argue that the House of Representatives sitting on this and stalling it undermines the very point they made about why it was so important that they do this. If they rush it, if they do not hear some of the witnesses, if they do not subpoena some of the witnesses—some of the very people they want the Senate to subpoena and hear from are people they could have subpoenaed and heard from.

They have now evidently concluded that—while at one time ''We just have to get this through because this President is such a clear and present danger to the country. We have to do this fast and do it with a sense of urgency,'' now, all of a sudden, the brakes have been put on and for no apparent reason other than, I would argue, they see political advantage in doing that.

But the fact is, the Senate will hear this at some point if we receive the articles, and we will employ a process—a fair process—that allows both sides to make their arguments and to be heard. Then we will allow the Senate to do its will, and whatever 51 votes in the Senate decide is ultimately how this will be disposed of.

I can tell you, contrary to the assertions of the Democrats, I believe people across this country are very weary and tired—frankly, in some ways exhausted—from having this thing just drag on. There are so many important issues we need to deal with.

We have a trade agreement that is teed up and ready to go—I hope we can vote on it here in the Senate—that has real relevance to the American people. There are farmers and ranchers in my State of South Dakota and across this country who desperately need to expand and open markets. We have depressed ag prices and low commodity prices in both grains and livestock, and we need to create opportunities for these farmers to get back on their feet and to restore profitability.

Instead of doing that, we are waiting for the Articles of Impeachment to come here. Assuming that they do, we will spend who knows how long on processing that at a time when there are so many pressing needs the American people care deeply about, not to mention the fact that in November of this year, we will have a Presidential election and congressional elections, where the people of this country can weigh in. They can have their voices heard.

That is how we ought to decide the differences we have in this country. If you have a difference with the President of the United States, you will have an opportunity to go vote in November of this year. If you decide you don't like him and you want to vote him out of office, you can do that. That is where the people believe this ought to be decided, not through a long, drawn-out, protracted process here in Washington, DC, where a bunch of Members of Congress, who should be working on important issues like energy, healthcare, economy, jobs and wages, and things like that, are bogged down with this impeachment process.

I believe the American people are weary. I think they know that starting in about 3 weeks in Iowa, they are going to start voting. We have a Presidential election that is underway, and it seems to me that people who have views they want to express can make their voices heard in the election, rather than having a long, drawn-out impeachment process, which, as I said earlier, the House of Representatives initiated in such a hurried way that they came up with some pretty weak tea-type Articles of Impeachment in a rush to try to get it over here. Now they are stalling it and not delivering it.

The Senate is not going to act, obviously, until the House acts and sends over those articles. When they do, we will ensure that, unlike the way they conducted themselves in the House of Representatives, it is a fair process that gives the President of the United States, who has been attacked through this process, a chance to respond and defend himself.

TRACED ACT

Madam President, it is safe to say that pretty much every American has been subjected to annoying and illegal robocalls. Who hasn't picked up the phone to discover it is an automated message telling you that you have won a trip to the Bahamas, which you can secure by passing along your credit card information, or asking for important banking information so your account won't be closed?

These calls are a major nuisance, and too often they are more than a nuisance. Every day, vulnerable Americans fall prey to ever more sophisticated scammers and have money or their identities stolen. Individuals who fall prey to scammers can spend months or years struggling to get their lives back.

I have been working on the issue of robocalls for several years now, first as chairman of the Senate Commerce Committee and now as chairman of the Commerce Subcommittee on Communications, Technology, Innovation, and the Internet.

I worked with Senator MARKEY to lobby the Federal Communications Commission to create a single, comprehensive database of reassigned telephone numbers so that legal callers could avoid contacting people who hadn't signed up for messages.

I have spent a lot of time examining ways to discourage illegal robocalling. While Commerce Committee chairman, I held a hearing with notorious mass robocaller Adrian Abramovich. His testimony made clear that current penalties for illegal robocallers were not sufficient. Illegal robocallers have been building the cost of fines into their activities, and so far, there has been no effective mechanism for criminal prosecution.

Based upon Abramovich's testimony and testimony from Federal enforcers, I developed the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, or what we call the TRACED Act, along with Senator MARKEY. At the end of December, the President signed our bill into law. The TRACED Act provides tools to discourage illegal robocalls, protect consumers, and crack down on offenders.

As I mentioned earlier, criminal prosecution of illegal robocallers can be difficult. Scammers are frequently based abroad and can quickly shut down shop before authorities can get to them. I believe we need to make sure there is a credible threat of criminal prosecution and prison for those who use robocalls to prey upon the elderly and other vulnerable Americans. To that end, the TRACED Act convenes a working group with representatives from the Department of Justice, the Federal Communications Commission, the Consumer Financial Protection Bureau, State attorneys general, and others to identify ways to criminally prosecute illegal robocalling.

In the meantime, it expands the window in which the Federal Communications Commission can pursue

scammers and levy fines from 1 year to 4 years. The bill also makes it easier for your cell phone carrier to lawfully block calls that aren't properly authenticated, which will ultimately help stop scammers from getting through to your phone. The TRACED Act also tackles the issue of spoofed calls—where scammers make the call appear as if it is coming from a known number. TRACED addresses the issue of one-ring scams, where international scammers try to get individuals to return their calls so they can charge them exorbitant fees.

The bill directs the Federal Communications Commission to convene a working group to address the problem of illegal robocalls being made to hospitals. There are too many stories of hospital telephone lines being flooded with robocalls, disrupting critical lines of communication for hours.

Will the TRACED Act completely solve the problem of illegal robocalls? No. But it will go a long way toward making it safe to answer your phone again, and it will help ensure those who exploit vulnerable individuals face punishment for their actions.

I am grateful to Senator MARKEY for partnering with me on this legislation. The Washington Post praised the TRACED Act as an example of ''good old-fashioned legislating.''

I am proud of the strong bipartisan support it received in both Houses of Congress. I look forward to monitoring the implementation of the TRACED Act and continuing to work to protect Americans from illegal and abusive robocalls.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, I ask unanimous consent that Senator JOHNSON and I be able to complete our remarks prior to the cloture vote.

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

NOMINATION OF PAUL J. RAY

Mr. PETERS. Madam President, today I rise to speak in opposition to the nomination of Paul Ray to be the next Administrator of the Office of Information and Regulatory Affairs, more commonly known as OIRA.

Although not many people outside of Washington have heard of OIRA, this office wields an important amount of influence over regulations that impact families, businesses, and communities in countless ways.

If confirmed, Mr. Ray would be responsible for reviewing health, labor, environmental, and many other protections, from safeguarding our source of drinking water to ensuring the cars we drive are safe.

In Michigan, communities like Flint, Oscoda, and Parchment cannot drink water from their own faucets without fear of ingesting toxic chemicals like lead or PFAS.

When meeting with Mr. Ray, I stressed the need to prioritize protections that provide safe and clean drinking water and preserve our Great Lakes and other natural resources. I appreciate that Mr. Ray listened to my concerns. He is clearly very smart and passionate about administrative law and the rulemaking process. However, Mr. Ray is relatively new to Federal service and has relied primarily on his recent tenure at the agency to demonstrate his qualifications.

Given his prior role, the best way for us to understand what Mr. Ray will do if confirmed is to take a closer look at what he has already done. In order to thoroughly examine his qualifications, we asked Mr. Ray to provide information about his tenure, which included reviews of proposals that would weaken critical protections for workers, veterans, children, disadvantaged communities, and the environment.

Unfortunately, the nominee and the agency's Office of General Counsel have refused to meaningfully respond to committee members' request for information or fully participate in the Senate's efforts to meet our constitutional responsibilities. While Mr. Ray expressed a commitment to transparency, his inability to ensure compliance with the committee's requests—including for material that is routinely provided to the public in response to the Freedom of Information Act—raises serious doubts about whether he will cooperate with Congress if confirmed.

Given the unprecedented actions taken by this administration to roll back safeguards, it would be irresponsible to confirm Mr. Ray to OIRA without an opportunity to thoroughly evaluate his record. I have sought to carefully consider Mr. Ray's nomination, but due to this serious lack of transparency, I cannot support his confirmation. For that reason, I will be voting no, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I rise to ask the Senate to confirm the nomination of Paul Ray to be the Administrator for the Office of Information and Regulatory Affairs of the Office of Management and Budget.

OIRA, as this office is commonly called, is the Federal Government's principal authority for reviewing executive branch regulations, approving government information collections, and overseeing the implementation of government-wide policies related to information policy, privacy, and statistical practices. The OIRA Administrator is responsible for reviewing and approving both rules and then final rules to ensure agencies conduct appropriate cost-benefit analyses.

Under President Trump, OIRA has conducted between 200 and 400 rule reviews each year, and it has made it an administrative priority to reduce the regulations and to control regulatory costs. That includes the important work of reviewing existing regulations to identify those that are outdated, harmful, or counterproductive and achieving this administration's initial goal of eliminating at least two regulations for every significant new one added.

The good news for our economy is that the administration far exceeded this initial goal by eliminating 22 outdated or harmful regulations for every new one added in 2017, and it has achieved a rate of 7½ regulations removed for each new regulation over the course of the administration. This has saved American families and businesses billions of dollars in compliance costs and has allowed businesses to spend that money and concentrate their efforts on growing their businesses and creating new products, services, and good-paying jobs.

I continue to believe this administration's dedication to regulatory reform and reduction is the single most important factor in the success of our economy, record low levels of unemployment, and growing wage levels, with wage growth being at its strongest at the lower end of our income spectrum.

It is important to note that Mr. Ray has already played a key role in this regulatory rationalization and its resulting economic success.

In his having previously led OIRA as its Acting Administrator and as its Associate Administrator, Mr. Ray has demonstrated the ability to carry out the office's multifaceted mission. In addition to his direct leadership experience at OIRA, he currently serves as the Senior Adviser to the Director of Regulatory Affairs, where he advises on regulations and the regulatory process. He also served as counselor to the Secretary of Labor, where he had a similar role.

Prior to these public service roles, Mr. Ray was an associate at Sidley Austin LLP, and he served as a law clerk to Supreme Court Justice Samuel Alito, as well as to Judge Debra Livingston of the U.S. Circuit Court of Appeals for the Second Circuit. Mr. Ray graduated magna cum laude from Hillsdale College and Harvard Law School.

Because of his background and demonstrated enthusiasm for dealing with regulatory matters, Mr. Ray is uniquely qualified to serve as the next OIRA Administrator. I am grateful to Mr. Ray for his willingness to serve, and I strongly encourage my colleagues to vote yes on his confirmation.

I yield the floor.

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 Paul J. Ray, of Tennessee, to be

Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Mitch McConnell, John Boozman, James M. Inhofe, John Barrasso, Roy Blunt, Todd Young, Shelley Moore Capito, Michael B. Enzi, Lisa Murkowski, John Cornyn, Steve Daines, Lindsey Graham, Chuck Grassley, Josh Hawley, Roger F. Wicker, Marsha Blackburn.

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 Paul J. Ray, of Tennessee, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, 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 Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. MORAN), and the Senator from Georgia (Mr. PERDUE).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea'' and the Senator from Kansas (Mr. MORAN) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The yeas and nays resulted—yeas 50, nays 45, as follows:

[Rollcall Vote No. 9 Ex.]

YEAS—50

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

NAYS—45

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

NOT VOTING—5

Alexander	Moran	Warren
Booker	Perdue	

The PRESIDING OFFICER. The yeas are 50 and the nays are 45.

The motion is agreed to.

The Senator from Texas.

IMPEACHMENT

Mr. CORNYN. Mr. President, it has now been more than 3 weeks since the House passed two Articles of Impeachment against the President of the United States. It was a big day for them at the time and one they have been dreaming of and speaking of since the President was inaugurated nearly 3 years ago.

For as long as the House Democrats have been wanting to impeach the President, they spent only a short time on the impeachment inquiry itself. As a matter of fact, they rushed headlong into the impeachment process, and now they are trying to make up for the mistakes that Chairman SCHIFF and Speaker PELOSI made when proceeding in the first place.

For example, now they want to relitigate things like executive privilege and whether the testimony of other witnesses should be included in the Senate impeachment trial. In other words, the House wants to tell the Senate how to conduct the trial.

Well, the House had its job to do—and, frankly, I think mishandled it—but now they have no say in the way the Senate conducts the impeachment trial, when and if Speaker PELOSI decides to send the articles over here. Twelve weeks was all it took for House Democrats to come up with what they believed was enough evidence to warrant a vote on Articles of Impeachment. I think they are experiencing some buyers' remorse. During that 12 weeks, we repeatedly heard House Democrats say how urgent the matter was, seemingly using urgency as an excuse for the slapdash investigation that they did and that they now regret. When the House concluded their rushed investigation and passed two Articles of Impeachment, we expected those articles to be sent to the Senate promptly.

This will be only the third time in American history where the Senate has actually convened a trial on Articles of Impeachment, so this is kind of a new, novel process for most of us here in the Senate. I think there are only 15 Senators who were here during the last impeachment trial of President Bill Clinton. Most of us are trying to get up to speed and figure out how to discharge our duty under the Constitution as a jury that will decide whether to convict or acquit and, if convicted, whether the President should be removed. This is serious.

Here we are, about 11 months before the next general election. It strikes me as a serious matter to ask 535 Members of the U.S. Congress to remove a President who was voted into office with about 63 million votes. This is very serious.

Well, despite the House leadership and Members stating time and again before the Christmas holidays how pressing the matter of impeachment was, there hasn't been an inch of movement in the House since those Articles of Impeachment were voted on. Here we are, more than 3 weeks later, and Speaker PELOSI is still playing her cat-and-mouse game with these Articles of Impeachment.

Last night, the Speaker appeared to have dug in her heels even deeper when she sent a letter to our Democratic colleagues about the delay. Following the majority leader's announcement that every Republican Senator supports using exactly the same framework that was used during the Clinton impeachment trial, the Speaker, as you might imagine, was not particularly happy because her gambit obviously didn't work. She has zero leverage and zero right to try to dictate to the Senate how we conduct the Senate trial, just as we had zero leverage and zero input into how the House conducted its responsibilities.

Speaker PELOSI told her caucus that the process is both unfair and ''designed to deprive Senators and the American people of crucial documents and testimony.'' Clearly, she doesn't think those documents and testimony were crucial enough to be included in the House investigation in the first place, but I digress.

The Speaker is trying to make the most out of a very bad situation of her own creation and intentionally trying to mislead the American people into thinking this framework prevents any witnesses from testifying, which is a false impression. It is demonstrably false. These are the same parameters that guided the Clinton impeachment process, during which witnesses were presented by deposition, giving sworn testimony that was then presented by the parties.

In 1999, 100 Senators agreed to this model. You would think if this was fair enough for President Clinton, it would be fair enough for President Trump. To apply a different standard would be just that—a double standard.

All 100 Senators agreed during the Clinton impeachment trial to allow the impeachment managers to present their case, to allow the President's lawyers to present their case, and then to permit the Senators to ask questions through the Chief Justice and to get additional information, and then—and only then—decide whether additional witnesses would be required.

Under the Clinton model, and now under the model that will be used—the Clinton model that we will be using in the Trump impeachment trial—if Members felt like they needed more information, they could vote to hear from additional witnesses. That opportunity is still available to them under the Clinton precedent that will be applied in the Trump impeachment trial. That is exactly what happened in the Clinton impeachment trial. After the arguments and evidence were presented, Senators voted to hear from three additional witnesses who were then deposed and whose sworn testimony was then offered.

You know, it makes me a little crazy when people say that this is a question

of witnesses or no witnesses. There were about 17 witnesses, as I count them, who testified in the House impeachment inquiry. All of that evidence, such as it is, is available to the impeachment managers to offer here in the Senate. If, in fact, the Senate decides to do as the Senate did in the Clinton impeachment, authorize subpoenas for three additional witnesses or more, that still is the Senate's prerogative, which is not foreclosed in the least by this resolution.

Well, the Intelligence Committee alone held 7 public hearings with 12 witnesses that totaled more than 30 hours. Presumably, they are proud of the product—the evidence—that was produced during the course of those hearings or else they wouldn't have conducted them in the first place. This isn't a matter of witnesses or no witnesses, as some of our Democratic colleagues and the media attempts to characterize it; this is a matter of letting the parties to the impeachment decide how to try their case.

I had the great honor, over a period of 13 years, to serve as a State court judge. I presided over hundreds of jury trials during the course of my experience as a district judge. Never have I seen a model where the jury decides how to try the case. The jury sits there and listens to the evidence presented by the parties, and that is exactly what we are proposing here. So this idea of letting Senators decide how to try the impeachment managers' case or the President's case is something totally novel and unheard of.

Setting the rules on whom we hear from, when, and how—as the Speaker wants to do—on the front end makes no sense. Let me try an analogy. It would be like asking an NFL coach to outline every play in the Super Bowl—in order—before the game actually starts. Well, that is not possible. Having this discussion over Speaker PELOSI's demands on witnesses completely ignores the fact that this is simply not her prerogative.

Now, I know the Speaker is a powerful political figure. She rules the House with an iron fist, but her views simply have no weight whatsoever, in terms of how the Senate conducts its business, including an impeachment trial under the Constitution.

This has all been diversion and, frankly, a lot of dissembling and misleading arguments about things that just simply aren't true. The Constitution outlines a bicameral impeachment process, with each Chamber having its separate and independent responsibilities.

As I said, just as the Constitution gives the House ''the sole power of impeachment''—that is a quote from the Constitution—it also gives the Senate ''the sole power to try all impeachments.'' Nowhere is found a clause granting the Speaker of the House of Representatives supreme authority to decide this process. Yes, she has been very influential leading up to the vote of the Articles of Impeachment, over which the Senate had no voice and no vote. Now her job is done, such as it is, but for sending the Articles of Impeachment to the Senate.

Speaker PELOSI's refusal to transmit the articles unless her demands are met is a violation of the separation of powers, and it is an unprecedented power grab. I must say, I have some sympathy with the Speaker's position. Last March, she said that impeachment was a bad idea because it was so divisive, and unless the evidence was compelling and the support for the Articles of Impeachment was bipartisan, it wasn't worth it. Well, that was in March of 2019. Obviously, things changed, and the best I can tell is she was essentially forced by the radical Members of the House Democratic Caucus to change her position, and now she finds herself in an embarrassingly untenable and unsustainable position. This isn't entirely her fault.

While she has been playing games, though, with the Articles of Impeachment, she has been infringing, I believe, on the President's constitutional right to due process of law. Due process is based on the fundamental notions of fairness. That is what we accord everybody in a civil or criminal proceeding—due process of law. The Sixth Amendment, for example, guarantees the right to a speedy trial for every American, and it doesn't exempt certain cases no matter how high- or low-profile they may be. Now, while the Sixth Amendment right to a speedy trial may not, strictly speaking, apply to an impeachment trial because this isn't a civil or criminal case, the whole fundamental notion of fairness does apply: a right to a speedy trial.

It is clear that while Speaker PELOSI dangles these Articles of Impeachment over the President like a sword of Damocles, this is not fair to the President. It is not fair to the Senate. It is not fair, most importantly, to the American people. This distraction—this impeachment mania—has consumed so much oxygen and attention here in Washington, DC, that it has prevented us from doing other things we know we can and should be doing that would benefit the American people.

I came here on two occasions to offer a piece of bipartisan legislation that would lower out-of-pocket costs for prescription drugs by eliminating some of the gamesmanship in the patent system, only to find—even though it is a bipartisan bill, voted unanimously out of the Judiciary Committee—that the only person who objected to us taking it up and passing it was the Democratic minority leader. Those are the sort of games that, unfortunately, give Washington and Congress a bad name and a bad reputation.

I must say this is not just this side of the aisle that thinks the time is up for Speaker PELOSI to send the Articles of Impeachment over here. There is bipartisan agreement here in the Senate that it is time to fish or cut bait.

Speaker PELOSI's California colleague, our friend, Senator FEINSTEIN from California, said:

> If we're going to do it, she should send them over. I don't see what good delay does.

Well, good for Senator FEINSTEIN.

Our friend and colleague from Connecticut, Senator BLUMENTHAL, said:

> We are reaching a point where the articles of impeachment should be sent.

Senator MURPHY, his colleague from Connecticut, said:

> I think the time has passed. She should send the articles over.

I think we all share the sentiment expressed by Senator ANGUS KING from Maine. He said:

> I do think we need to get this thing going.

He has a gift for understatement.

It is high time for the Speaker to quit using these Articles of Impeachment as a way to pander to the most radical fringes of her party. The Members of the House have completed their constitutional role. They launched their inquiry. They did their investigation, such as it was, and they held a partisan vote. That is their prerogative. I don't agree with it, but that is their prerogative, and they have done it. The Speaker should send the Articles of Impeachment to the Senate without further delay so we can perform our responsibilities under the Constitution in a trial.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this is an interesting time. I was thinking that over the holiday break. I was home, and I talked to many Vermonters. These are Vermonters who are Republicans, Democrats, Independents, and across the political spectrum. All of them expressed concerns about how the Senate will handle the impeachment of President Trump or the trial. He has been impeached, but now it is the trial. I suspect that all 100 Senators had similar conversations.

I have been asked not just about President Trump's actions in Ukraine but also about how the Senate will conduct a trial and whether the Senate is even capable of holding a genuine, fair trial worthy of our constitutional responsibilities.

I would remind Senators that at the start of an impeachment trial, we each swear an oath to do impartial justice according to the Constitution and laws. During my 45 years in this Chamber, I have taken this oath six times, and I take this oath extraordinarily seriously. But I fear the Senate may be on the verge of abandoning what this oath means.

The majority leader has vowed a quick acquittal before we hear any witnesses. He has boasted that he is ''not an impartial juror,'' and he has pledged ''there will be no difference between the President's position and our position as to how to handle this.'' He ignores the fact that the U.S. Senate is a separate and independent body. Actually, what the majority leader said is

tantamount to a criminal defendant being allowed to set the rules for his own trial, while the judge and jury promise him a quick acquittal. That is a far cry from the ''impartial justice'' required by our oaths and the U.S. Constitution.

Given this, I understand why Speaker PELOSI did not rush to send the Articles of Impeachment to the Senate. A sham trial is in no one's interest. I would say a sham trial is not even in the President's interest. A choreographed acquittal exonerates no one. It serves only to deepen rifts within the country, and eviscerates the Senate's constitutional role.

Now, how the Senate conducts the trial will be up to each of us. It is not up to one or two Senators, and it is certainly not up to the President. The duration and scope of the trial, including whether to call witnesses or compel document production, will be decided by a simple majority of the U.S. Senate.

I know many on the Republican side have said we should postpone any agreement on witnesses. They argue that the Senate did that for President Clinton's trial, so why not now. That argument sounds reasonable—until you look at the facts. You know, facts are always troublesome things.

Today, following President Trump's instruction, nine key witnesses—key witnesses—with firsthand knowledge of the allegations have refused to cooperate with the House investigation. Because of President Trump, they are told they are not allowed to testify. Now, compare that to the Clinton trial. Then, every key witness, including President Clinton, provided testimony under oath before the trial. Indeed, we had a massive record from the independent counsel to consider: 36 boxes of material covering the most intimate details of the President's life. Just think of that, every witness testifying, as compared to the Trump impeachment, where he wouldn't allow any key witness to testify, and even though he said he wanted to testify, of course he never did.

Now, even with all that, even with those 36 boxes of material, the Senate did end up hearing from three witnesses during the Clinton trial. Let me tell you how that worked. These are three witnesses who already had given extensive, voluminous testimony: Sidney Blumenthal, he testified before the grand jury for three days; Vernon Jordan, he testified before the grand jury for five days and was deposed by independent counsel; and Monica Lewinsky had testified for two days before the grand jury, was deposed by independent counsel, and was interviewed by the independent counsel 20 times.

Let's be clear: Even Republicans, at the time, acknowledged they did not expect to learn new information from these witnesses. I know that Republicans and Democrats picked a small group of Senators to be there for their depositions. I was one of them. In fact, I presided over the Lewinsky deposition. One of the House managers—Republican managers—said that ''if [the witnesses] are consistent, they'll say the same that's in here,'' referring to their previous testimony already before the Senate. Another told Ms. Lewinsky: ''Obviously, you testified extensively in the grand jury, so you're going to obviously repeat things today.'' And the third House manager told Mr. Jordan, ''I know that probably about every question that could be asked has been asked''—and, I might say, answered.

And indeed those Republicans were correct. We did not learn anything material from these depositions.

Now, unlike the claims made on the other side, the situation today could not be more different. The Senate does not have any prior testimony or documents from four key witnesses: John Bolton, Mick Mulvaney, Robert Blair, and Michael Duffey—all people who have significant information about what Donald Trump has been charged with. We don't have a single document. We don't have a single amount of testimony under oath. Why? Because the President directed them not to cooperate with the House, not to testify under oath, and not to say anything. If these witnesses had performed their legal duty, having been subpoenaed, and if they had cooperated with the House's inquiry, we wouldn't be in this position.

There is no question that all Senators—Republicans and Democrats alike—will benefit from hearing what those witnesses have to say. All of them have direct and relevant information about President Trump's actions with respect to Ukraine. There is no good reason to postpone their testimony.

Take just one, the President's former National Security Advisor, John Bolton. My question for all the Senators is this: We already know that, according to Mr. Bolton's lawyer, ''he was personally involved in many of the events, meetings, and conversations . . . that have not yet been discussed in the testimonies thus far.'' We already know that includes a one-on-one conversation with the President about Ukraine aid. We already know that Mr. Bolton described the President's aide's efforts as ''a drug deal.'' And we now know that Mr. Bolton is willing to talk to us for the first time if asked. How can we say we are fulfilling our constitutional duty if we don't even ask? How can we ignore such critical, firsthand testimony?

No matter how each side ultimately votes on guilt or innocence, the decision of whether to keep both the Senate and the American people in the dark would effectively make the Senate complicit in a cover-up. That would fall on the Senate, and that will shape our system of checks and balances for decades to come. It will haunt both Democrats and Republicans. Senate Republicans must not close the Senate's eyes and cover its ears. We should be Senators. We should follow our oath to uphold justice.

I recognize, of course, that this is an era of deep partisan acrimony. But that was true during the Clinton impeachment trial, and it was true during the Johnson impeachment trial. The question that each of us has to answer now is whether we will allow the label of Democrat or Republican to matter more than our constitutional role as Senators. We are first and foremost U.S. Senators. There are only 100 of us to represent over 300 million Americans. That is why I believe the Senate itself is now on trial.

I have never seen a trial without witnesses when the facts are in dispute. I have tried many, many, many cases, both in private practice and as a prosecutor. I have never tried a case where there are no witnesses. More to the point, the Senate has never held a Presidential impeachment trial without hearing from witnesses. The Senate and the American people deserve, to have the full story. We shouldn't be complicit in a cover-up.

I would not suggest to any Senator that his or her oath requires at this time a specific verdict—that is going to depend on the trial. But I strongly believe that our oath requires that all Senators behave impartially and that all Senators support a fair trial, one that places the pursuit of truth above fealty to this or any other President, setting the rules for the time to come.

The Senate has a job to do. It is not to rig the trial in favor of—or against—President Trump. Impeachment is the only constitutional mechanism that Congress has to hold Presidents accountable. Whether or not the Senate ultimately votes to convict, if the Senate first enables a cover-up with a sham trial, then it means it is placing one President above the Constitution. In doing so, the Senate would eviscerate a foundation of our democracy that has thus far survived 240 years. No one—no one—is above the law.

I see other Senators waiting to speak.

I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Florida.

IRAN

Mr. RUBIO. Madam President, a President of the United States is summoned by his or her national security team and informed that he or she has a limited window of opportunity in which to potentially prevent an attack that could cost the lives of dozens, if not hundreds, of Americans or U.S. troops. They are advised this by their national security team—the entire team—in unanimity. What would you do?

That is the most fundamental and difficult question that should be asked of anyone who seeks the Office of the Presidency. It is one of the most important things we need to know about those who seek the office and those who occupy it. It is the proverbial ''3 a.m. call.''

It also happens to describe the choice before President Trump a few days ago. You wouldn't know that from listening to some of the rhetoric I see on television. The Speaker of the House just held a press conference in which the messaging implies that the strike on the terrorist, Soleimani, was the act of a reckless madman—a reckless and irresponsible escalation. The alternative argument is that, by the way, he should have consulted with us before doing it.

I reiterate: The entire national security team of the President, including the Chairman of the Joint Chiefs, General Milley, has been unequivocal, both privately and publicly, that he agreed with the assessment and he believed that this strike was necessary in order to protect the lives of Americans from a near-term attack.

I want to be frank. Anyone who left a briefing or goes around saying: Well, I don't think that that was true, frankly, is not questioning the President. They are questioning the 40 years of military service that General Milley has rendered this Nation and, frankly, questioning the judgment of the entire national security apparatus—all of the leadership of the national apparatus—of the United States of America. That question has been clearly answered by them.

It is interesting, too, that had the President not acted and, God forbid, American lives had been lost, we could very easily have been here this week talking about how the President should be removed. There would be a third article of impeachment for refusing to listen to the experts, for refusing to listen to his military advisers.

Ironically enough, just yesterday, before this entire Senate had the opportunity to be briefed by the national security team, I had a colleague of mine from across the aisle say: Everything is going to be fine if the President will just listen to General Milley and the military experts. But he did. Isn't that, ironically, at the crux of a lot of these arguments about Ukraine, that all of the experts—the career experts, the uniformed experts—disagreed with what the President was doing? Yet when he listens to what they say, somehow it is the act of a reckless madman. I think that speaks more to the hysteria that has overcome our politics and has now reached into the realm of national security.

It is also important to note when people say these things, that those who walk around talking about intelligence sometimes are not consumers of it on a regular basis or don't understand how it works. It is never about one piece. It is about patterns and trends and known capabilities and known intentions and about windows of opportunity. That is an important point to make.

As far as consulting with congressional leadership before taking this action, that is not how things like this develop. Very rarely do you have the luxury of time.

No. 1, I would start out by saying that there is no legal requirement. The President of the United States has no legal requirement, and, in fact, I believe has an imperative, inherent in the Office, to act swiftly and appropriately to the threat against the lives of Americans, especially American troops that he or she has sent abroad to defend this country's interests.

No. 2, it is unrealistic and not possible. Oftentimes, these windows of opportunity do not allow you the luxury of reaching some congressional leader in the middle of their ski trip or Christmas break, and even if you could, there is always the risk that the information would be disseminated and the window would close. So I am not sure if what they are asking for is even possible.

The other thing that is troubling is, if you listen to some of the rhetoric out there, you would think that the only two options with Iran are a full-scale diplomacy and capitulation to what they are doing or an all-out war. That is absurd, a false choice. It is a false choice.

The President has argued—he said it again clearly yesterday—that he is ready for serious—serious—and real talks toward how Iran becomes a normal nation and its clerical nation behaves in a normal and civilized way. In the meantime, he has an obligation—this President, a future President, and past Presidents—to protect America's interests and, more importantly, American lives and to do so through a concept of active deterrence.

What does that mean? Active deterrence means that the people who want to harm you decide not to because the cost of harming you is higher than the benefit of harming you. That is an important point here. The strike on Soleimani was not just about preventing an imminent attack. That, in and of itself, alone was reason to act, but the second thing that was important was reestablishing active deterrence.

For whatever reason, the Iranians have concluded that they could go further than they have ever gone before in directly attacking Americans or using their proxies to attack Americans. So much so that they tried—they failed, but they tried—and could have breached our Embassy compound in Baghdad and killed Americans, civilians, and diplomats, and our military personnel stationed there. They tried to. And they could have and want to launch lethal attacks to kill as many Americans as they possibly can because, for whatever reason, they concluded they could get away with it, that we would tolerate it. It was critical to the defense of this country, to our national interests, and to the lives of our men and women in uniform deployed abroad that we restore active deterrence.

Now, time will tell how much was restored, but, clearly, I believe some of it was restored. Even the comments today of an Iranian commander—''Well, we shot missiles, but we didn't try to kill anybody''—are indicative of a desire to deescalate, at least for the time being.

The other thing I hear is this: Well, the President has no strategy. That is the problem. There is no strategy.

I think you could argue that they haven't done a good-enough job of outlining a strategy, but I don't think it is fair to say they have no strategy.

The strategy begins with a goal. The goal is pretty straightforward: a prosperous Iran that lives in harmony with its neighbors and does not have nuclear weapons or continues to support terrorism and terrorist groups. That is the goal.

How do you achieve it? By Iran's abandoning its desire for nuclear weapons and by no longer standing up these terrorist groups that, for over a decade or longer, have been killing Americans and trying to harm Americans, Israelis, and other allies.

How else do you achieve it? By imposing crushing economic sanctions, while leaving open the door for real—not fake, not talk for the sake of talk—diplomacy, but, at the same time, making it abundantly clear that you will deter, repel, and act against any effort to harm Americans.

All this talk about military conflict and U.S. actions overlooks the fundamental fact that what is happening here is that Iran has decided to respond to economic sanctions with violence. Their response to economic sanctions has been this: Can we get one of these terrorist groups using weapons that we give them to kill Americans? Can we put limpet mines on merchant ships? Can we attack the Saudis? That has been their response to economic sanctions: violence.

Presidents don't have the luxury of bluffing. You can't go around saying ''If you kill Americans, there will be consequences,'' and then they try to kill Americans—or, in the case of Iran, did—and do nothing about it because now what you have done is you have invited a committed adversary to do more of it—not just to tragically kill one brave American contractor but to kill dozens or hundreds of Americans in various spots throughout the world.

The last point I want to make is all this talk about an authorization for use of force. I want to begin by sharing my personal view. I believe the War Powers Resolution is unconstitutional. I think the power of Congress resides in the opportunity to declare war and to fund it. Every Presidential administration, Republican and Democrat alike, has taken the same position.

That doesn't mean we should never have an AUMF. I think our actions are stronger when it is clear that they have strong bipartisan support from both Houses of Congress. I also think all this talk about AUMFs is completely and utterly irrelevant to the case in point.

No. 1, under the Constitution of the United States—and the War Powers

Resolution, by the way—the President of the United States not only has the authority to act in self-defense but an obligation to do so. An obligation to do so. That is No. 1.

No. 2, it is especially true in this case, where the lives and the troops he sought to protect were deployed to Iraq on an anti-ISIS, anti-terrorism mission approved by Congress through an AUMF, an AUMF that states very clearly that one of the reasons we are allowed to use military force, as authorized by Congress, is to defend against attacks.

I don't believe there is a single Member of Congress who has the willingness to stand before the American people and say: I think, when we deploy troops abroad, they should not be allowed to defend themselves.

Not only do you not need an AUMF or congressional authority to act in self-defense, but the troops who were defending themselves here—and the troops we were defending in the Soleimani strike and preventing an attack against—are deployed pursuant to a congressional authorization.

Honestly, what I see here, in addition to the arguments I have already discussed about how ridiculous it is to portray this as the actions of a reckless madman who is escalating things, is an argument about when might you need an AUMF. Give us some theoretical, hypothetical scenario in which you might need an AUMF. The hypotheticals they are posturing are ones that this administration has never, never proposed and, frankly, haven't even contemplated.

No one is talking about an all-out invasion of Iran. If you were telling me the President is putting together plans to invade Iran, to go in and capture territory, to remove the Ayatollah and install a new government, I would say: All right, that is something that there should be a debate about.

Who is talking about that? I haven't heard anybody propose that. Yet, somehow, the House today is going to spend time on this. People have filed bills on this. Look, we can debate anything we want. People can file any bill they want. That is a privileged motion. It comes to the floor. Great.

By the way, no one said: Don't go around talking about this; just be quiet.

Perhaps it should have been stated more artfully, but the point that was being made, which is a valid point, is that, when the Iranians analyze responses to the United States, one of the things they look at is this: Do domestic politics and differences of opinion and divisions among American officials restrain what the President can do against us? You may not like it, but I want to be frank with you. They believe that our political differences in this country and that our disagreements constrain the President's ability to respond to attacks. They believe it limits his ability to deter. Now, hopefully the strike on Soleimani may have reset that a little bit. That doesn't mean we shouldn't debate it, and I don't think you should ever tell Congress not to discuss these things. We have a right to. Frankly, everybody here has been elected by a constituency, so people can choose to raise whichever issue they want.

I also don't think it is invalid to point out that these internal debates we have in this country do have an impact on what our adversaries think they can get away with. It doesn't make anyone an appeaser or a traitor, but it is a factor I think people should recognize. That is all.

In closing, I would say, look, there was a time—I am not one of these people who pine for the golden era. It is funny. I hear people talking about the Clinton impeachment trial. Oftentimes people come to me and say: In the good old days, back in the nineties, when everybody got together and Congressmen were all friends—and I don't know what it was like then because I wasn't here, but I remind them that, in the golden days about which they often talk, we were impeaching Bill Clinton around here. They didn't do it on social media and Twitter and 24-hour cable news at the time, but there has always been friction in American politics.

One thing I can say that is evident is that there was a time in American politics that I hope we can return to, and that is a time which, when it came to issues of national security, there was some level of restraint because we understood, when it came to that, the people who would ultimately pay the price for overpoliticizing any issue, for reckless talk, and for unnecessary accusations were not the political figures. Presidents and Ayatollahs don't die in conflicts like these. Do you know who dies? The young men and women we send abroad, the innocent civilians caught in the middle, and the refugees who are forced to leave their homes as a result.

There are real-world, life-and-death implications. That is why it has long been American tradition that, when it comes to issues of foreign policy and national security, they were always treated just a little bit differently, with some deference. Even if you disagreed, you sort of tailored it in a way that you thought would not harm those interests.

I think that has been lost, probably, on both sides. I still make it a habit when I travel abroad not to discuss or criticize U.S. leaders at home, but I understand times have changed.

I would just say, in this particular case, I know that this Nation remains conflicted about the conflicts that led us into Iran and Afghanistan and that keep us in the region to this day. That is a valid, valid debate. I just don't think this looks anything like it. This is about a strike that every single member of the President's national security team, including the chairman of the Joint Chiefs, believes was necessary in order to prevent a near-term attack against Americans that could be lethal and catastrophic.

This is about restoring active deterrents, effective deterrents, against future strikes, and I hope that we can bring that debate back to where it belongs so that, on matters of such importance, we can figure out solutions and not simple rhetoric.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

RECOGNIZING THE NSA

Mr. CARDIN. Madam President, I want to extend the thanks of all Members of the U.S. Senate and the American people to the men and women who are serving our Nation at the National Security Agency based at Fort Meade, MD, the Defense Special Missile and Astronautics Center. It has been in existence since 1964. It is a 24/7 operation. I mention that because it was the work done here in the State of Maryland—and I am proud to represent that State—that gave the early warning information that allowed us to get information to our American forces in Iraq and to the Iraqis that, literally, saved lives.

I want to thank them for their dedicated service. We have the best intelligence information and the best trained people protecting our Nation, and I just wanted to pause for one moment to thank those who are serving at the National Security Agency who are keeping us safe.

UNITED STATES-MEXICO-CANADA TRADE AGREEMENT

Madam President, shortly we will be considering the United States-Mexico-Canada Agreement, the USMCA. It updates and replaces the North American Free Trade Agreement, NAFTA. I support the USMCA and supported it earlier this week, when it passed the Senate Finance Committee on a strong 25-to-3 vote. This strong vote was possible because of the hard work of Democrats in the House and Senate to make this agreement the strongest, fully enforceable, pro-environment, pro-labor trade agreement the United States has ever entered into.

First let me talk about why I think trade is important. I would point out to my colleagues that the maiden speech I gave in the House of Representatives when I was first elected was on trade and the importance of trade agreements. I recognized how important the Port of Baltimore was to our economy and how important free trade and trade was to the Port of Baltimore. So, clearly, trade agreements are critically important to the people of Maryland, and they are important to this country.

First, international trade can lead to better economic outcomes. From leveling the playing field for American businesses to ensuring our trading partners have adequate labor standards to make competition fair, trade can be the catalyst for these outcomes. Second, trade can raise the standard of living for citizens in this country.

Tariffs can disproportionally harm lower income Americans. If the cost of things like milk, soap, or school supplies goes up because of higher tariffs, it doesn't mean these families will stop buying these essentials. It means they will have less to spend on other essentials they depend on to keep their families safe and healthy, like clothes and medicine.

Trade agreements allow us to ensure a zero or low tariff price for these items on which Americans depend, which raises the standard of living for all of us.

Third, trade is important to U.S. foreign policy. The world can be better, safer, and a fairer place when we are working with our allies. Trade agreements ensure the rest of the world starts to act a little bit more as we do, with our values.

This administration's harmful and nonstrategic trade policy has strained our relationship with our allies, including Canada and Mexico. I think it has been misguided and damaging to the future of our country, but this agreement has the potential to begin a healing process with our North American neighbors: Canada and Mexico.

As we move forward with trade agreements, it is important that our values are represented in those agreements, that we strengthen American values. I support good governance and protecting workers and our environment, and I am pleased that they are included in such agreements.

For more than 25 years since the enactment of NAFTA, our economy has changed dramatically, from the proliferation of the Internet, which has changed how businesses can easily be connected to the rest of the world, to how consumers shop, compare prices, and buy goods and services from all around the world, and it is clear that NAFTA is a trade agreement that didn't foresee these changes with our two largest trading partners. In addition, over time, we identified weaknesses in NAFTA and other free trade agreements that needed to be addressed.

All that is to say that NAFTA is overdue for an update. For the past 2½ years, the administration, congressional leaders, and our trading partners have been engaged in the process to update NAFTA to be a trade agreement for the 21st century. In late 2018, an agreement was reached between the United States, Canada, and Mexico. Importantly, reaching this agreement alleviated the threat of this administration to unilaterally withdraw from NAFTA.

The agreement reached in 2018 was, in my view, incomplete and largely just continued the existing NAFTA, but it did have some provisions important to me and my constituents in the State of Maryland.

Maryland is home to a thriving poultry industry. The agreement includes new market access to Canada for U.S. poultry. Maryland farms produced $1 billion worth of chickens in 2017, surpassing that milestone for the first time. Our poultry industry production grew 12 percent from 2016 to 2017.

The growth in value came even as the amount of chickens produced on the Eastern Shore declined by about 10,000 pounds to about 1.84 million pounds. Maryland is the Nation's ninth largest producer of broiler chickens.

This additional market access is good for Maryland's poultry industry because it means more poultry produced in Maryland will make its way to Canada and Mexico, creating jobs and supporting the economy here locally.

The agreement also included a few provisions that are very important for small businesses. Most important to many small businesses is a provision that raises the level of the so-called de minimis customs and tariff treatment of goods. The de minimis system is important to small businesses. For example, small sellers who list their goods on eBay or Amazon frequently ship to consumers not in the United States. Under the de minimis system, if a shipment under the de minimis level crosses the border, it enjoys expedited customs and lower tariff treatment than larger shipments would.

Under this agreement, the United States agreed to increase its customs de minimis levels to $800 for exports to Mexico and Canada, and Mexico and Canada have made favorable changes to their systems. As ranking member of the Small Business and Entrepreneurship Committee, this was a welcome change to ensure small businesses aren't bogged down by unnecessary redtape.

The agreement's small business chapter also includes support for small businesses to promote cross-border cooperation, tools for small businesses to identify potential opportunities and increase competitiveness, and public-sharing tools to promote access to capital. These are important issues to highlight for small businesses.

Finally, the initial agreement included a landmark achievement for the first time in U.S. trade history: It included a full chapter on anti-corruption.

During 2015, when the Senate was considering so-called fast-track trade promotion authority, under which the USMCA is now being considered, I authored a principal negotiating objective in the trade promotion authority legislation that requires any trade agreement the USTR negotiates to emphasize good governance, human rights, and the rule of law. These are our values. These values need to be reflected in our trade agreement. It is an important step toward a level playing field for trade with the United States for our farmers, our producers, and our manufacturers. We know our system is a fair system, but in so many other countries we deal with, that is not the case.

This principal negotiating objective really represents an enduring theme in the way I approach trade. I believe we should use the economic power of the United States to advance human rights and good governance in other countries that may comparatively struggle on that front. I also believe we should not have favorable free-trade agreements with countries that do not believe human rights and good governance are important to uphold.

Because of my focus on this requirement in 2015 and thanks to USTR Ambassador Robert Lighthizer, the USMCA is a trade agreement that for the first time includes a chapter on anti-corruption and good governance. This is our first agreement that includes such a chapter, and I anticipate this will be the template for any future trade agreement involving the United States.

The USMCA's anti-corruption chapter includes a number of commitments on transparency, integrity, and accountability of public institutions and officials.

First, on anti-corruption laws, under the USMCA, countries are required to outlaw embezzlement and solicitation of bribes by public officials and must make it a criminal offense for anyone to offer bribes to public officials to influence their official duties or to officials of foreign governments or international organizations to gain a business advantage.

I know that sounds like a no-brainer. Why wouldn't all countries already have those types of laws? But the reality is that they don't. The reality is that many of our trading partners have corrupt systems, and that puts American companies at a disadvantage. But also, we should be using our economic power to advance our values. This chapter carries that out.

Second, on transparency and accountability, under the USMCA, countries must take proactive steps against corruption by implementing and maintaining accounting and auditing standards and measures that prohibit the creation of false transaction records and off-the-book accounts.

Third, the USMCA requires parties to create codes of conduct and procedures for removal of corrupt officials, as well as adopt measures requiring officials to disclose outside activities, investments, and gifts that could create conflicts of interest.

Fourth, on public engagement, under USMCA, countries must agree to promote the engagement of the business community, NGOs, and civil societies in anti-corruption efforts through information campaigns, developing ethics programs, and protecting the freedom to publish information about corruption.

Finally, on good regulatory practices, under the USMCA, countries must follow a transparent regulatory rulemaking process, which the agreement clarifies includes publishing the proposed regulation with its regulatory impact assessment, an explanation of the proposed regulation, a description

of the underlining data and other information, and the contact information of responsible officials.

USMCA further requires parties to follow the U.S.-like system of notice and comment periods for proposed regulatory rulemaking in which the regulators are required to consider comments of any interested party, regardless of nationality, which means Americans will have input in the regulatory process in Canada and Mexico, which has direct effect on our access to their markets.

The countries also agreed to publish an early planning document of regulations the country intends to revise in the next 12 months and to ensure that regulations are written in a clear, concise, and understandable manner.

The USMCA encourages authorities to consider the impact of new regulations when they are being developed, with particular attention to the benefits and costs of regulations and the feasibility of other approaches.

This is an incredibly important achievement, and it is important as a model for U.S. agreements going forward.

By including the good governance and anti-corruption provisions in the USMCA, we are signaling to our trading partners and the rest of the world what our values are—yes, economic values, but also the principles we advance.

However, with these good achievements in the original USMCA, the agreement did not go far enough. There was no deadline to getting it done quickly, so we chose to get it done right.

I wanted to see strict, high standards in the USMCA on labor, environment, and more. Democrats were united in this message. Democrats worked behind the scenes with labor and environmental stakeholders to identify issues and create solutions that could make this agreement one we could support.

Do I think the USMCA lives up to these standards? Yes, I do. The updated USMCA includes important provisions regarding labor standards, which have the potential to improve working conditions and create a more level playing field for U.S. workers.

These changes include the Brown-Wyden rapid-response mechanism, which enables the United States to take swift enforcement action against imports from individual facilities, and stronger labor obligations in the agreement. The changes include a number of other important labor issues, including strengthened labor obligations, new labor-monitoring mechanisms, and extra funding for labor efforts. The implementing bill includes new mechanisms and resources to ensure that the U.S. Government effectively monitors Mexico's compliance with the labor obligations.

The result of these labor additions earned support for the USMCA by the AFL–CIO, United Steelworkers, and the International Brotherhood of Teamsters. Truly, this is an agreement that is good for labor.

Another critical aspect of the USMCA is that it ensures that our trading partners meet the environmental standards of this country. We want a level playing field. We also want to help our environment.

With respect to the environment, the updated USMCA is a significant improvement over the original NAFTA. The USMCA incorporates environmental obligations into the agreement itself, which are subject to dispute settlement, unlike the original NAFTA, which only included an unenforceable side-agreement.

The USMCA includes upgraded commitments on topics including fisheries subsidies, marine litter, and conservation of marine species.

Democrats secured amendments to the agreement, as well as provisions in the implementing bill, to strengthen the ability of the United States to monitor and enforce the obligations and ensure that the parties are bound to their environmental obligations.

I want to acknowledge my colleague Senator CARPER, the ranking member of the Senate Environment and Public Works Committee, which I also sit on. Together, we pushed to improve this agreement with respect to the enforceability of the environmental provisions. We were happy to see this agreement include many of the things Senator CARPER and I worked and pushed to have done.

Included in the new USMCA is a new trigger mechanism to give environmental stakeholders an expanded role in environmental enforcement matters and create accountability for the administration with regard to seeking environmental enforcement actions under USMCA.

Under the existing NAFTA, any person in a NAFTA country can make a submission to an intergovernmental organization established by NAFTA to address environmental issues, alleging that a NAFTA partner is not living up to its environmental obligations. You can do that. Submissions undergo a public factfinding process by the head of that body, which produces a factual record if the allegation is found to have merit.

Here is where the problem comes in: Once the production of that factual record is done, there is no enforcement mechanism. We have corrected that. Through this new trigger mechanism in the USMCA that was developed, if a factual record is produced, the new Interagency Environment Committee, headed by the USTR, will have 30 days to review the record and make a determination as to whether to pursue enforcement actions under USMCA against the violating country. If the committee, headed by the USTR, decides not to pursue enforcement actions under USMCA, within 30 days after its determination, the committee must provide Congress with a written explanation and justification of its decision. This is a huge step forward in quickly identifying and addressing any environmental action that needs to be taken under this agreement.

In addition, the agreement includes an additional $88 million of funding appropriated over the next 4 years for environmental monitoring and enforcement to ensure that the goals of the USMCA's environment chapter can be realized. This includes $40 million appropriated over the next 4 years for the new environment sub-fund Senator CARPER and I pushed to create under the USTR's existing Trade Enforcement Trust Fund, which will be dedicated to enforcement of the USMCA's environmental obligations.

As I mentioned, the United States-Mexico-Canada Agreement establishes an Interagency Environment Committee, led by the USTR, which will coordinate U.S. Government efforts to monitor implementation of its environmental goals. It also establishes up to three new environment-focused attachés in Mexico City to help ensure Mexico is living up to its environmental obligations. It includes new reporting requirements to regularly assess the status of Mexico's laws and regulations that are intended to implement its environmental obligations to help ensure Mexico is living up to its commitments.

We believe the USMCA is a strong, enforceable agreement that makes positive strides in protecting the environment. As this agreement is implemented, I will be watching to ensure that the other parties to this agreement live up to the promises they are making in this bill.

In closing, I support the USMCA because it will help raise the living standards for Marylanders, cuts red-tape for small businesses, and unites us with our allies. The provisions of the USMCA protect the environment, help labor organizing efforts, fights for good governance and against corruption, and is enforceable.

I urge my colleagues to support the legislation when it comes to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

IRAN

Mr. GARDNER. Madam President, I come to the floor to speak about the policy of the United States toward the Islamic Republic of Iran. I commend the administration for taking decisive action last week in Baghdad against Tehran-backed terrorists planning an imminent attack on American targets.

The administration's action with Qasem Soleimani was not only decisive but necessary and legal under long-standing Presidential authority to protect American lives from imminent attack. It is our obligation, it is our duty to protect American lives, especially when our national security agencies and personnel know the imminent danger of attack.

The President made the right call at the right time to neutralize the threat

and to save American lives. Imagine having done nothing—having done nothing—and allowing the attacks to proceed. That is exactly what happened. At yesterday's classified briefing, General Milley and our national security personnel made it clear: The death of General Soleimani saved lives.

Our duty in Congress is to protect the United States, its people and interests, diplomats, and our men and women in uniform around the globe. The actions taken by our military in Iraq undoubtedly saved American lives and addressed a clear, compelling, and unambiguous threat.

The world should not mourn Qasem Soleimani—a man whose name is synonymous with murder in the Middle East as the head of the Islamic Revolutionary Guard Corps' Quds Force, which is designated as a terrorist organization under U.S. law; a man who was personally designated as a terrorist battlefield commander by President Obama. The Quds Force was the tip of the spear for the regime in its terrorist activities abroad and is responsible for thousands of deaths across the region.

Most importantly, according to the Pentagon, Soleimani was responsible for the deaths of over 600 American servicemembers in Iraq. GEN David Petraeus, who commanded our forces in Iraq, stated last week that in his opinion, taking out Soleimani was bigger than bin Laden, bigger than Baghdadi.

In other words, President Trump rid the world of an extreme and lethal enemy of the American people—someone who was actively pursuing and had killed and taken American lives. I fail to understand how anyone can question this decision or its rationale. I know they certainly did not—and rightfully so—when President Obama took out bin Laden.

We expected an Iranian response, and on Tuesday, Iran launched a ballistic missile attack against bases in Iraq hosting U.S. troops. I condemn these attacks in the strongest terms, and we are fortunate that they did not result in any casualties.

I do not want war with Iran, but the President did not take this action in a vacuum. Contrary to claims by some of my colleagues in this very Chamber, it is Iran that has escalated tensions, not the United States. Over the last several months and years, Iran has sharply escalated its malign behavior against the United States and our allies.

On June 13, the IRGC attacked two oil tankers in the Strait of Hormuz, a critical global shipping lane. On June 20, the IRGC shot down a U.S. unmanned aerial vehicle in international space. September 14, Iran sponsored an attack on Saudi Arabia's oil facilities, temporarily cutting off half of the oil supply of the world's largest producer. December 27, Iranian proxy group Kataib Hezbollah carried out a deadly attack against a base in northern Iraq, killing an American civilian—killing an American. The administration appropriately retaliated against this group on December 29. Then, on New Year's Eve, Iran-backed militias besieged and damaged the U.S. Embassy in Baghdad for 2 days, forcing the administration to take prudent measures to prevent further violence.

When Soleimani was caught plotting additional attacks against American targets, the administration took lawful and appropriate action. I now urge Tehran to take the opportunity to de-escalate tensions immediately. The administration must also continue taking all necessary steps to keep our troops, diplomats, and countries safe, and to regularly consult with Congress on next steps.

It is my hope that diplomacy ultimately prevails, but we must not repeat the mistakes of the past. Iran's enmity toward the United States stretches over decades, not just months or weeks. Following the Islamic Revolution in Iran in 1979, the ruling mullahs held 52 American diplomats hostage for 444 days, releasing them only on January 20, 1981, the day President Ronald Reagan was sworn into office. Two years later, on April 18, 1983, a truck laden with explosives rammed into the U.S. Embassy in Beirut, Lebanon, killing 17 Americans. On October 23, 1983, a similar attack on the U.S. Marine barracks in Beirut killed 241 American servicemen. Overwhelmingly, the evidence led to Iran and its wholly owned subsidiary, Hezbollah, as the perpetrator of these attacks.

The Iranian regime has not changed in 40 years. It targeted and killed Americans during the Iraq war, supported Shiite militias, and supplied deadly explosives used to target our troops. Iran continues to prop up the regime of the murderous Bashar al-Assad in Syria. The Iranian regime regularly refers to the United States as the Great Satan and threatens our ally, Israel, which they call Little Satan—threatens to wipe them off the face of the Earth. The mullahs continue to grossly abuse the human rights of their own people, as demonstrated by recent bloody crackdowns on protesters in Iran that have claimed hundreds and hundreds of innocent lives.

Despite all of this, in 2015, the Obama administration rewarded Tehran with a sweetheart deal known as the Joint Comprehensive Plan of Action, or JCPOA, which paved a patient pathway to a nuclear weapon for Iran, lifted all meaningful sanctions against the regime, and did nothing to constrain Iran's malign behavior in the region. Iran used the billions of dollars that were provided in the JCPOA to dramatically increase its terror funding and its military funding.

The Trump administration rightly exited the JCPOA in May 2018 and reimposed crippling economic sanctions against the regime. They have been clear with Iran that the door to diplomacy remains open if Iran changes its behavior and complies with international norms.

On May 21, 2018, Secretary of State Mike Pompeo delivered a speech at the Heritage Foundation, which clearly stated the administration's objectives: Iran must forgo its nuclear aspirations, cease its support for terrorism, and respect the human rights of its people. Secretary Pompeo said:

> Any new agreement will make sure Iran never acquires a nuclear weapon, and will deter the regime's malign behavior in a way the JCPOA never could.
>
> We will not repeat the mistakes of past administrations, and we will not renegotiate the JCPOA itself. The Iranian wave of destruction in the region in just the last few years is proof that Iran's nuclear aspirations cannot be separated from the overall security picture.

Secretary Pompeo was clear that once Iran changes its behavior, it will reap the benefits, stating:

> [The United States is] prepared to end the principal components of every one of our sanctions against the regime. We're happy at that point to re-establish full diplomatic and commercial relationships with Iran.
>
> And we're prepared to admit Iran to have advanced technology. If Iran makes this fundamental strategic shift, we, too, are prepared to support the modernization and reintegration of the Iranian economy into the international economic system.

I hope the latest events have made it clear to Tehran that the United States will never back down from protecting our people, our interests, and our allies. Now the ball is in Tehran's court to choose the path of peace or the path of confrontation. It is my sincere hope that they choose the path of peace.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I have come to the floor today to talk for a while about the nomination of Paul Ray to serve as Administrator of the Office of Information and Regulatory Affairs. I will do that, but first I want to take a few minutes to set the record straight on what we just heard.

Tom Friedman, who writes for the New York Times, is a famous author, lecturer, and a brilliant guy. Among the things he has mentioned in his writings over the last 3 years is something called the Trump doctrine. The Trump doctrine goes something like this: Barack built it. I, Trump, broke it. You fix it.

There are any number of examples where that has happened: Paris accords on reducing emissions of carbon dioxide on our planet and the Trans-Pacific Partnership, where the United States would lead 11 other nations in a trade agreement around the world. Those 12 nations would be responsible for 40 percent of the world's trade. Under that agreement negotiated in the last administration, the Trans-Pacific Partnership, we would lead that 12-nation group in 40 percent of the world's trade. China was on the outside looking in. This administration walked away from that.

The greatest source of carbon emissions in our planet and the greatest threat to the future of the planet for

these young pages—whom I am looking at now—is way, way too much carbon dioxide in our atmosphere. It is getting worse, not getting better. The greatest source of carbon emissions on our planet are emissions from our cars, trucks, and vans.

The last administration negotiated a 50-State deal, which would have reduced emissions from mobile sources dramatically in the years to come. This administration broke away from it. They walked away from it. The last administration negotiated a rule regulation to dramatically reduce emissions from the second greatest source of carbon emissions in this country and from our utilities: coal-fired utilities, primarily. If you add together the reduction in carbon dioxide emissions going forward from our mobile sources negotiated by the last administration and negotiated in a regulation called the Clean Power Plan, they would provide almost half of the emission reductions by 2050 that we need—almost half. This administration walked away from both.

The last administration argued that rather than always be threatening war with Iran and doing these proxy wars with Iran, maybe what we should focus on is the main thing. A friend used to advise me. He said: TOM, the main thing is keep the main thing the main thing. The reason why we negotiated the JCPOA deal with Iran was to deter Iran from developing and having nuclear weapons that could create a nuclear arms race in the Middle East and put them and, I think, the rest of our planet, literally, at risk. Under the agreement negotiated with Iran and six other nations—including the United States, the Brits, the French, the Germans, the Russians, the Chinese—under the agreement, the Iranians had to agree to stand down, to slow down much of their nuclear enrichment that could actually lead to nuclear weapons. They had to agree to intrusive inspections by the IAEA, the international watchdog for atomic energy. In return for their willingness to do those things, we would reduce the very harsh sanctions that had been put in place by the last administration—very harsh economic sanctions.

The Iranians did what they agreed to do. They stood down their development. They opened up their facilities to intrusive inspections by the IAEA for the last 4 years. There were almost 20 different rounds of inspections, each of which came to the same conclusion: Iran, whether we like it or not, whether we like their leaders or not, kept their word. Some of us remember what Ronald Reagan used to talk about. He used to say that in terms of doing nuclear deals with the Russians—the Soviets—he used to say: ''Trust but verify.''

Well, what we did with the Iran deal was mistrust or distrust. We didn't trust them, but we would verify that they were keeping their word. Whether we like it or not, surprisingly, they did, until this administration came along and walked away from that agreement, which was working. It imposed even harsher sanctions on Iran and led us to, really, where we are today.

Again, Tom Friedman, who gave us the Trump doctrine: Barack built it. I, Trump broke it. You fix it. This is just another example of that happening. We shouldn't be surprised by the events of the past week. It didn't have to be that way. It didn't have to be that way.

I think in the country of Iran, half of the people are under the age of 25. They were never born when the original Ayatollah was in charge, and they had the Iranian revolution. The younger people there would like a better relationship with us. They have elections there, too, where people can actually show up and vote—men and women—vote for municipal elections, for mayors, city councils, and so forth, for Parliament—their Congress is called the Parliament—for their President. I think the last time they voted was 3 years ago. You know which forces gained votes? They don't have Democrats or Republicans over there. They have hard-liners, and they have moderates. The moderates gained election victories in mayoral elections across the country and city council elections across the country. The moderates picked up a lot of votes in the Parliament. The hard-liners lost votes.

The actions of this administration over the last 3 years have pushed Iranian voters, including a lot of young people, away from supporting the moderates in their Nation and pushed them into the arms of the radical extremists, the hard-liners. It didn't have to be that way. It didn't have to be that way.

I don't know how we put this mess back together again, but we need to. I am not sure. I don't have a lot of confidence that this administration is going to be able to do that, given their track record over the last 3 years—at least on this issue.

NOMINATION OF PAUL J. RAY

Madam President, let me talk about Paul Ray. Paul Ray is a bright young man. He is the kind of person I think most of us would say: He ought to be in an administration. I don't care if it is a Democratic administration or a Republican administration. He is smart, well educated, and has good experience. He has been the nominee to head something called OIRA, the Office of Information and Regulatory Affairs, an entity that exists within OMB.

I have met him. He has come to my office to talk with me. He is a very polite young man. He has been before our committee. I voted today against his confirmation. I will tell you why. The Committee on Homeland Security and Governmental Affairs used to be the Committee on Governmental Affairs. I served on it for 19 years. One of the things I love about that committee is that we have oversight over the whole Federal Government. Every committee we serve on, including committees the Presiding Officer serves on, all have an oversight role. A lot of that oversight deals with the administration as part of our checks and balances. We can only do that job so well if the administration allows us to do our job.

During the confirmation process—as the Presiding Officer knows—witnesses and nominees come before us from the administration. They have been vetted by the administration. They have gone through staff interviews. Then they come to a committee hearing. We also ask questions of the nominees that are relevant to the jobs they are going to do.

Every now and then, you have a nominee for a particular position who is not forthcoming in his or her responses, so we do something called QFRs, which are questions for the record. They are designed to give the nominee another bite at the apple in responding to the questions that Democrats and Republicans have. A lot of times, the nominees are forthcoming, and that is good. The nominations then move forward, and they get confirmed.

I have learned, if nominees are not forthcoming and are not responsive to the oversight questions we ask before they get confirmed, good luck after they get confirmed, for it doesn't get any better. I don't care whether you happen to be a Democrat or a Republican; you have to be concerned about the reluctance and the unwillingness of nominees to respond to reasonable questions regardless of who is in the White House and regardless of who is in the majority of this body.

Let me say a word or two about OIRA. OIRA plays a central role in establishing regulatory and information collection policies across our entire Federal Government. OIRA oversees the rulemaking process from start to finish—from the reviewing of drafts of proposed and final rules, to managing the interagency review process, to ensuring agencies make rulemaking decisions based on sound cost-benefit analyses.

The Administrator of OIRA is a critically important position because, at the end of the day, he or she is responsible for ensuring that rules promulgated by agencies benefit our society, protect our quality of life, protect our health, protect our safety, and protect our environment.

Earlier today, I joined a number of my colleagues on the Committee on Environment and Public Works in a letter to Mr. Ray. We asked him to review concerns that have been raised recently by the EPA's Science Advisory Board about four specific rulemakings that are currently under review.

The EPA's Science Advisory Board found serious concerns with the Trump administration's clean car standards rule, with the administration's proposed mercury and air toxics rule, with the administration's clean water rule rollbacks, as well as with a proposed EPA secret science rule, which will have the effect of limiting the science

the EPA can actually use in rulemakings. The Science Advisory Board found serious shortcomings with how the EPA conducted these rulemakings. Either the cost-benefit analysis was deficient or insufficient, the Agency did not use the best available science, or the legal rationale that underpinned the rule was faulty.

In case you are wondering who selects the members of this EPA Science Advisory Board, as it turns out, it is the President. In this case, all 44 members of the EPA Science Advisory Board were nominated or were renominated under this administration, by this President. They said that there are serious problems with the four rulemakings that I just mentioned. They are not Obama's people. They were nominated by this President.

Mr. Ray has served in top leadership positions at OIRA since June of 2018. First, he was an Associate Administrator. Then, in March of last year, he was promoted to Acting Administrator. Mr. Ray has presided over or has been involved with dozens of controversial rulemaking decisions in the last year and a half at OIRA, including the rulemakings outlined in the letter that I mentioned we are sending him today.

That is why, during the vetting process of his nomination, I, along with my colleagues on the Homeland Security and Governmental Affairs Committee, asked for information about Mr. Ray's background and his work in the last year and a half at OIRA, which is within the OMB. Specifically, we asked him about his involvement in many controversial regulatory rulemaking decisions that have been put forward by the current administration. Unfortunately—sadly, really—Mr. Ray and the Office of Management and Budget have refused to provide the Senate with the information needed to vet Mr. Ray's nomination. As best as I can tell, they didn't even try.

Unfortunately, throughout the vetting process, Mr. Ray apparently refused to answer the Senators' questions by asserting privilege or deferring to the OMB's General Counsel more frequently than any past OIRA nominee who has ever appeared before our committee. Something is wrong with that. I don't care if you are a Democrat or a Republican in this body or if the nominee comes from a Democratic President or a Republican President; something is wrong with that.

In fact, Mr. Ray asserted privilege or deferred to counsel 19 times in his prehearing questionnaire responses alone. Is that a lot? That may well be more times than any other nominee in the history of this agency. Think about that. While it might be appropriate to withhold or redact particular content in some narrow circumstances, Mr. Ray and the OMB's Office of General Counsel have misapplied overly broad privileges to avoid providing Congress with critical information and documents related to his work at OIRA.

Have you ever heard of checks and balances? There is a reason we have oversight. There is a reason we don't have Kings or Monarchs here who can do anything they want without a check or a balance. Sadly, this nomination process, at least for this nominee—and I think he is well qualified and bright—takes a thumb and sticks it in the eye of checks and balances.

Unfortunately, should this body vote to confirm Mr. Ray, his general approach of nonresponsiveness to the committee's vetting process sets a concerning precedent, not just for him and not just for nominees of this agency, but for future nominees and subsequent oversight efforts to hold the executive branch accountable.

It has been my privilege to serve on the Committee on Homeland Security and Governmental Affairs for 19 years now. We are an oversight committee that conducts oversight not just over the whole Federal Government but on matters that are important to our Nation outside of the government. One of our core duties is to ensure that nominees are forthcoming and provide the Senate with the information we need to do our jobs.

Eventually, we are going to have an election. Who knows who is going to win the next time and who will be in the majority here in this body? Yet, under any administration, we should expect the nominees who appear before the Senate to be forthcoming and to provide us with the relevant information we need to adequately vet their nominations.

For these reasons, I must reluctantly note my opposition to Mr. Ray's nomination for now and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. YOUNG). The Senator from Tennessee.

Mr. CARPER. Will the Senator yield?

Mrs. BLACKBURN. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Delaware.

IRAN

Mr. CARPER. Mr. President, before Senator BLACKBURN arrived on the floor, I talked about Iran, as many of us have. I mentioned the opposition that some folks in Iran had—that the Revolutionary Guard Corps Quds Force had—to actually entering into negotiations with the United States and five other nations to get the Iran deal, the JCPOA. As far as I can tell, nobody was a stronger opponent to Iran's negotiating with us and five other nations—nobody, as best I can tell, was a stronger opponent for Iran's doing that, for sitting down and trying to work things out—than Soleimani.

We are not going to miss that guy, but he was one of the strongest opponents who had actually taken what, I think, was a reasonable course. Sadly, this administration walked away from it.

I thank my colleague for yielding.

NOMINATION OF PAUL J. RAY

Mrs. BLACKBURN. Mr. President, let me begin by saying that Paul Ray is a Tennesseean and that we are delighted he is being confirmed to the OIRA. He is qualified and will serve our Nation well in the future just as he has in the past.

IRAN

Mr. President, I also want to say a few things about the situation in Iran and about some of the comments that we have heard here on the floor today.

First of all, I think it is important to set the record straight when it comes to the Iran deal. We hear people say: Well, we never should have walked away from it. Let me tell you something. We should never have been in it in the first place. We should never have been in this. How in heaven's name could anybody have thought it was a good idea to put $1.7 billion of cash on a pallet, stick it on a plane, and fly it to Iran? Whoever would have thought that?

The Iran nuclear deal was not something that helped to stabilize an issue; it incentivized Iran to do bad things. See, the Iran deal included a lifting of sanctions on Qasem Soleimani. Where was the first place he went? Where was the first place he went to get somebody to help to fund the Quds Force—to help fund all of this terrorism? He went to Russia—to his friends. This is why the Iran deal was not a good thing.

Now, you can say they had to open their nuclear facilities to the IAEA, but there was a little caveat in there that doesn't get talked about a lot. They opened it with notification. Well, if you are going to get prior notification that somebody is going to look at your company, to look at your operation, to look at your house, to look at your country, what are you going to do? You are going to clean it up, and you are going to hide things. That is the Iran deal. They didn't stop enriching uranium. What they did was enrich it right up to the point at which it was just under the mark. Did they give it up? No, they didn't give it up.

My colleague had mentioned the Reagan term of ''trust but verify.'' Thank goodness we have a President who decided he would verify, and thank goodness we have an intel community and a U.S. military that did the heavy lifting of figuring out what needed to be done.

When you hear one of my colleagues ask, ''How do we put this back together or can we ever put it back together?'' we have started putting it back together. We have done it by saying: All right, folks, here is our redline. Guess what. This redline means something. This redline is drawn with the blood of hundreds of Americans who have been killed by this murderous villain. It is a redline of justice.

So let's not have happy talk when it comes to this situation with Iran. Let's make certain we understand what has transpired. We know that our military and our intel communities watched for 8 months as there was escalating violence. We know that violence was orchestrated by none other than

Soleimani himself. Intelligence provided to senior administration officials prior to the strike confirmed that Soleimani had posed a defined threat to the United States.

When we speak about Iran in the context of conflict versus deterrence, we are not referring to a government or a military organization. It is important to note and for the American people to know that Iran is the world's largest state sponsor of terrorism. Do you know who it points that terrorism to? Isn't it interesting. Iran tends to have little bywords. It says: This is our goal—to destroy America, to destroy Israel. That is what Iran has been up to. It has nurtured a proxy network that has helped it to claw its way into the heads of regional leaders who are either too weak or who are wholly unwilling to resist those overtures.

Relationships with Russia and with Bashar al-Assad in Syria have kept Iranian leaders a part of mainstream conversations about national security.

Hezbollah in Lebanon is a close friend of Iran, and their support of militias and Houthi rebels in Yemen adds to the aura of chaos around Iran's activities.

So what does all of this have to do with a targeted strike on one man? That one man has spent a lifetime doing exactly what he was doing the day he died—using violence and intimidation to bring Shiite ideology into prominence and, to quote the notorious Ayatollah Khamenei, ''end the corrupting presence of America in the Middle East.''

That is what they thought. Those are their comments, their words—not mine, not the President's, not the military's, not the intel's—the Ayatollah's. That is what he said.

Soleimani took to the frontlines with the Revolutionary Guard in 1979. That may trigger some thoughts of Jimmy Carter, Ronald Reagan, and American diplomats and citizens that were held hostage.

Soleimani was not a new arrival to the terrorist community. Sometime between 1997 and 1998 he was named commander of the Quds Force. Under his leadership, the Revolutionary Guard has gained control of over 20 percent of Iran's economy, and the Quds Force has extended its influence to all Gulf States, Lebanon, Syria, Iraq, Afghanistan, and Central Asia.

He controlled Iran's intervention in support of Assad in Syria and was the primary architect of Hezbollah in Lebanon. They have built up and trained scores of Hezbollah and Houthi fighters, as well as Shiite militias in Syria and Iraq, and those Iraqi militias killed more than 600 U.S. troops during the Iraq War.

Soleimani made much of his militaristic role, but he was a general in name only. He hid behind a uniform while designing, devising, conducting, and advising terror plots, and that is what earned him a spot on the list of people sanctioned by the EU, the United States, and the U.N. He wasn't a bureaucrat. He was not one of many respected generals.

The Ayatollah called him a living martyr in his lifetime, but I intend to call him exactly what he was—a ruthless terrorist and a shameless, even proud, engineer of hatred, death, and destruction. That is his legacy.

His tendency toward violence as a default was thrown into full relief when President Trump withdrew from that Iranian nuclear deal, just as I said a moment ago.

In early May of last year, the intel indicated an increased threat from Tehran, and between May and September, Iran and its proxies perpetrated more than 80 violent attacks in the region—80—on us and our allies, 80 attacks. They attacked multiple tankers and commercial vessels. They downed an American drone. They took out 5 percent of the world's oil supply. Now we find out that they have taken out a jetliner.

They used their own drones to attack a Saudi airport. A suicide bomber murdered four Afghans and wounded four U.S. troops traveling in a convoy in eastern Kabul.

Soleimani was very confident, but perhaps he should have thought a little harder about the increased level of vulnerability he had built into his expanding network, because he didn't die in a hidden bunker or behind the walls of a fortified compound. He died in public while traversing the Middle East, defining impunity and even taking selfies with proxy terrorists. He did every bit of this in violation of U.N. resolutions. He died because his aggression morphed into a pattern of arrogance and violent escalation that U.S. officials could not, in good conscience, continue to allow.

This month Iranian officials lost their chief terrorist, but they have gained an opportunity, and, I will tell you, the ball is in their court.

Their retaliatory strikes against our shared bases in Iraq did nothing to repair their image as a belligerent and deeply vulnerable regime. If their lack of precision was calculated, no one got the intended message.

The Iranians are now left with two choices, and they are theirs. Pick one. We hope they choose well.

Option No. 1, they can come to the table and behave like a normal country. They are a country rich in resources and smart, educated people. Come to the table and behave like a normal country in the community of nations and allow deterrence to make a comeback.

Option No. 2, they can risk being reminded that the United States will defend to the death the redline that separates justice from chaos, and the American people are going to make certain that we continue to go after monsters who crusade as the declared enemies of freedom.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

TRIBUTE TO LAUREN OPPENHEIMER

Mr. MERKLEY. Mr. President, I want to take a few moments to recognize an individual, Lauren Oppenheimer, who, after nearly 5 years as an invaluable member of my team, has recently moved on to begin the next chapter of her career. We all on Team Merkley are very sad to see her go, but we do feel extraordinarily fortunate that she hasn't gone far—just over to Senator JONES' office on the other side of the Hart building. So Oregon's loss has been Alabama's gain.

Lauren joined my team in 2015, back when I was a member of the Banking Committee, to handle that important portfolio. It was a position that she was extremely qualified for, having a wealth of experience working on those issues in both the House and at the Center for American Progress. But then a seat opened on the Foreign Relations Committee, and I had to turn in my credentials for Banking in order to take that Foreign Relations position.

Well, we knew that that really kind of undermined the vision of why Lauren had come to our team, to really take on that set of banking issues. It would not be an understatement to say it was not a completely thrilling day when I shared this news with her.

But being the dedicated team member that she is, she willingly and graciously took on a new role within the team and a whole new portfolio of issues to work on—issues like election reform and telecom, judicial nominations, rules reform. It might not have been the job that she signed up for, but she excelled at it nonetheless. She excelled because she is extremely smart and talented and because she is passionate about her work, and she threw herself into this new set of issues.

I mean it when I say she is passionate. A quick conversation about Fintech can last for hours, as she excitedly informs you about all of the recent developments in that emerging industry—an industry, by the way, that I had hardly heard of before Lauren came to my team.

Martin Luther King, Jr., once said: ''Human progress is neither automatic nor inevitable.'' It requires ''the tireless exertions and passionate concern of dedicated individuals.'' Well, Lauren is certainly one of those dedicated and passionate individuals, and throughout her time on Team Merkley, she has helped move our country forward in ways large and small.

For years she has worked on ensuring the implementation of the Volcker rule, a key part of the Dodd-Frank Act, which closed the Wall Street casino by separating old-fashioned banking from high-risk, high-leverage bets on the future prices of stocks and exchange rates and interest rates and commodities—bets that placed our entire banking system and economy at risk.

Lauren wrote the bipartisan SAFE Banking Act, which had its hearing in the Banking Committee just a couple of months ago, to ensure that legal

cannabis and hemp businesses have access to the same banking services as any other business. She established the Senate Cannabis Working Group to coordinate the Senate's efforts around this issue.

She has worked to ensure the integrity of our judicial system by vetting the nominations for judgeships and, in one case, produced significant insights and records that resulted in the Senate rejecting the nomination of Ryan Bounds for the 9th Circuit.

In her spare time, Lauren has been fighting to save our democracy. Earlier this year she created my ''Blueprint For Democracy'' to introduce six specific bills, and she was the point person on my team for finalizing the Senate version of the For the People Act, a comprehensive election reform bill which takes on anti-democratic practices such as gerrymandering, voter suppression, and dark money.

But beyond those accomplishments and many others that I haven't mentioned, she made one contribution that I will always remember and deeply appreciate. As many are aware, I spent a significant amount of time over the last year and a half shining a light on the Trump administration's policy of cruelty toward immigrants, refugees, and asylum seekers on our southern border.

Even though immigration issues are not in her portfolio, it was Lauren who inspired me to get involved. I was reading the speech by former Attorney General Jeff Sessions—a speech labeled his ''zero tolerance'' speech—and the name didn't strike me as unexpected. But when I read the details, it sounded as if the plan was to discourage refugees from coming to our border by deliberately traumatizing children, to rip them out of their parents' arms.

I refused to believe that any American administration would ever actually do this, and, as I was expressing the belief that no American administration would ever resort to hurting children as a strategy to deter immigration and would not resort to a strategy of hurting children to do anything that is not acceptable under any moral code or set of ethics or religious standards, it was Lauren who said: There is one way to find out, and that is to go down to the border.

So I went that next weekend, that next Sunday, and became the first Member of Congress to see the children being sorted into cages after being separated from their parents and to be turned away from any conversation in front of a former Walmart where I had heard that hundreds of separated boys were being held.

The video of that really sent a message to the entire Nation of what this administration was hiding, but the fact that I was there at that processing center and the fact that I was there at that former Walmart, seeking to find out what was going on with those hundreds of boys who had been taken from their parents, was because Lauren Oppenheimer said: The best way to find out is to go down to the border yourself.

Thank you, Lauren, for playing such a critical role in all of these efforts. You are such a valued member of our team, and you are still valued as a member of our team. You will always be a member of our team, even as you go on to work for our colleague from Alabama.

Our office notices your absence, without the energy and enthusiasm emanating from your desk and your unceasing willingness to take on new challenges and your very valuable work to mentor other team members.

Know that all of us on the team wish you the very best as you continue to fight for a better world in this new chapter of your career.

I am excited that you are returning to your world of expertise, the world of banking. I may be calling you now and then to get your insights on that set of issues that you know so well.

All of us look forward to seeing the insights and understanding you will help us gain from your perspective when you are fully immersed in the banking world. It will be valuable to all of us in the Senate and valuable to our Nation.

I thank you for your service.

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

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

VOTE ON RAY NOMINATION

The PRESIDING OFFICER. All postcloture time has expired.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea'' and the Senator from Kansas (Mr. MORAN) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 50, nays 44, as follows:

[Rollcall Vote No. 10 Ex.]

YEAS—50

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

NAYS—44

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

NOT VOTING—6

Alexander	Moran	Sanders
Booker	Perdue	Warren

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

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. 498.

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 bill clerk read the nomination of Peter Gaynor, of Rhode Island, to be Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

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 bill 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 Peter Gaynor, of Rhode Island, to be Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

Mitch McConnell, John Thune, Ron Johnson, Mike Rounds, Richard Burr, Kevin Cramer, Pat Roberts, Roger F. Wicker, Cindy Hyde-Smith, Thom Tillis, John Cornyn, Tim Scott, Mike Crapo, Steve Daines, John Boozman, Shelley Moore Capito, James E. Risch.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

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

The Senator from Florida.

IRAN

Mr. SCOTT of Florida. Mr. President, President Trump is working to defend the freedom of our country. He was right to take swift and decisive action to kill one of the world's worst monsters. Soleimani was responsible for the death and maiming of thousands of Americans and tens of thousands worldwide. He ordered the attack on the United States Embassy in Iraq. He had plans to kill more Americans.

There are some in this body who are trying to curtail the President's authority to defend Americans and defend American interests. This is not only foolish; it is fool hardy. Our President does and should have the authority to defend Americans, period, but it is an authority he doesn't take lightly. President Trump is right to use restraint and avoid further escalation unless Iran continues their provocations.

The regime in Iran—a regime that chants ''Death to America'' and wants to wipe Israel off the face of the map—needs to know that the United States will not tolerate acts of aggression against America or our allies. The death of Soleimani was a strong warning, but they should also know they have the opportunity to become productive members of the world community and bring peace and prosperity to their people. The choice is theirs. We all want peace, and the greatest deterrent to war is our economic and military strength, but Iran must make the choice for peace. It is a choice that is theirs alone.

During this trying time, I want to pause and take a moment to remember the brave men and women of our Armed Forces. We often forget in Washington that the people carrying out the orders of our Commander in Chief are just that—people. They are not pieces on a chess board. They are fathers and mothers, sons and daughters, brothers and sisters.

I remember my father talking about his experience in World War II—a conflict he certainly had no expectation to return from. He loved his service to our country but never forgot those we lost. I remember friends going to Vietnam and Korea. I have spent many hours sitting and talking with Gold Star parents. As Governor, I watched Florida National Guard units leave for wars in the Middle East.

The cost of war is great. As Ronald Reagan said, ''Freedom is not bought cheaply.'' We should never forget that.

I am praying for our brave men and women in uniform—some of them Floridians—headed overseas to protect Americans and prevent an escalating conflict, and I am praying for peace.

These heroes put their lives in danger to defend our Nation, and we cannot thank them enough for their sacrifice and their service. We must recognize the dangers and threats that our world faces today, and we must always stand together united to defend freedom and democracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

REMEMBERING JOCELYN BIRCH BURDICK

Mr. CRAMER. Mr. President, on the day after Christmas, former Senator Jocelyn Burdick died in Fargo, ND, at the age of 97.

Jocelyn served only 30 days, roughly—or 3 months, maybe, at the most—in the United States Senate while she filled the vacancy that was created by the death of her husband, the longtime United States Senator, Quentin Burdick. During those 3 months, Jocelyn was able to cast votes as her husband would have cast them and to support his staff after his death and through the transition to fill the vacancy in a special election. Jocelyn will forever hold a place in North Dakota history as North Dakota's first woman United States Senator.

However, her service in North Dakota goes far beyond those 3 months she served in the Senate. All of us Senators know the importance and the incredible service of our spouses. Jocelyn stood by Quentin's side for 32 years while he served our State here in this important body.

Throughout her life, Jocelyn embraced her place in public life with tremendous grace, dignity, and class. She demonstrated by example how people can be principled in their beliefs, yet friendly, cordial, even affectionate while having different political views. I am honored to be standing here using her desk—Quentin's desk. To be a part of this heritage is a great honor for me.

The impact of her life well lived can be seen in countless ways, especially as a philanthropist, as a political and community volunteer, and certainly as a woman of deep faith. Jocelyn's memory will remain alive in the hearts of all of those who had the privilege to know her.

Kris and I join Senator HOEVEN and Mikey, and many, many North Dakotans in sending our condolences and our best wishes to the Burdick family. We pray that fond memories and the deep affection so many people held for Jocelyn will comfort them in these days and the days ahead. I pray that God will bless Jocelyn Burdick's memory.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, today I rise, along with my colleague Senator CRAMER, to honor former Senator from North Dakota Jocelyn Burdick. She was the first woman to represent the State of North Dakota in the U.S. Senate. My wife Mikey and I were saddened to hear of her recent passing, and we want to extend our sincere condolences to all of the Burdick family.

As I said, I, along with Senator CRAMER, have introduced a resolution to honor Senator Jocelyn Burdick and her service to the people of North Dakota and the United States in this body.

Jocelyn was born in Fargo, ND. She attended Principia College and Northwestern University and began her career as a radio announcer in Moorhead, MN.

On September 12, 1992, Jocelyn Burdick became the first woman from the State of North Dakota to serve in the U.S. Senate. She was appointed by then-Governor George Sinner to fill the seat of her late husband, Quentin Burdick, whom she served alongside during his 32 years in this body, the U.S. Senate. The Burdick family has a long history of public service.

During her time in the Senate, she helped to establish the Quentin N. Burdick Indian Health Program at the University of North Dakota, supporting healthcare training programs for Native Americans, and helped to secure funding for the Federal courthouse in Fargo named after her late husband.

Jocelyn was a Sunday school teacher and devoted member of the Christian Science Church. She served as president of the local Parent Teacher Association, recorded public service announcements raising awareness of substance abuse and drunk driving, and was nationally recognized for her philanthropy on behalf of the Gamma Phi Beta sorority.

I knew Jocelyn Burdick, and she was a fine person. I join with the people of North Dakota in expressing our appreciation for her service on behalf of our State and our Nation.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. BRAUN). The Senator from Ohio.

UNITED STATES-MEXICO-CANADA AGREEMENT

Mr. BROWN. Mr. President, in the fall of 2016, just 4 years ago, I heard Candidate Trump repeatedly promise to get rid of the North American Free Trade Agreement—to pull out of it, to renegotiate it, or to fix it so that it worked better than it did.

I didn't support Donald Trump for President. I think he has been a less than honest President with whom I disagree in terms of his character and in terms of his work product, but that is really not the point. The point was

that I liked what he said about getting out of NAFTA. I know what NAFTA did to the Presiding Officer's home State of Indiana. I know what it did to Dayton, OH; to Cleveland, OH; to Canton, OH; to Youngstown, Toledo, Mansfield, Springfield, Zanesville, and to almost every community in my State. So I welcomed the President's saying that.

The reason I thought these trade agreements were so bad for our country was that these trade agreements were always written by corporate interests to serve the needs of the executives and the major stockholders of the corporations. In fact, they not only were not written for workers, but they undermined workers. I have never voted for a trade agreement. I voted against NAFTA, and I voted against the Central American Free Trade Agreement. I voted against permanent normal trade relations with China—one after another after another—because I saw that these trade agreements were written for corporate interests and that they betrayed workers.

What happened is that companies would shut down production in Canton or in Niles or in Bryan or in Lima, and they would move overseas, build factories there, and sell those products back into the United States. That was what happened with these trade agreements. Corporations liked them because they could exploit low-income workers. They liked them because their profits could be greater. They liked them because they had no responsibility to their workers when they would move overseas and sell the products back. That was their mission. That was the way these companies did business. So I welcomed the President's doing that.

Then, about a year ago, the President presented the new NAFTA. He called it the United States-Mexico-Canada Agreement, the USMCA. When he presented it to the Congress, it was more of the same. It was almost exactly the same. It had a few little tweaks, but fundamentally the President again betrayed the workers, as all of these trade agreements do. The President's bill, the President's USMCA, was again a giveaway to corporate interests. In fact, there was a provision in there for the drug companies that was maybe worse than I had ever seen in a trade agreement. The White House, I admit, does look like an executive retreat for drug company executives except on Tuesdays and Fridays, when it looks like a retreat for Wall Street executives.

The President presented this USMCA to us, and it was the same ol, same ol. It fundamentally would mean more jobs would be outsourced, more profits for corporations, and more exploitation of low-wage workers. Because of his USMCA, even more companies would shut down in Lima or in Zanesville or in Gallipolis or in Portsmouth or in Chillicothe and move overseas to look for cheap labor and weaker labor laws so they would make more money. So this President betrayed workers again by giving us a trade agreement that was no better than the ones he had campaigned against.

Yet, this year, a number of us—Senator WYDEN of Oregon, Speaker PELOSI, Congresswoman DELAURO of Connecticut, and organized labor—banded together and said: No, Mr. President. We are not going to pass another corporate trade agreement. We are not going to pass another special interest trade agreement that sells out workers and enriches corporate executives over and over. We are not going to buy that again. We are saying no to that. Then we said: We will support your USMCA only if you include strong language for workers.

So we got the Brown-Wyden amendment in this agreement.

Finally, after a year—the President fundamentally refused to talk to us about it, and the U.S. Trade Rep refused to seriously include this language—they realized: Wait a second. If we don't do this, we will never get another USMCA. So just a few weeks ago, President Trump and U.S. Trade Representative Lighthizer finally agreed to put in strong labor language.

Do you know what that means? It means that the center of our trade agreement now—the center of our trade policy—is workers. Workers are now at the center of our trade policy, not corporate interests that send jobs overseas, not pharmaceutical companies that make even more money when they go to China, not other kinds of corporations that outsource their jobs and have their whole business plans undermining workers.

Do you know what else that means? It is good news for places like Gallipolis and Zanesville and Mansfield and Lima and Chillicothe and Columbus and Dayton and all of these communities in my State. It is good news for them because, for the first time, they can look to our trade policy and see that workers are the center of that trade policy.

In years and years here, I have never voted for a trade agreement. I have always opposed NAFTA and CAFTA and PRT with China. Last week, in the Committee on Finance, because they included Brown-Wyden, because workers are now at the center of our trade policy, I cast my vote for a trade agreement that will matter, that will help workers in my State. It is a good move. It means not just that this trade agreement will be better; it means, in the future, that any President who wants to pass a trade agreement will have to do what we did this year over the resistance of President Trump. He will have to do what we did this year and put workers at the center of our trade policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, if I go back 2½ years, there was a lot of turmoil and a lot of conversation about the President of the United States' stepping into the issue of trade, specifically in North America, for it was a settled issue between Canada and Mexico. Yet we asked the question: Should we revisit NAFTA?

At that time, a lot of people said that the trade agreement was complicated and hard and that we shouldn't touch the trade agreement, that we should just leave it alone. With all of its warts and all of its faults, it is what it is. Don't touch it.

Instead, the President chose to step into the North American Free Trade Agreement and say: No. We are going to renegotiate this deal. It is 25 years old, and it needs a revisit. Against the many people who were pushing against him, he pushed through that and said: Let's start all over again.

In the past 2½ years, the Trump team has renegotiated the deal and brought it back to Congress, where it passed with overwhelming bipartisan support—finally—in the House. It sat on the House's desk for 14 months before those in the House took it up. Finally, after 14 months of their not taking it up, they passed it with overwhelming bipartisan support. It has now gone through the Committee on Finance here in the Senate with a vote of 25 to 3, and it is headed toward the floor of the Senate, to the President's desk, and finally to getting this issue resolved about North American free trade.

Now, with this issue between Canada and Mexico, I have had some folks ask me: Why is it such a big issue? It is a big issue because Canada and Mexico are our No. 1 and No. 2 trading partners in the world. Far and away, Canada and Mexico are our biggest trading partners. Our trade relationships are essential not just to every border State but to States like my State. In Oklahoma, Canada and Mexico are also our biggest trading partners. They are vital to our economic success and have been key to what has happened in NAFTA over the last 25 years.

Yet now, after all of the negotiations and all of the noise, we finally have a revised area in trade that has needed to be addressed with things like intellectual property, which is a new chapter in what is now called the USMCA or what people call NAFTA 2.0. This simple change is not so simple when trying to deal with intellectual property theft, whether it be a camcorder recording in a movie theater somewhere in Mexico, whether they sell pirated copies, which has been an issue, or whether it is just the ownership of patents and how things actually move from place to place. Can you confiscate property that is illegally produced at each border crossing, and how is that managed? That is addressed for the first time in this agreement—trying to protect American patent owners from not having their patents stolen once they leave and go to Canada or Mexico.

Twenty-five years ago, digital trade was not a major issue in NAFTA. Obviously, it is a very significant issue for

us now, and it is finally addressed in this agreement, as well as how we are going to handle digital services and digital trade.

There is something very important to my State, and that is agricultural trade and how agricultural goods are going to move. Now, the vast majority of this USMCA agreement lines up exactly with the NAFTA of the past, but there are some areas that were problems in the NAFTA of the past that had to be addressed, one of those being wheat, for instance.

When wheat moved from the United States into Canada, Canada downgraded that wheat to a lower grade so that our Oklahoma farmers would get less profit for that because they downgraded that wheat as it moved across the Canadian border. This agreement settles that issue. That was just Canadian protectionism. It wasn't that the wheat was of a lesser quality; it was just that they were trying to protect Canadian wheat instead of having an actual free market.

This is a free trade area. The tariffs and the fees go away across North America if we can have a level playing field. In areas in which we don't have a level playing field, like with Oklahoma wheat competing with Canada's wheat, we are taking that on. I feel confident that Oklahoma wheat is going to win that fight, and given this new trade agreement, we get the opportunity to win that.

There are lots of areas in the agreement that help us in agriculture. There are areas in digital trade and intellectual property, as well as in multiple other areas of manufacturing. That is why so many groups and so many individuals have looked at this and have gone back to the Trump administration, with some of my Democratic colleagues begrudgingly swallowing hard and saying: This is a good agreement for America in the future. This does help us keep jobs here. This helps us continue to have a level playing field for trade.

I congratulate the Trump administration for its 2½ long years of very hard work to get to this agreement. I am grateful that we are nearing an agreement with China, a phase No. 1 agreement. It is much needed because China has been a major problem in intellectual property theft and in its having an unfair trading platform. I am grateful the administration has also completed the first stage of a major, new trade agreement with Japan. Those are our four largest trading partners, and it is significant to our economy not just in the short term but in the long term that we continue to have stable free trade areas in as many places as we can.

I am confident in the American worker. When given the opportunity to compete, we win because of the quality of our work, the quantity of our work, and the creativity of the inventions we put out from this country. Let's keep doing that. Let's keep winning around the world in our trade agreements.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

TRIBUTE TO DOUG AND APRIL MOORE

Mr. SULLIVAN. Mr. President, it is the end of the week here, a Thursday at least, on the Senate floor, and it is that time of the week that I usually come down and talk about somebody who is making my State such a great place to live in, somebody who is doing great things for their community, somebody I refer to as a group or individuals as our Alaskan of the Week.

So this is kind of exciting. The pages usually see this as the most exciting speech of the week because they learn about Alaska.

This is our first Alaskan of the Week of the year. I am sure the Presiding Officer is even excited about that. It is actually the first one of the whole decade, so stand by.

Now, usually I give these speeches and talk a little bit and update about what is going on in Alaska.

I just spent a glorious holiday, New Year's, Christmas in Anchorage and Fairbanks over the last couple weeks.

We passed the winter solstice. That is the shortest day of the year. Now, it might not feel like that in Alaska, but actually the days are getting longer, getting more sunlight, but the cold has hit, winter has come.

In Anchorage, our largest city, my hometown, temperatures just last weekend when I was home were dropping into the 15-below-zero range. In the interior of Alaska—that is a little more north—it hit 65 below zero in Manley Hot Springs on December 27. That rivals the winter temperature on Mars. OK? It is cold.

I was in Fairbanks. That is part of the interior, beautiful Fairbanks, where it has been close to 40 below the last couple weeks. I went out and took a run. I am not sure I realized it was that cold. It was only about 20 below on my run. It was kind of cold, but it was still a nice run. We have a lot of folks who get out and enjoy the beautiful winter, beautiful temperatures.

I mentioned in the interior—the elementary school in Nenana recently posted that they were going to cancel school if it hit 55 below zero.

So these are tough people, especially having just witnessed Washington, DC, close the whole darn city because they had a half inch of snow, but I am digressing here.

We live in extremes in Alaska, but, for many of us, that is exactly why we live in Alaska. Toughing out these extreme temperatures together certainly makes us closer, brings communities together, makes people rely on each other. We are a huge State geographically, but a small, tight-knit State in terms of population, and we get through things like these tough winters, really cold winters, by gathering together in small and large places all across the State, places of warmth, particularly when it is cold outside.

So today I would like to recognize an Alaskan couple who has provided one of those places of warmth for the community of Talkeetna and the surrounding areas. Talkeetna is about 100 miles north of Anchorage. It is a must-visit stop when you come to Alaska. Why? Well, it is absolutely beautiful. It is the gateway to Denali National Park, and if you would like to take a flightseeing tour of Denali, it almost certainly is going to take off in Talkeetna.

So I encourage everybody who is watching here in the Gallery or on TV, you have to come to Alaska. You have to visit—winter, summer, fall, spring, it doesn't matter. You will have the best trip of a lifetime. Go to Talkeetna.

It is also a unique town in many ways—Alaska unique. It was the model for the TV show, many years ago, ''Northern Exposure.'' Its honorary member for 10 years was a cat named Stubbs. So you get the picture. It is a town filled with generous and warm people who love their State, their communities, their country.

Our Alaskans of the Week today are Doug and April Moore. They are the owners of an iconic store in Talkeetna, Moores' Hardware and Building Supply. It is a hardware store with a heart and a place for the community to gather, particularly in the winter, and it is a place that the Moores run to reflect the value of families and communities that they hold so dear.

So let me tell you a little bit about the Moores. Doug's parents and his brother moved from Anchorage to Talkeetna in 1981, when Doug was a preteen and his parents wanted to live in a smaller community, smaller than Anchorage, and they wanted to own their own business. So they chose a tool store housed in a Quonset hut. Like many small business owners all across Alaska, all across America, they got to work—hard work, long hours, but that is what they did.

The younger Moores worked at the store when they were growing up, but Doug chose to be a surveyor when he was in college, and eventually he ran into April, his wife, at a restaurant in Talkeetna. Because it is a small town, they knew each other. They had grown up just a quarter mile apart, but things clicked at that restaurant.

After they got married, Doug and April decided they wanted to run the family business, the hardware store, and they wanted it to stay in the family.

Fast forward to now. If you live in Talkeetna, and you want to build a house, you want to make repairs, you need a hammer, a nail, or just for a cup of coffee, their store is more than 10,000 square feet, with a staff of about 20, with more in the summer. The staff loves the place. They love the Moores because they are great people, great owners, dedicated owners.

Here is how one employee describes working for them:

You will never find anyone like them anywhere.

Another said:

They are amazing people, what they do to us personally—they take care of us. They make sure we are taken care of. If we have family issues, they understand and do everything they can to help.

Doug recently said:

We're a family-oriented business. The families of the people who work for us are very important. The kids of our employees have grown up in the business.

Both of their parents have been together for 50 years, and Doug and April have been together 25. These are really important milestones, really important examples.

As Doug said, ''We really believe that's one of the big problems with America right now—families not staying together. We live our values.''

The Moores are also heavily involved in the community. April was a Girl Scout leader and a PTA member. Doug was the president of the community council, a volunteer emergency medical technician, a volunteer firefighter. They help on Thanksgiving with the food bank, as well as the local gun club and firing range. They give where they can. They give back to the community. They are integrated in the community.

Last summer, a series of wildfires ravaged through Southcentral Alaska. The most destructive of these fires was the 3,700-acre McKinley fire. It destroyed 51 homes, 3 businesses, and 84 outbuildings. Thank God, nobody in Alaska was killed.

As one of the largest hardware stores servicing that region where that fire was, Moores' Hardware and Building Supply stepped up, donating time, equipment, and giving to people who needed help, people who needed to rebuild.

We often talk about how small businesses are the backbone of our country's economy, but here is the thing. They are also the backbone of our communities.

In small towns throughout America or throughout Alaska, businesses are not just places for people to go and shop for things. They can also be places where people get together, where people give to one another.

In fact, they are often the glue that holds communities together. This is what Moores' Hardware and Building Supply is. I have had the honor of going there, shopping there, seeing this great store and community in action.

Now, one of the Moores' sons, Justin, is in training to take over the store when Doug and April finally retire. It will then be an official third-generation small business in the great State of Alaska. What a great accomplishment that will be.

Justin is committed, just like Doug and April, to their employees and their communities. So I want to thank the Moores. In fact, I want to thank all small business owners across Alaska and across the country for your hard work.

Doug and April, thank you not just for that hard work but for all you are doing for the community of Talkeetna and the surrounding areas and for the great State of Alaska.

Congratulations on being our first Alaskan of the Week of 2020.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 3:32 p.m., recessed subject to the call of the Chair and reassembled at 5:28 p.m., when called to order by the Presiding Officer (Mr. SULLIVAN).

The PRESIDING OFFICER. The majority leader.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 541, 542 and 552.

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

The senior assistant legislative clerk read the nominations of Cynthia L. Attwood, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2025 (Reappointment); Amanda Wood Laihow, of Maine, to be a Member of Occupational Safety and Health Review Commission for the remainder of a term expiring April 27, 2023; and Crosby Kemper III, of Missouri, to be Director of the Institute of Museum and Library Services for a term of four years, en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements related to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the nominations of Attwood, Laihow, and Kemper, en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate 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.

TRIBUTE TO CARTER HENDRICKS

Mr. MCCONNELL. Mr. President, as my good friend Carter Hendricks prepares to end his service as the mayor of Hopkinsville, he certainly has a lot to show for his years of leadership in Southwestern Kentucky. He has helped the region take full advantage of its great potential, and I know I join his friends and constituents in expressing our gratitude. Today, I would like to honor this remarkable Kentuckian and wish him well as he embarks on his next chapter.

When he was first elected in 2014, Carter made headlines for becoming the second youngest mayor in Hopkinsville's two centuries of history. The local newspaper, the highly regarded Kentucky New Era, also reported that Carter was only the city's second Republican mayor. He quickly mobilized the city's administration with a bold strategy to make Hopkinsville an attractive destination for economic development. His flagship initiative, called ''Hoptown WINS,'' was a nearly $15 million capital campaign involving downtown improvements, as well as new parks, a sports complex, and a visitors center. These state-of-the-art amenities are meant to help draw investment and good jobs into Hopkinsville and the surrounding areas. Now halfway through his second term, Carter and his constituents are beginning to see the positive results of his leadership. His vision of Hopkinsville's bright future is helping to create the conditions for growth and prosperity.

Carter had been encouraging economic growth in the region long before he first stepped foot into the mayor's office. For nearly a decade, Carter worked in senior positions at the Christian County Chamber of Commerce, including 4 years as its president and CEO. With local leaders and the business community, he helped develop creative solutions to the county's challenges.

I have had the great privilege to work with Carter in both of these capacities. When I heard the area's lack of access to a Federal interstate was obstructing business investment, Carter and I teamed up to find a solution. In 2017, Senator RAND PAUL and I secured the designation of a nearby section of the Edward T. Breathitt Pennyrile Parkway as Interstate 169. When President Trump signed our provision into law, he helped connect Christian County to the Federal interstate system and bolstered Carter's efforts to encourage growth in the area.

We also partnered to support the brave men and women stationed at Fort Campbell in Christian County. The installation is part of Kentucky's critical role in our national defense structure, and the local community takes seriously its responsibility to support Fort Campbell's mission and the servicemembers stationed there. During his time with the chamber, Carter led the business community's efforts to be strong and supportive neighbors. Together, we wanted to welcome

all members of the military and their families to Kentucky, make them feel at home, and help them prosper in this community.

Carter said he didn't take the decision to leave the mayor's office lightly. When the chance to lead the South Western Kentucky Economic Development Council became available, however, he leapt at the opportunity. Formed in 2012, the organization represents Christian, Todd, and Trigg Counties and engages with job creators looking for their new home. Carter admits the job will present new challenges, but I am confident he will bring the same knowledge, determination, and high energy that has led to so much success.

Although the city will certainly miss Carter's daily leadership, he said, ''I'm not leaving the team—if anything I'm just in a slightly different position.'' At the economic development council, Carter will continue supporting the city's efforts and continue working toward the same goal. He is certainly lucky to have a proud cheering section in his wife Faye and their two children. I would like to thank Carter for his constant dedication to creating opportunities for families in West Kentucky and to congratulate him on his great achievements. I hope my Senate colleagues will join me in commending this talented Kentuckian for his leadership and service and in extending our best wishes as he steps into a new role.

Mr. President, the Kentucky New Era in Hopkinsville recently published a profile of Carter's distinguished service. I ask unanimous consent that the article be printed in the RECORD.

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

[From the Kentucky New Era, Jan. 7, 2020]

HENDRICKS SHARES WHY HE PURSUED POSITION WITH EDC

(By Zirconia Alleyne)

Hopkinsville Mayor Carter Hendricks announced Monday afternoon that he will resign in order to accept the executive director position with the South Western Kentucky Economic Development Council.

His official resignation letter and date were not released as of press time Monday.

Hendricks, who is in his second term as mayor, called a meeting with city staff at the same time the SWKEDC met across town Monday to determine he was the best candidate for the role left vacant in November when Mark Lindsey resigned.

The Kentucky New Era broke the news shortly after the EDC came out of closed session.

Hendricks had just wrapped his meeting with staff telling them he was a candidate and would accept the position if offered. He said he didn't know going into the meeting knowing that he was selected, although there had been chatter on social media throughout the weekend.

''I went out on a limb by having that meeting, knowing that I could have had egg on my face if it didn't go the way I was praying for it to go,'' he said. ''But, that's the risk you take sometimes.''

Why he applied?

Hendricks, who served as the executive director of the Christian County Chamber of Commerce from 2010 to 2013, said he has always been interested in economic development and thought about pursuing the position with the regional EDC in 2017 when Lindsey was ultimately named the director.

''There's been a couple other times I was interested in that position, but the timing never felt right,'' Hendricks said. ''The reason I was willing to step forward now and show interest is because I have a passion for it, I believe I have a skillset for it and I know I have experience in it. It was inevitable that I would be looking for something different in the next two to two and a half years, and I cannot afford to wait until the next opportunity arises.''

Hendricks said he expected Lindsey to be in the position for five to seven years like national trends show, and he hoped to apply once his second term in office was done.

However, when the opportunity arose again in November, Hendricks said he expressed interest. He went on to say he had no contact with the EDC board members after his interview in December, except the board chair to ask about the hiring process.

The South Western Kentucky Economic Development Council was formed in 2012 through a merger of the Todd County Industrial Foundation with the Christian County Economic Development Council, according to New Era archives. In May 2014, the Cadiz-Trigg County Economic Development Commission joined forces with the two.

The executive director works to recruit businesses and industry to the tri-county region. Hendricks said the new job will be a challenge, but he's up for it.

''A lot of my dad's family is from Trigg County . . . and I've got great working relationships with the mayors and judge executives, and I've worked hard to maintain those relationships,'' Hendricks said. ''I'm still going to have to learn more about Todd County and Trigg County, but I'm eager to do that.''

STEPS TO APPOINTING A NEW MAYOR

According to KRS 83A.040, Hendricks must submit a formal resignation letter with his final date before the process to appoint an interim mayor can begin.

The statute explains that his resignation shall be effective at the next regular or special meeting of city council after the date specified in his letter of resignation. City council will then have 30 days to fill the vacancy with an interim mayor.

The statute goes on to explain that the interim mayor can serve until the next succeeding annual election, at which time the vacancy will be filled by election for the remainder of the term. The next general election is in November.

The mayor's assistant, Idalia Luna, is leaving at the end of January for her new role with the city as executive director of the Human Rights Commission. The mayor said he didn't look for her replacement because the next mayor should choose the person for that role.

''I intentionally didn't fill that role until I knew how this would turn out,'' Hendricks said.

Of the empty mayor's office that will be left, Hendricks said the staff is equipped to keep the city afloat. ''People like to believe that the mayor is the one running the city, but if you're doing your job correctly, the credit is to these city employees,'' he said.

''I care a lot about this team,'' he continued. ''I spent five years with them and had a heart attack with them—and I don't say that lightly. This team rallied around me and they showed up—they showed up in the hospital, they sent cards and notes. They'll be my family no matter what role I'm in as long as I'm in this community. They're good people.''

HENDRICKS' TIME IN OFFICE

Hendricks was elected for his first term as mayor of Hopkinsville in November 2014. According to New Era archives, Hendricks became only the second Republican mayor in the city's history. Herb Hays was the first when he was elected in 1985 and died in office in 1987.

Hendricks said he wouldn't trade his time as mayor for anything, but he acknowledged that it was a tough job.

When asked about the stress of being mayor, Hendricks said he believes a variety of things contributed to his heart attack on Christmas Eve 2016.

''When I first had the health scare, I was running on the greenway, so it's not that I wasn't a healthy person,'' he said. ''. . . More than anything it was genetic. My dad passed away at 64 from heart disease and had his first heart attack at 46.

''Sure, I have to believe that some of the pressure and stress of this job contributed to (my heart attack),'' he recalled. ''At the time, we were really working on the WINS initiative to get it approved, and I'm a pretty Type A personality when I believe in something . . . those types of characteristics combined with genetics and too many Dr. Peppers contributed to a heart attack when I was 43.''

Hendricks' Hoptown WINS initiative, an acronym for Wellness, Infrastructure and Neighborhood, was a major part of his first term. The $14.8 million in capital projects came to fruition through a tax increase voted on by city council. The result? The construction of the Planters Bank-Jennie Stuart Health Sportsplex, a series of downtown improvements, extensions to the Hopkinsville Rail Trail greenway system, two neighborhood parks, the completion of the visitor's center on East Ninth Street and more sidewalks around town.

''Everything we did in the Hoptown WINS initiative had economic development in mind,'' he said. ''If you look at what economic developers and site planners will tell you, there's about five things that are the most important criteria for communities to be successful. One of those is quality of place—walkability, performing arts facilities like the Alhambra theatre, youth activities . . . those types of things matter.

''You have to be a desirable community for industries to want to invest in you,'' he continued. ''Those are the types of projects that industries and workers are looking for, so nearly everything we've done has been to try to position our self to take better advantage of economic development opportunities.''

Hendricks said he had the support of his wife, Faye, and their two children, Chase and Lily, when he pursued the position. He also said he prayed.

''I know that sounds cliché, but as a result of prayer and speaking with the family, I decided to pursue this opportunity knowing that it wasn't an ideal time,'' he said. ''There isn't an ideal timeline when you're serving in an elected position and thinking about what you're going to do next.''

Hendricks said he has no plans to leave his hometown anytime soon and he doesn't plan to run for any other elected positions. For now, Hendricks said he hopes to make positive change in the community through his new role at the EDC.

''What I hope people will see after it's all said and done is . . . I'm not leaving the team—if anything I'm just in a slightly different position of the team,'' he said. ''If you think I've been the quarterback, I'm now the wide receiver, and my job as this wide receiver is to go deep and score touchdowns and recruit business and industries that will help this community grow and provide more opportunities for families.''

MONROE COUNTY BICENTENNIAL

Mr. MCCONNELL. Mr. President, at the beginning of a new year, most of us look ahead with plans, expectations, and resolutions. The residents of Monroe County in the Pennyroyal region of South Central Kentucky, however, are spending the first days of the new year looking back on their unique history. They are looking two centuries back, in fact, to the county's founding in 1820. I would like to join with these Kentuckians in kicking off a year of bicentennial celebrations of the county's blessings and its rich heritage.

At its founding, local leaders looked to Presidential leadership when selecting the name for the county and its seat. President James Monroe was honored with the county's name while his Vice President, Daniel Tompkins, was the inspiration for the county seat's name, Tompkinsville.

Early Monroe County residents took advantage of the area's fertile soil and its close proximity to the Cumberland and Barren Rivers. In this beautiful setting, they began developing deep agricultural roots with livestock and staple crops like tobacco and hemp.

Like many Kentucky counties, Monroe's early economic development was stunted during the Civil War. Many local residents joined the war effort, and support for the Union led to the establishment of Camp Anderson and the raising of the 9th Kentucky Infantry. Unfortunately, Monroe County's location on the Kentucky-Tennessee border also caused multiple invasions by both Union and Confederate forces throughout the war. During one of these raids, a Confederate unit captured Tompkinsville and burned much of the town, including the courthouse, causing lasting devastation.

Although the local economy was slow to rebound immediately after the war, the new century helped Monroe County get back on track. Since that time, families in the region have continued developing their rural traditions while making important investments into new local industries. A little over a decade ago, I was proud to partner with local officials in Monroe County to deliver Federal funding for a new water treatment facility, along with other upgrades. Together, we are helping to encourage new opportunities for economic growth and good jobs for Kentucky families.

In addition, I greatly enjoy working with a proud son of Tompkinsville, Congressman JAMES COMER, who is a strong champion for his hometown and all of the First District of Kentucky here in Washington.

The yearlong bicentennial celebration will feature a wide range of Monroe County's history, as well as some of its local specialties. From its famous barbecue to a Gospel music event, the festivities will showcase the many talents of Monroe County families. They will also pay tribute to local veterans, honoring the county's long and distinguished record of contributing to our Nation's defense.

In celebrating their wonderful history, these Kentuckians are also preparing to take advantage of their great potential ahead. With the principled leadership of Congressman COMER, State Representative Bart Rowland, County Judge/Executive Mitchell Page, and many other local officials, Monroe County is well-positioned for a bright future. It has been a privilege to help kick-off this bicentennial celebration, and I ask my Senate colleagues to join me in congratulating all the residents of Monroe County on this milestone. Together, we look forward to many more prosperous years to come.

ARMS SALES NOTIFICATION

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

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

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

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(I) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20–06 concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Singapore for defense articles and services estimated to cost $2.750 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 20–06

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

(i) Prospective Purchaser: Government of Singapore.

(ii) Total Estimated Value:

Major Defense Equipment* $1.625 billion.

Other $1.125 billion.

Total $2.750 billion.

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

Major Defense Equipment (MDE):

Up to twelve (12) F–35B Short Take-Off and Vertical Landing (STOVL) Aircraft (Four (4) F–35B STOVL Aircraft with the option to purchase an additional Eight (8) F–35B STOVL Aircraft).

Up to thirteen (13) Pratt and Whitney F135 Engines (includes 1 initial spare).

Non-MDE: Also included are Electronic Warfare Systems; Command, Control, Communication, Computers and Intelligence/Communication, Navigation and Identification (C4I/CNI) system; Autonomic Logistics Global Support System (ALGS); Autonomic Logistics Information System (ALIS); F–35 Training System; Weapons Employment Capability and other Subsystems, Features and Capabilities; F–35 unique infrared flares; reprogramming center access and F–35 Performance Based Logistics; software development/integration; aircraft transport from Ft. Worth, TX to the CONUS initial training base and tanker support (if necessary); spare and repair parts; support equipment, tools and test equipment; technical data and publications; personnel training and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics support.

(iv) Military Department: Air Force (SN–D–SAE).

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

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

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

(viii) Date Report Delivered to Congress: January 9, 2020.

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

POLICY JUSTIFICATION

Singapore—F–35B Short Take-Off and Vertical Landing (STOVL)

The Government of Singapore has requested to buy up to twelve (12) F–35B Short Take-Off and Vertical Landing (STOVL) aircraft (four (4) F–35B STOVL aircraft with the option to purchase an additional eight (8) F–35B STOVL aircraft); and up to thirteen (13) Pratt and Whitney F135 Engines (includes 1 initial spare). Also included are Electronic Warfare Systems; Command, Control, Communication, Computers and Intelligence/Communication, Navigation and Identification (C4I/CNI) system; Autonomic Logistics Global Support System (ALGS); Autonomic Logistics Information System (ALIS); F–35 Training System; Weapons Employment Capability and other Subsystems, Features and Capabilities; F–35 unique infrared flares; reprogramming center access and F–35 Performance Based Logistics; software development/integration; aircraft transport from Ft. Worth, TX to the CONUS initial training base and tanker support (if necessary); spare and repair parts; support equipment, tools and test equipment; technical data and publications; personnel training and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics support. The total estimated cost is $2.750 billion.

This proposed sale will support the foreign policy and national security objectives of the United States. Singapore is a strategic friend and Major Security Cooperation Partner and an important force for political stability and economic progress in the Asia Pacific region.

This proposed sale of F–35s will augment Singapore's operational aircraft inventory and enhance its air-to-air and air-to-ground self-defense capability, adding to an effective deterrence to defend its borders and contribute to coalition operations with other allied and partner forces. Singapore will have no difficulty absorbing these aircraft into its armed forces.

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

The prime contractors will be Lockheed Martin Aeronautics Company, Fort Worth, Texas, and Pratt and Whitney Military Engines, East Hartford, Connecticut. There are no known offset agreements proposed in connection with this potential sale.

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

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

TRANSMITTAL NO. 20–06

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

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The F–35B Short Take-Off and Vertical Landing (STOVL) aircraft is a single-seat, single-engine, all-weather, stealth, fifth-generation, multirole aircraft. It contains sensitive technology including the low observable airframe/outer mold line, the Pratt and Whitney F135 engine, AN/APG–81 radar, an integrated core processor central computer, mission systems/electronic warfare suite, a multiple sensor suite, technical data/documentation, and associated software. Sensitive elements of the F–35B are also included in operational flight and maintenance trainers.

a. The Pratt and Whitney F135 engine is a single 40,000-lb thrust class engine designed for the F–35 and assures highly reliable, affordable performance. The engine is designed to be utilized in all F–35 variants, providing unmatched commonality and supportability throughout the worldwide base of F–35 users. The Short Takeoff and Vertical Landing (STOVL) propulsion configuration consists of the main engine, diverter-less supersonic inlet, a three (3) Bearing Swivel Module, Roll Posts and Duct Assembly System, and Lift Fan.

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

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

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

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

f. The Command, Control, Communications, Computers and Intelligence/Communications, Navigation, and Identification (C4I/CNI) system provides the pilot with unmatched connectivity to flight members, coalition forces, and the battlefield. It is an integrated subsystem designed to provide a broad spectrum of secure, anti-jam voice and data communications, precision radio navigation and landing capability, self-identification, beyond visual range target identification, and connectivity to off-board sources of information. It also includes an inertial navigation and global positioning system (GPS) for precise location information. The functionality is tightly integrated within the mission system to enhance efficiency.

g. The aircraft C4I/CNI system includes two data links, the Multi-Function Advanced Data Link (MADL) and Link 16. The MADL is designed specifically for the F–35 and allows for stealthy communications between F–35s. Link 16 data link equipment allows the F–35 to communicate with legacy aircraft using widely distributed J-series message protocols.

h. The F–35 Autonomic Logistics Global Sustainment (ALGS) provides a fully integrated logistics management solution. ALGS integrates a number of functional areas including supply chain management, repair, support equipment, engine support, and training. The ALGS infrastructure employs a state-of-the-art information system that provides real-time, decision-worthy information for sustainment decisions by flight line personnel. Prognostic health monitoring technology is integrated with the air system and is crucial to predictive maintenance of vital components.

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

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

k. Other subsystems, features, and capabilities include the F–35's low observable airframe, Integrated Cure Processor (ICP) Central Computer, Helmet Mounted Display System (HMDS), Pilot Life Support System, Off-Board Mission Support (OMS) System, and publications/maintenance manuals. The HMDS provides a fully sunlight readable, biocular display presentation of aircraft information projected onto the pilot's helmet visor. The use of a night vision camera integrated into the helmet eliminates the need for separate Night Vision Goggles (NVG). The Pilot Life Support System provides a measure of Pilot Chemical, Biological, and Radiological Protection through use of an On-Board Oxygen Generating System (OBOGS); and an escape system that provides additional protection to the pilot. OBOGS takes the Power and Thermal Management System (PTMS) air and enriches it by removing gases (mainly nitrogen) by adsorption, thereby increasing the concentration of oxygen in the product gas and supplying breathable air to the pilot. The OMS provides a mission planning, mission briefing, and a maintenance/intelligence/tactical debriefing platform for the F–35.

2. The Reprogramming Center is located in the U.S. and provides F–35 customers a means to update F–35 electronic warfare databases.

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

4. A determination has been made that Singapore can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits to be derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

5. All defense articles and services listed on this transmittal have been authorized for release and export to the Government of Singapore.

TRIBUTE TO BRIDGETT FREY

Mr. VAN HOLLEN. Mr. President, I rise to recognize an outstanding member of my staff who is moving on to pursue other opportunities, my longtime communications director, Bridgett Frey.

Bridgett joined my office at the start of 2009, when President Barack Obama was first inaugurated and I was serving in the House of Representatives. Things were so busy then that her interview took place in a hallway in the Capitol. She may have recognized that as a sign of things to come, but I am grateful she took the job anyway.

Through the decade that has followed, Bridgett has been a dedicated staffer and trusted adviser. Regardless of the issue of the day—from local issues like Federal grant funding and helping struggling auto dealers, to national issues like healthcare reform and economic policy, to international issues like Russian election interference and North Korean sanctions—she helped ensure that my office communicates clearly and effectively about our work in Congress. She has worked tirelessly to inform the public about the policy changes we have achieved and those we still hope to accomplish.

Whenever I took on a new challenge, Bridgett was there to help. She led communications in my personal office, as well as working with Speaker

PELOSI's team to help freshman communications directors learn the ropes of Capitol Hill when I was assistant to the Speaker. She then took on a new challenge and dual role when I became ranking member of the House Budget Committee. From budget battles to the not-so-Super Committee, she was always up to the task. She took a leave of absence to help in my 2016 campaign for the Senate and then moved across the Capitol to run the communications operation in my Senate office. She has approached all of it with intelligence, sharp instincts, sound judgment, and a sense of humor.

Bridgett has built a reputation for being hard-charging and forthright, and reporters respect her responsiveness and honesty. She has coordinated closely with all aspects of my team, helping to drive both policy work and State outreach efforts, as well as with countless offices in both the House and the Senate. She has always provided me with honest and thoughtful advice and counsel. She has an uncanny instinct for getting to the heart of any issue.

As Bridgett seeks new challenges outside our office, I know she will continue to grow in her professional career. It stems from a love of politics that she got from her father and an ethos of hard work from her mother. I deeply appreciate her many years of dedicated service to the people of Maryland and the Congress. Our entire team will miss her, but we all extend our warmest wishes as she takes on new adventures.

ADDITIONAL STATEMENTS

TRIBUTE TO TIM MCALLISTER

● Mr. DAINES. Mr. President, this week I have the honor of recognizing Tim McAllister, a 96-year-old veteran who served in World War II. Tim is currently the oldest veteran living in Judith Basin County.

Tim is a humble man who speaks quietly about his military service. In fact, he spends more time reflecting on the service of his two brothers, both of whom were soldiers in the D-Day invasion at Normandy. Tim's military service took him to the South Pacific, where he was engaged in the liberation of the Philippines with the American Division in the region of Cebu City.

Tim's impact on the community is pronounced. This past November, Tim wasn't able to attend the Veterans Day celebration at the local elementary school, and his presence was missed. Because of his absence, students in first and second grade at the school made a massive card to thank him for his service and delivered it to his home. This small act of kindness was very meaningful to Tim.

Tim's roots in Montana run strong and deep. His father rode the range with the legendary Charlie M. Russell. Tim carried on those western values from his father and developed a love for ranching and horses. Tim truly understands and loves the Montana way of life.

I am proud of Tim for his service to our country and his tremendous impact on his community. I am confident his legacy of service will live on for generations to come, and I am honored to recognize him today.●

TRIBUTE TO CALVIN BAKER

● Ms. MCSALLY. Mr. President, in April of 1981, President George H.W. Bush said ''think about every problem, every challenge, we face. The solution to each starts with education.'' These words were true then, and they are just as true today. Education is the bedrock of our society, and it allows our country to advance.

It is difficult to think of someone who exemplifies President Bush's words more than Vail School District Superintendent Calvin Baker. I have been privileged to get to know Cal and his wife Nancy over the last many years. I also live in Vail School District—VSD—so I have seen the impact he has made in our community firsthand.

Cal moved back to Arizona in 1987 to become the principal of the only school in the Vail School District, serving 500 students. He was appointed as the superintendent of the district in 1988 and has been at the helm ever since. During his nearly 33 years of service to students and families in our community, Cal led the growth to now 22 schools serving over 14,000 students. The growth was not by accident. Families want to move to VSD so their kids can experience the world-class educational experience thanks to Cal's extraordinary leadership and success.

As with any organization, leadership matters, and for effective leadership, character matters. Calvin Baker sets the example of integrity, selfless service, and humility for all to follow. He is truly a good man.

In his tenure, Cal built an impressive team of educators and support staff and created a culture of innovation, parent involvement, and dedication to students. Cal's vision for success was based on the principle that education is a community effort. He has been the glue that kept our growing and diverse community together united with a common goal of educational excellence. In a recent letter Cal sent to parents in his district, he said, ''I encourage each of you to invest deeply in your child's education and our local schools. It is that investment that is the 'secret sauce' of Vail's success.''

Calvin Baker is a trailblazer on innovation in education for so many other districts in the State and country to follow. Empire High School was the first school in the United States to eliminate textbooks in favor of computers. He pioneered the Beyond Textbooks program that combines Vail's successful instructional methodology with an online delivery system. Cal didn't just want Vail students to benefit from this effective approach. Now, 115 school districts across Arizona and six other States use this program, some of which have become top performing districts in their States.

Baker's creative and visionary leadership didn't stop there. When enrollment in the district surpassed capacity, he developed a year-round track system to ensure educational standards were high while new infrastructure was planned and built. Under his leadership, Vail schools are consistently labeled as ''A+'' by the Arizona Department of Education.

Calvin Baker's legacy is immense and immeasurable. It will continue on with the thousands of children in a generation who received an amazing education in Vail School District under his leadership, propelling them on a path of opportunity for their futures. Cal is the longest serving superintendent of any school district in Arizona and has left an indelible mark on education for Arizona and the country. Appropriately, Pima County passed a resolution naming December 20 as Calvin Baker Appreciation Day, an honor in which Cal is more than deserving.

Last year, Cal confronted another challenge when he was diagnosed with multiple myeloma. His example of faith, grit, and courage as he faced the diagnosis and treatment continues to be an inspiration to us all.

I want to personally thank Cal for his service and wish him, Nancy, and their whole family all the best in his much-deserved retirement.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2881. An act to require the President to develop a strategy to ensure the security of next generation mobile telecommunications systems and infrastructure in the United States and to assist allies and strategic partners in maximizing the security of next generation mobile telecommunications systems, infrastructure, and software, and for other purposes.

H.R. 3763. An act to direct the Federal Government to provide assistance and technical expertise to enhance the representation and leadership of the United States at international standards-setting bodies that set standards for equipment, systems, software, and virtually-defined networks that support 5th and future generations mobile telecommunications systems and infrastructure, and for other purposes.

H.R. 4500. An act to direct the Assistant Secretary for Communications and Information to take certain actions to enhance the representation of the United States and promote United States leadership in communications standards-setting bodies, and for other purposes.

H.R. 5065. An act to amend the Small Business Act to provide re-entry entrepreneurship counseling and training services for formerly incarcerated individuals, and for other purposes.

H.R. 5130. An act to amend the Small Business Act to adjust the employment size standard requirements for determining whether a manufacturing concern is a small business concern, and for other purposes.

H.R. 5146. An act to amend the Small Business Act to require contracting officers to take a small business concern's past performance as part of a joint venture into account when evaluating the small business concern, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3763. An act to direct the Federal Government to provide assistance and technical expertise to enhance the representation and leadership of the United States at international standards-setting bodies that set standards for equipment, systems, software, and virtually-defined networks that support 5th and future generations mobile telecommunications systems and infrastructure, and for other purposes; to the Committee on Foreign Relations.

H.R. 4500. An act to direct the Assistant Secretary for Communications and Information to take certain actions to enhance the representation of the United States and promote United States leadership in communications standards-setting bodies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5065. An act to amend the Small Business Act to provide re-entry entrepreneurship counseling and training services for formerly incarcerated individuals, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 5130. An act to amend the Small Business Act to adjust the employment size standard requirements for determining whether a manufacturing concern is a small business concern, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 5146. An act to amend the Small Business Act to require contracting officers to take a small business concern's past performance as part of a joint venture into account when evaluating the small business concern, and for other purposes; to the Committee on Small Business and Entrepreneurship.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2881. An act to require the President to develop a strategy to ensure the security of next generation mobile telecommunications systems and infrastructure in the United States and to assist allies and strategic partners in maximizing the security of next generation mobile telecommunications systems, infrastructure, and software, and for other purposes.

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–3700. A communication from the Deputy Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Forfeiture Proceedings'' (DA 19–1325) received in the Office of the President of the Senate on January 8, 2020; to the Committee on Commerce, Science, and Transportation.

EC–3701. A communication from the Chair of the Aerospace Safety Advisory Panel, National Aeronautics and Space Administration, transmitting, pursuant to law, the Panel's annual report for 2019; to the Committee on Commerce, Science, and Transportation.

EC–3702. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Elemental Mercury Management and Storage Fees'' ((RIN1903–AA11) (10 CFR Part 955)) received in the Office of the President of the Senate on January 8, 2020; to the Committee on Energy and Natural Resources.

EC–3703. A communication from the Assistant General Counsel for Legislation, Office of the General Counsel, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Inflation Adjustment of Civil Monetary Penalties'' (10 CFR Parts 207, 218, 429, 431, 490, 501, 601, 820, 824, 851, 1013, 1017, and 1050) received in the Office of the President of the Senate on January 8, 2020; to the Committee on Energy and Natural Resources.

EC–3704. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for General Service Incandescent Lamps'' ((RIN1904–AE76) (10 CFR Part 430)) received in the Office of the President of the Senate on January 8, 2020; to the Committee on Energy and Natural Resources.

EC–3705. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Education Agency Financial Report for fiscal year 2019; to the Committee on Homeland Security and Governmental Affairs.

EC–3706. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23–184, ''Alcoholic Beverage Enforcement Amendment Act of 2019''; to the Committee on Homeland Security and Governmental Affairs.

EC–3707. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23–185, ''Alcoholic Beverage Control Board License Categories, Endorsements, and Hourly and Percentage Rate Amendment Act of 2019''; to the Committee on Homeland Security and Governmental Affairs.

EC–3708. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23–186, ''Alcoholic Beverage Procedural and Technical Amendment Act of 2019''; to the Committee on Homeland Security and Governmental Affairs.

EC–3709. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23–187, ''Charter School Property Tax Clarification Amendment Act of 2019''; to the Committee on Homeland Security and Governmental Affairs.

EC–3710. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23–188, ''Manufacturer and Pub Permit Parity Amendment Act of 2019''; to the Committee on Homeland Security and Governmental Affairs.

EC–3711. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23–189, ''Medical Marijuana Plant Count Elimination Temporary Amendment Act of 2019''; to the Committee on Homeland Security and Governmental Affairs.

EC–3712. A communication from the Census Bureau Federal Register Liaison Officer, Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Suspension of the Population Estimates Challenge Program'' (RIN0607–AA57) received in the Office of the President of the Senate on January 8, 2020; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–174. A petition from a citizen of the State of Texas relative to a constitutional amendment; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany S. 876, a bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to establish a program to prepare veterans for careers in the energy industry, including the solar, wind, cybersecurity, and other low-carbon emissions sectors or zero-emissions sectors of the energy industry, and for other purposes (Rept. No. 116–201).

Report to accompany S. 2668, a bill to establish a program for research, development, and demonstration of solar energy technologies, and for other purposes (Rept. No. 116–202).

Report to accompany S. 2368, a bill to amend the Atomic Energy Act of 1954 and the Energy Policy Act of 2005 to support licensing and relicensing of certain nuclear facilities and nuclear energy research, demonstration, and development, and for other purposes (Rept. No. 116–203).

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. MERKLEY (for himself, Ms. MURKOWSKI, Mr. BOOKER, and Ms. DUCKWORTH):

S. 3170. A bill to amend the Fair Labor Standards Act of 1938 to expand access to breastfeeding accommodations in the workplace, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE (for himself, Mr. CASSIDY, and Mr. CARPER):

S. 3171. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MANCHIN (for himself, Mr. JONES, Mr. KAINE, Mr. BROWN, Mr. WARNER, and Mr. CASEY):

S. 3172. A bill to amend the Internal Revenue Code of 1986 to ensure the solvency of the Black Lung Disability Trust Fund by extending the excise tax on coal; to the Committee on Finance.

By Mr. LEE (for himself, Mr. CRAMER, Mr. SCOTT of Florida, Mrs. HYDE-SMITH, Mrs. BLACKBURN, Mr. INHOFE, Ms. ERNST, Mr. TILLIS, Mr. DAINES, Mr. SASSE, Mr. PERDUE, Mr. COTTON, Mr. WICKER, Mr. RUBIO, Mr. SCOTT of South Carolina, Mr. ROBERTS, and Mr. MORAN):

S. 3173. A bill to amend the Internal Revenue Code of 1986 to provide that amounts paid for an abortion are not taken into account for purposes of the deduction for medical expenses; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. MARKEY, Mr. DURBIN, Mr. REED, Mr. CARDIN, and Ms. HARRIS):

S. 3174. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale and marketing of tobacco products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CORTEZ MASTO:

S. 3175. A bill to amend SAFETEA–LU to improve the Intelligent Transportation System Program Advisory Committee, to require information and resources for the development of local smart communities, to help establish a 21st century transportation workforce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RUBIO (for himself and Mr. COONS):

S. 3176. A bill to amend the Foreign Assistance Act of 1961 and the United States-Israel Strategic Partnership Act of 2014 to make improvements to certain defense and security assistance provisions and to authorize the appropriations of funds to Israel, and for other purposes; to the Committee on Foreign Relations.

By Mr. TESTER (for himself and Mr. LANKFORD):

S. 3177. A bill to provide the Inspector General of the Department of Veterans Affairs testimonial subpoena authority, and for other purposes; to the Committee on Veterans' Affairs.

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

S. 3178. A bill to amend the Internal Revenue Code of 1986 to modify the limitation on deduction of State and local taxes, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself and Mrs. CAPITO):

S. 3179. A bill to establish a grant program for family community organizations that provide support for individuals struggling with substance use disorder and their families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KING:

S. 3180. A bill to amend the Federal Food, Drug, and Cosmetic Act to restrict direct-to-consumer drug advertising; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mr. SCHATZ, Ms. HIRONO, and Mr. SULLIVAN):

S. 3181. A bill to amend the Internal Revenue Code of 1986 to expand the new markets tax credit to assist Native American communities, and for other purposes; to the Committee on Finance.

By Mr. BOOZMAN (for himself, Mr. PERDUE, and Mr. LEAHY):

S.J. Res. 65. A joint resolution providing for the reappointment of John Fahey as a citizen regent of the Board of Regents of the Smithsonian Institution; considered and passed.

By Mr. BOOZMAN (for himself, Mr. PERDUE, and Mr. LEAHY):

S.J. Res. 66. A joint resolution providing for the appointment of Denise O'Leary as a citizen regent of the Board of Regents of the Smithsonian Institution; considered and passed.

By Mr. MCCONNELL (for Mr. PERDUE (for himself, Mr. BOOZMAN, and Mr. LEAHY)):

S.J. Res. 67. A joint resolution providing for the reappointment of Risa Lavizzo-Mourey as a citizen regent of the Board of Regents of the Smithsonian Institution; considered and passed.

By Mr. KAINE (for himself, Mr. DURBIN, Mr. LEE, and Mr. PAUL):

S.J. Res. 68. A joint resolution to direct the removal of United States Armed Forces from hostilities against the Islamic Republic of Iran that have not been authorized by Congress; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CRUZ (for himself, Mr. COTTON, Ms. MCSALLY, Ms. MURKOWSKI, Mr. CRAMER, Mr. GRAHAM, Mr. BARRASSO, Mr. RUBIO, Mr. CORNYN, Mrs. HYDE-SMITH, Mr. BLUNT, Mr. TOOMEY, Mr. WICKER, Ms. ERNST, Mr. HOEVEN, Mr. TILLIS, Mrs. CAPITO, Mr. SCOTT of Florida, Mr. DAINES, Mr. BRAUN, Mr. HAWLEY, Mr. KENNEDY, Mrs. LOEFFLER, Mr. PERDUE, Mrs. BLACKBURN, Mr. SASSE, Mr. SULLIVAN, Mrs. FISCHER, Mr. ROBERTS, Mr. INHOFE, Mr. GRASSLEY, Mr. BOOZMAN, Mr. PORTMAN, Mr. RISCH, Mr. JOHNSON, Mr. ROUNDS, Mr. LANKFORD, Mr. CASSIDY, Mr. ENZI, Mr. SCOTT of South Carolina, Mr. SHELBY, Mr. CRAPO, Mr. GARDNER, and Mr. MCCONNELL):

S. Res. 466. A resolution honoring the members of the Armed Forces and the intelligence community of the United States who carried out the mission that killed Qasem Soleimani, and for other purposes; to the Committee on Foreign Relations.

By Mr. GRAHAM (for himself, Mr. MCCONNELL, Mr. GRASSLEY, Mrs. BLACKBURN, Mrs. CAPITO, Mr. CRAMER, Mr. CORNYN, Mr. PERDUE, Mr. PORTMAN, Mr. SHELBY, Mr. BRAUN, Mrs. LOEFFLER, Mr. SCOTT of Florida, Mrs. HYDE-SMITH, Mr. DAINES, Mr. RUBIO, Mr. INHOFE, Mr. CRUZ, Ms. ERNST, Mr. TILLIS, Mr. BOOZMAN, Mr. LANKFORD, Mr. SCOTT of South Carolina, Mrs. FISCHER, Mr. SASSE, and Mr. HOEVEN):

S. Res. 467. A resolution expressing the sense of the Senate that the House of Representatives should, consistent with its constitutional obligations, immediately transmit the 2 articles of impeachment against President Donald J. Trump passed by the House of Representatives on December 18, 2019, under House Resolution 755; to the Committee on Rules and Administration.

By Mr. UDALL:

S. Con. Res. 33. A concurrent resolution directing the President pursuant to section 5(c) of the War Powers Resolution to terminate the use of United States Armed Forces to engage in hostilities in or against Iran; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 109

At the request of Mr. WICKER, the name of the Senator from Georgia (Mrs. LOEFFLER) was added as a cosponsor of S. 109, a bill to prohibit taxpayer funded abortions.

S. 130

At the request of Mr. SASSE, the name of the Senator from Georgia (Mrs. LOEFFLER) was added as a cosponsor of S. 130, a bill to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion.

S. 160

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mrs. LOEFFLER) was added as a cosponsor of S. 160, a bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

S. 578

At the request of Mr. COTTON, the name of the Senator from Georgia (Mrs. LOEFFLER) was added as a cosponsor of S. 578, a bill to amend title II of the Social Security Act to eliminate the five-month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 605

At the request of Ms. KLOBUCHAR, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 605, a bill to assist States in carrying out projects to expand the child care workforce and child care facilities in the States, and for other purposes.

S. 754

At the request of Mr. CRAPO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 754, a bill to encourage partnerships among public agencies and other interested parties to promote fish conservation, and for other purposes.

S. 933

At the request of Mr. WHITEHOUSE, the names of the Senator from Louisiana (Mr. CASSIDY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 933, a bill to improve data collection and monitoring of the Great Lakes, oceans, bays, estuaries, and coasts, and for other purposes.

S. 944

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

S. 1039

At the request of Mr. UDALL, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1039, a bill to limit the use of funds for kinetic military operations in or against Iran.

S. 1186

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1186, a bill to promote democracy and human rights in Burma, and for other purposes.

S. 1190

At the request of Mrs. CAPITO, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1190, a bill to amend title XVIII of the Social Security Act to provide for payments for certain rural health clinic and Federally qualified health center services furnished to hospice patients under the Medicare program.

S. 1246

At the request of Mr. KAINE, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1246, a bill to extend the protections of the Fair Housing Act to persons suffering discrimination on the basis of sexual orientation or gender identity, and for other purposes.

S. 1374

At the request of Ms. MCSALLY, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1374, a bill to amend title II of the Social Security Act to eliminate the waiting periods for disability insurance benefits and Medicare coverage for individuals with metastatic breast cancer, and for other purposes.

S. 1554

At the request of Mr. BLUNT, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1554, a bill to provide for an automatic acquisition of United States citizenship for certain internationally adopted individuals, and for other purposes.

S. 1772

At the request of Mr. YOUNG, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1772, a bill to establish the Task Force on the Impact of the Affordable Housing Crisis, and for other purposes.

S. 2233

At the request of Mr. SCHATZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2233, a bill to nullify the effect of the recent executive order that requires Federal agencies to share citizenship data.

S. 2321

At the request of Mr. BLUNT, the names of the Senator from Tennessee (Mrs. BLACKBURN), the Senator from Florida (Mr. RUBIO), the Senator from Wyoming (Mr. ENZI) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint a coin in commemoration of the 100th anniversary of the establishment of Negro Leagues baseball.

S. 2529

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 2529, a bill to amend the Commodity Exchange Act and the Securities Exchange Act of 1934 to modify provisions relating to whistleblower incentives and protection, and for other purposes.

S. 2661

At the request of Ms. BALDWIN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2661, a bill to amend the Communications Act of 1934 to designate 9–8–8 as the universal telephone number for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline and through the Veterans Crisis Line, and for other purposes.

S. 2892

At the request of Ms. HASSAN, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 2892, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions to help combat the opioid crisis.

S. 2898

At the request of Mr. INHOFE, the name of the Senator from Hawaii (Ms. HIRONO) 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. 2989

At the request of Mr. WYDEN, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 2989, a bill to amend title XI of the Social Security Act to clarify the mailing requirement relating to social security account statements.

S. 3040

At the request of Ms. ROSEN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3040, a bill to amend the Higher Education Act of 1965 to include teacher preparation for computer science in elementary and secondary education.

S. 3056

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3056, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 3085

At the request of Mr. CRAPO, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 3085, a bill to amend title XVIII of the Social Security Act to modernize the payments for ambulatory surgical centers under the Medicare program, and for other purposes.

S. 3102

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3102, a bill to require the Bureau of Economic Analysis of the Department of Commerce to provide estimates relating to the distribution of aggregate economic growth across specific percentile groups of income.

S.J. RES. 6

At the request of Mr. CARDIN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Ms. WARREN) and the Senator from Illinois (Ms. DUCKWORTH) were added as cosponsors of S.J. Res. 6, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S.J. RES. 15

At the request of Mr. MENENDEZ, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S.J. RES. 64

At the request of Mr. MERKLEY, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S.J. Res. 64, a joint resolution relating to the use of military force against the Islamic Republic of Iran.

S. CON. RES. 32

At the request of Mr. MARKEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 32, a concurrent resolution expressing the sense of Congress that attacks on cultural sites are war crimes.

S. RES. 463

At the request of Mr. HAWLEY, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. Res. 463, a resolution amending the Rules of Procedure and

Practice in the Senate When Sitting on Impeachment Trials.

S. RES. 465

At the request of Mr. MARKEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 465, a resolution condemning threats by President Donald J. Trump to violate the law of armed conflict with respect to Iran.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3178. A bill to amend the Internal Revenue Code of 1986 to modify the limitation on deduction of State and local taxes, and for other purposes; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3178

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 ''Restoring Tax Fairness for States and Localities Act''.

SEC. 2. ELIMINATION FOR 2019 OF MARRIAGE PENALTY IN LIMITATION ON DEDUCTION OF STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 164(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR LIMITATION ON INDIVIDUAL DEDUCTIONS FOR 2019.—In the case of a taxable year beginning after December 31, 2018, and before January 1, 2020, if the adjusted gross income of the taxpayer for such taxable year does not exceed $100,000,000, paragraph (6) shall be applied by substituting '($20,000 in the case of a joint return)' for '($5,000 in the case of a married individual filing a separate return)'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2018.

SEC. 3. ELIMINATION FOR 2020 AND 2021 OF LIMITATION ON DEDUCTION OF STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 164(b) of the Internal Revenue Code of 1986, as amended by section 2, is further amended by adding at the end the following new paragraph:

''(8) SUSPENSION OF DOLLAR LIMITATION ON STATE AND LOCAL TAXES FOR 2020 AND 2021.—

''(A) IN GENERAL.—In the case of any taxable year beginning in 2020 or 2021, subparagraph (B) of paragraph (6) shall not apply.

''(B) EXCEPTION FOR CERTAIN HIGH-INCOME TAXPAYERS.—Subparagraph (A) shall not apply to any taxpayer for any taxable year if the adjusted gross income of such taxpayer for such taxable year exceeds $100,000,000.''.

(b) CONFORMING AMENDMENTS.—Section 164(b)(6) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''For purposes of subparagraph (B)'' and inserting ''For purposes of this section'';

(2) by striking ''January 1, 2018'' and inserting ''January 1, 2022'';

(3) by striking ''December 31, 2017, shall'' and inserting ''December 31, 2021, shall''; and

(4) by adding at the end the following: ''For purposes of this section, in the case of State or local taxes with respect to any real or personal property paid during a taxable year beginning in 2020 or 2021, the Secretary shall prescribe rules which treat all or a portion of such taxes as paid in a taxable year or years other than the taxable year in which actually paid as necessary or appropriate to prevent the avoidance of the limitations of this subsection.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after December 31, 2019.

SEC. 4. INCREASE IN DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) INCREASE.—Section 62(a)(2)(D) of the Internal Revenue Code of 1986 is amended by striking ''$250'' and inserting ''$1,000''.

(b) CONFORMING AMENDMENTS.—Section 62(d)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''2015'' and inserting ''2019'';

(2) by striking ''$250'' and inserting ''$1,000''; and

(3) in subparagraph (B), by striking ''2014'' and inserting ''2018''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2018.

SEC. 5. ABOVE-THE-LINE DEDUCTION ALLOWED FOR CERTAIN EXPENSES OF FIRST RESPONDERS.

(a) IN GENERAL.—Section 62(a)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(F) CERTAIN EXPENSES OF FIRST RESPONDERS.—The deductions allowed by section 162 which consist of expenses, not in excess of $1,000, paid or incurred by a first responder—

''(i) as tuition or fees for the participation of the first responder in professional development courses related to service as a first responder; or

''(ii) for uniforms used by the first responder in service as a first responder.''.

(b) FIRST RESPONDER DEFINED.—Section 62(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) FIRST RESPONDER.—For purposes of subsection (a)(2)(F), the term 'first responder' means, with respect to any taxable year, any individual who is employed as a law enforcement officer, firefighter, paramedic, or emergency medical technician for at least 1,000 hours during such taxable year.''.

(c) INFLATION ADJUSTMENT.—Section 62(d)(3) of the Internal Revenue Code of 1986, as amended by section 4, is further amended by striking ''the $1,000 amount in subsection (a)(2)(D)'' and inserting ''the $1,000 amount in each of subparagraphs (D) and (F) of subsection (a)(2)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

SEC. 6. INCREASE OF TOP MARGINAL INDIVIDUAL INCOME TAX RATE UNDER TEMPORARY RULES.

(a) IN GENERAL.—The tables contained in subparagraphs (A), (B), (C), (D), and (E) of section 1(j)(2) of the Internal Revenue Code of 1986 are each amended by striking ''37%'' and inserting ''39.6%'' and—

(1) in subparagraph (A)—

(A) by striking ''$600,000'' each place such term appears and inserting ''$479,000''; and

(B) by striking ''$161,379'' and inserting ''$119,029'';

(2) in subparagraph (B)—

(A) by striking ''$500,000'' each place such term appears and inserting ''$452,400''; and

(B) by striking ''$149,298'' and inserting ''$132,638'';

(3) in subparagraph (C)—

(A) by striking ''$500,000'' each place such term appears and inserting ''$425,800''; and

(B) by striking ''$150,689.50'' and inserting ''$124,719.50''; and

(4) in subparagraph (D)—

(A) by striking ''$300,000'' each place such term appears and inserting ''$239,500''; and

(B) by striking ''$80,689.50'' and inserting ''$59,514.50''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1(j)(4)(B)(iii) of the Internal Revenue Code of 1986 is amended—

(A) in the matter preceding subclause (I), by striking ''37 percent'' and inserting ''39.6 percent'';

(B) in subclause (II), by striking ''37-percent bracket'' and inserting ''39.6-percent bracket''; and

(C) in the heading, by striking ''37-PERCENT BRACKET'' and inserting ''39.6-PERCENT BRACKET''.

(2) Section 1(j)(4)(C) of such Code is amended—

(A) in clause (i)(II), by striking ''paragraph (5)(B)(i)(IV)'' and inserting ''paragraph (5)(B)(iv)''; and

(B) by amending clause (ii) to read as follows:

''(ii) the amount which would (without regard to this paragraph) be taxed at a rate below 39.6 percent shall not be more than the sum of—

''(I) the earned taxable income of such child, plus

''(II) the maximum dollar amount for the 35-percent rate bracket for estates and trusts.''.

(3) The heading of section 1(j)(5) of such Code is amended to read as follows: ''APPLICATION OF ZERO PERCENT CAPITAL GAIN RATE BRACKETS''.

(4) Subparagraphs (A) and (B) of section 1(j)(5) of such Code are amended to read as follows:

''(A) IN GENERAL.—Subsection (h)(1)(B)(i) shall be applied by substituting 'below the maximum zero rate amount' for 'which would (without regard to this paragraph) be taxed at a rate below 25 percent'.

''(B) MAXIMUM ZERO RATE AMOUNT DEFINED.—For purposes of subparagraph (A), the term 'maximum zero rate amount' means—

''(i) in the case of a joint return or surviving spouse, $77,200;

''(ii) in the case of an individual who is a head of household (as defined in section 2(b)), $51,700;

''(iii) in the case of any other individual (other than an estate or trust), an amount equal to ½ of the amount in effect for the taxable year under clause (i); and

''(iv) in the case of an estate or trust, $2,600.''.

(5) Section 1(j)(5)(C) of such Code is amended by striking ''clauses (i) and (ii) of''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

(d) SECTION 15 NOT TO APPLY.—Section 15 of the Internal Revenue Code of 1986 shall not apply to any change in a rate of tax by reason of any amendment made by this section.

By Mr. BOOZMAN (for himself, Mr. PERDUE, and Mr. LEAHY):

S.J. Res. 65. A joint resolution providing for the reappointment of John Fahey as a citizen regent of the Board of Regents of the Smithsonian Institution; considered and passed.

S.J. RES. 65

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with

section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of John Fahey of Massachusetts on February 20, 2020, is filled by the reappointment of the incumbent. The reappointment is for a term of six years, beginning on the later of February 20, 2020, or the date of the enactment of this joint resolution.

By Mr. BOOZMAN (for himself, Mr. PERDUE, and Mr. LEAHY):

S.J. Res. 66. A joint resolution providing for the appointment of Denise O'Leary as a citizen regent of the Board of Regents of the Smithsonian Institution; considered and passed.

S.J. RES. 66

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Barbara M. Barrett of Arizona on October 17, 2019, is filled by the appointment of Denise O'Leary of Colorado. The appointment is for a term of six years, beginning on the date of the enactment of this joint resolution

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By Mr. MCCONNELL (for Mr. PERDUE (for himself, Mr. BOOZMAN, and Mr. LEAHY)):

S.J. Res. 67. A joint resolution providing for the reappointment of Risa Lavizzo-Mourey as a citizen regent of the Board of Regents of the Smithsonian Institution; considered and passed.

S.J. RES. 67

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Risa Lavizzo-Mourey of Pennsylvania on February 21, 2020, is filled by the reappointment of the incumbent. The reappointment is for a term of six years, beginning on the later of February 21, 2020, or the date of enactment of this joint resolution.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 466—HONORING THE MEMBERS OF THE ARMED FORCES AND THE INTELLIGENCE COMMUNITY OF THE UNITED STATES WHO CARRIED OUT THE MISSION THAT KILLED QASEM SOLEIMANI, AND FOR OTHER PURPOSES

Mr. CRUZ (for himself, Mr. COTTON, Ms. MCSALLY, Ms. MURKOWSKI, Mr. CRAMER, Mr. GRAHAM, Mr. BARRASSO, Mr. RUBIO, Mr. CORNYN, Mrs. HYDE-SMITH, Mr. BLUNT, Mr. TOOMEY, Mr. WICKER, Ms. ERNST, Mr. HOEVEN, Mr. TILLIS, Mrs. CAPITO, Mr. SCOTT of Florida, Mr. DAINES, Mr. BRAUN, Mr. HAWLEY, Mr. KENNEDY, Mrs. LOEFFLER, Mr. PERDUE, Mrs. BLACKBURN, Mr. SASSE, Mr. SULLIVAN, Mrs. FISCHER, Mr. ROBERTS, Mr. INHOFE, Mr. GRASSLEY, Mr. BOOZMAN, Mr. PORTMAN, Mr. RISCH, Mr. JOHNSON, Mr. ROUNDS, Mr. LANKFORD, Mr. CASSIDY, Mr. ENZI, Mr. SCOTT of South Carolina, Mr. SHELBY, Mr. CRAPO, Mr. GARDNER, and Mr. MCCONNELL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 466

Whereas, on January 2, 2020, United States personnel killed terrorist leader Qasem Soleimani during the course of a targeted strike against terrorists engaged in planning imminent attacks against United States persons and personnel;

Whereas Qasem Soleimani was the leader of the Islamic Revolutionary Guard Corps-Quds Force (IRGC–QF) terrorist organization, a global terrorism threat to the United States and the international community;

Whereas Qasem Soleimani was the architect of terrorist attacks in Iraq, Afghanistan, and elsewhere that killed hundreds of United States personnel, including with weapons and improvised explosives provided directly by the IRGC–QF;

Whereas Qasem Soleimani planned or supported numerous other deadly terrorist attacks against the United States and its allies, including the 2011 plot to assassinate the Saudi Arabian Ambassador to the United States Adel al-Jubeir while he was in the United States and the December 31, 2019, attack on the United States Embassy in Baghdad, Iraq, as well as planned attacks in Germany, Bosnia, Bulgaria, Kenya, Bahrain, Turkey, and elsewhere;

Whereas, under Presidents George W. Bush and Barack Obama, the Department of the Treasury designated Qasem Soleimani for the imposition of sanctions under Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism) for plotting to assassinate the Saudi Arabian Ambassador to the United States, under Executive Order 13382 (50 U.S.C. 1701 note; relating to blocking property of weapons of mass destruction proliferators and their supporters) based on Qasem Soleimani's relationship to the Islamic Revolutionary Guard Corps, and under Executive Order 13572 (50 U.S.C. 1701 note; relating to blocking property of certain persons with respect to human rights abuses in Syria);

Whereas the valiant members of the United States Armed Forces have courageously and vigorously pursued the IRGC–QF and its affiliates in Iraq, Afghanistan, and around the world;

Whereas the anonymous, unsung heroes of the intelligence community of the United States have pursued the IRGC–QF and its affiliates in Iraq, Afghanistan, and around the world with tremendous dedication, sacrifice, and professionalism;

Whereas, although the death of Qasem Soleimani represents a significant blow to the IRGC-QF and its affiliates and to terrorist organizations around the world, terrorism remains a critical threat to the national security of the United States;

Whereas Qasem Soleimani and the IRGC–QF have provided critical support to the regime of Bashar al-Assad in Syria and pursued the targeted killing and ethnic cleansing of hundreds of thousands of Sunni Muslims across the Middle East; and

Whereas the IRGC–QF supports terrorist groups around the world, including Kata'ib Hezbollah, the Taliban, Lebanese Hezbollah, Hamas, Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command, and under Presidents George W. Bush and Donald J. Trump, the Department of the Treasury designated the IRGC–QF for the imposition of sanctions under Executive Order 13224 for providing material support to terrorist organizations and as a foreign terrorist organization: Now, therefore, be it

Resolved, That the Senate—

(1) declares that the death of Qasem Soleimani represents a measure of justice and relief for the families and friends of the hundreds of men and women of the United States who lost their lives in Iraq and Afghanistan, the men and women around the world who have been killed by other attacks sponsored by the Islamic Revolutionary Guard Corps-Quds Force (IRGC–QF), and the men and women of the Armed Forces and the intelligence community of the United States who have sacrificed their lives pursuing Qasem Soleimani and the IRGC–QF;

(2) commends the men and women of the Armed Forces and the intelligence community of the United States for the tremendous commitment, perseverance, professionalism, and sacrifice they displayed in disrupting imminent terrorist attacks planned by Qasem Soleimani;

(3) commends the men and women of the Armed Forces and the intelligence community of the United States for committing themselves to defeating, disrupting, and dismantling the IRGC–QF;

(4) commends the President for ordering the successful operations to locate and eliminate Qasem Soleimani; and

(5) reaffirms its commitment to disrupting, dismantling, and defeating the IRGC–QF and affiliated organizations around the world that threaten the national security of the United States and to bringing terrorists to justice.

SENATE RESOLUTION 467—EXPRESSING THE SENSE OF THE SENATE THAT THE HOUSE OF REPRESENTATIVES SHOULD, CONSISTENT WITH ITS CONSTITUTIONAL OBLIGATIONS, IMMEDIATELY TRANSMIT THE 2 ARTICLES OF IMPEACHMENT AGAINST PRESIDENT DONALD J. TRUMP PASSED BY THE HOUSE OF REPRESENTATIVES ON DECEMBER 18, 2019, UNDER HOUSE RESOLUTION 755

Mr. GRAHAM (for himself, Mr. MCCONNELL, Mr. GRASSLEY, Mrs. BLACKBURN, Mrs. CAPITO, Mr. CRAMER, Mr. CORNYN, Mr. PERDUE, Mr. PORTMAN, Mr. SHELBY, Mr. BRAUN, Mrs. LOEFFLER, Mr. SCOTT of Florida, Mrs. HYDE-SMITH, Mr. DAINES, Mr. RUBIO, Mr. INHOFE, Mr. CRUZ, Ms. ERNST, Mr. TILLIS, Mr. BOOZMAN, Mr. LANKFORD, Mr. SCOTT of South Carolina, Mrs. FISCHER, Mr. SASSE, and Mr. HOEVEN) submitted the following resolution; which was referred to the Committee on Rules and Administration.:

S. RES. 467

Whereas, pursuant to article I, section 2 of the Constitution of the United States, the House of Representatives ''shall have the sole Power of Impeachment'';

Whereas, pursuant to article I, section 3 of the Constitution of the United States, the Senate ''shall have the sole Power to try all Impeachments'';

Whereas, on December 18, 2019, the House of Representatives passed 2 articles of impeachment against President Donald J. Trump;

Whereas, since passage, the Speaker of the House of Representatives has refused to transmit the articles to the Senate, unless the Senate agrees to allow the Speaker of the House of Representatives to dictate the rules of a trial;

Whereas, the Constitution of the United States does not provide the Speaker of the House of Representatives with the power to effectively veto a resolution passed by a duly elected majority of the House of Representatives by refusing to transmit such a resolution to the Senate;

Whereas, the refusal by the Speaker of the House of Representatives to transmit the articles is a flagrant violation of the separation of powers expressly outlined in the bicameral impeachment process under the Constitution of the United States;

Whereas, this inaction by the Speaker of the House of Representatives is a gross infringement on the constitutional authority of the Senate to try impeachments;

Whereas, the refusal by the Speaker of the House of Representatives to transmit the articles is unprecedented for presidential impeachments;

Whereas, refusing to transmit the articles is resulting in the denial of President Trump's day in court; and

Whereas, if allowed to stand, this inaction by the Speaker of the House of Representatives would set a dangerous precedent for the constitutional system of Government in the United States: Now, therefore, be it

Resolved, That the Senate calls on the Speaker of the House of Representatives to immediately appoint impeachment managers and transmit the articles of impeachment to the Senate for disposition consistent with the Constitution of the United States.

SENATE CONCURRENT RESOLUTION 33—DIRECTING THE PRESIDENT PURSUANT TO SECTION 5(C) OF THE WAR POWERS RESOLUTION TO TERMINATE THE USE OF UNITED STATES ARMED FORCES TO ENGAGE IN HOSTILITIES IN OR AGAINST IRAN

Mr. UDALL submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 33

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. TERMINATION OF USE OF UNITED STATES ARMED FORCES TO ENGAGE IN HOSTILITIES IN OR AGAINST IRAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Government of Iran is a leading state sponsor of terrorism and engages in a range of destabilizing activities across the Middle East. Iranian General Qassem Soleimani was the lead architect of much of Iran's destabilizing activities throughout the world.

(2) The United States has an inherent right to self-defense against imminent armed attacks. The United States maintains the right to ensure the safety of diplomatic personnel serving abroad.

(3) In matters of imminent armed attacks, the executive branch should indicate to Congress why military action was necessary within a certain window of opportunity, the possible harm that missing the window would cause, and why the action was likely to prevent future disastrous attacks against the United States.

(4) The United States has national interests in preserving its partnership with Iraq and other countries in the region, including by—

(A) combating terrorists, including the Islamic State of Iraq and Syria (ISIS);

(B) preventing Iran from achieving a nuclear weapons capability; and

(C) supporting the people of Iraq, Iran, and other countries throughout the Middle East who demand an end to government corruption and violations of basic human rights.

(5) Over the past eight months, in response to rising tensions with Iran, the United States has introduced over 15,000 additional forces into the Middle East.

(6) When the United States uses military force, the American people and members of the United States Armed Forces deserve a credible explanation regarding such use of military force.

(7) The War Powers Resolution (50 U.S.C. 1541 et seq.) requires the President to consult with Congress ''in every possible instance'' before introducing United States Armed Forces into hostilities.

(8) Congress has not authorized the President to use military force against Iran.

(b) TERMINATION.—Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), Congress hereby directs the President to terminate the use of United States Armed Forces to engage in hostilities in or against Iran or any part of its government or military, unless—

(1) Congress has declared war or enacted specific statutory authorization for such use of the Armed Forces; or

(2) such use of the Armed Forces is necessary and appropriate to defend against an imminent armed attack upon the United States, its territories or possessions, or its Armed Forces, consistent with the requirements of the War Powers Resolution.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to prevent the President from using military force against al Qaeda or associated forces;

(2) to limit the obligations of the executive branch set forth in the War Powers Resolution (50 U.S.C. 1541 et seq.);

(3) to affect the provisions of an Act or joint resolution of Congress specifically authorizing the use of United States Armed Forces to engage in hostilities against Iran or any part of its government or military that is enacted after the date of the adoption of this concurrent resolution;

(4) to prevent the use of necessary and appropriate military force to defend United States allies and partners if authorized by Congress consistent with the requirements of the War Powers Resolution; or

(5) to authorize the use of military force.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1276. Mr. MCCONNELL (for Mr. BARRASSO) proposed an amendment to the bill H.R. 925, to improve protections for wildlife, and for other purposes.

SA 1277. Mr. MCCONNELL (for Mr. BARRASSO) proposed an amendment to the bill H.R. 925, supra.

SA 1278. Mr. MCCONNELL (for Mr. SULLIVAN (for himself, Mr. WHITEHOUSE, and Mr. MENENDEZ)) proposed an amendment to the bill S. 1982, to improve efforts to combat marine debris, and for other purposes.

TEXT OF AMENDMENTS

SA 1276. Mr. MCCONNELL (for Mr. BARRASSO) proposed an amendment to the bill H.R. 925, to improve protections for wildlife, 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 ''America's Conservation Enhancement Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—WILDLIFE ENHANCEMENT, DISEASE, AND PREDATION

SEC. 101. THEODORE ROOSEVELT GENIUS PRIZE FOR REDUCING HUMAN-PREDATOR CONFLICT.

(a) IN GENERAL.—Section 7001(d) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (16 U.S.C. 742b note; Public Law 116–9) is amended—

(1) in paragraphs (2)(C)(v), (3)(C)(v), (4)(C)(v), (5)(C)(v), and (6)(C)(v), by striking ''paragraph (7)(A)'' each place it appears and inserting ''paragraph (8)(A)'';

(2) in paragraphs (2)(D)(ii), (2)(F)(ii), (3)(D)(ii), (3)(F)(ii), (4)(D)(ii), (4)(F)(ii), (5)(D)(ii), (5)(F)(ii), (6)(D)(ii), and (6)(F)(ii) by striking ''paragraph (7)(B)'' each place it appears and inserting ''paragraph (8)(B)'';

(3) in paragraph (6)(C)(iv), in the matter preceding clause (i), by striking ''subparagraph (C)'' and inserting ''clause (iii)'';

(4) by redesignating paragraph (7) as paragraph (8);

(5) by inserting after paragraph (6) the following:

''(7) THEODORE ROOSEVELT GENIUS PRIZE FOR REDUCING HUMAN-PREDATOR CONFLICT.—

''(A) DEFINITIONS.—In this paragraph:

''(i) BOARD.—The term 'Board' means the Reducing Human-Predator Conflict Technology Advisory Board established by subparagraph (C)(i).

''(ii) PRIZE COMPETITION.—The term 'prize competition' means the Theodore Roosevelt Genius Prize for reducing human-predator conflict established under subparagraph (B).

''(B) AUTHORITY.—Not later than 180 days after the date of enactment of the America's Conservation Enhancement Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the 'Theodore Roosevelt Genius Prize for reducing human-predator conflict'—

''(i) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to reducing the frequency of human-predator conflict using nonlethal means; and

''(ii) to award 1 or more prizes annually for a technological advancement that promotes reducing human-predator conflict using nonlethal means, which may include the application and monitoring of tagging technologies.

''(C) ADVISORY BOARD.—

''(i) ESTABLISHMENT.—There is established an advisory board, to be known as the 'Reducing Human-Predator Conflict Technology Advisory Board'.

''(ii) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—

''(I) predator-human interactions;

''(II) the habitats of large predators;

''(III) biology;

''(IV) technology development;

''(V) engineering;

''(VI) economics;

''(VII) business development and management; and

''(VIII) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this paragraph.

''(iii) DUTIES.—Subject to clause (iv), with respect to the prize competition, the Board shall—

''(I) select a topic;

''(II) issue a problem statement;

''(III) advise the Secretary regarding any opportunity for technological innovation to reduce human-predator conflict using nonlethal means; and

''(IV) advise winners of the prize competition regarding opportunities to pilot and implement winning technologies in relevant fields, including in partnership with conservation organizations, Federal or State agencies, federally recognized Indian Tribes, private entities, and research institutions with expertise or interest relating to reducing human-predator conflict using nonlethal means.

''(iv) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subclauses (I) and (II) of clause (iii), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—

''(I) 1 or more Federal agencies with jurisdiction over the management of native wildlife species at risk due to conflict with human activities;

''(II) 1 or more State agencies with jurisdiction over the management of native wildlife species at risk due to conflict with human activities;

''(III) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the management of native wildlife species at risk due to conflict with human activities; and

''(IV) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the management of native wildlife species at risk due to conflict with human activities.

''(v) REQUIREMENTS.—The Board shall comply with all requirements under paragraph (8)(A).

''(D) AGREEMENT WITH NATIONAL FISH AND WILDLIFE FOUNDATION.—

''(i) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.

''(ii) REQUIREMENTS.—An agreement entered into under clause (i) shall comply with all requirements under paragraph (8)(B).

''(E) JUDGES.—

''(i) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in clause (ii), select the 1 or more annual winners of the prize competition.

''(ii) DETERMINATION BY SECRETARY.—The judges appointed under clause (i) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

''(F) CONSULTATION WITH NOAA.—The Secretary shall consult with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, in the case of a cash prize awarded under the prize competition for a technology that addresses conflict between marine predators under the jurisdiction of the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and humans.

''(G) REPORT TO CONGRESS.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

''(i) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subparagraph (C)(iii);

''(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in paragraph (8)(B); and

''(iii) a statement by 1 or more of the judges appointed under subparagraph (E) that explains the basis on which the winner of the cash prize was selected.

''(H) TERMINATION OF AUTHORITY.—The Board and all authority provided under this paragraph shall terminate on December 31, 2023.''; and

(6) in paragraph (8) (as so redesignated)—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ''or (6)(C)(i)'' and inserting ''(6)(C)(i), or (7)(C)(i)''; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''or (6)(D)(i)'' and inserting ''(6)(D)(i), or (7)(D)(i)''; and

(ii) in clause (i)(VII), by striking ''and (6)(E)'' and inserting ''(6)(E), and (7)(E)''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that data collected from the tagging of predators can inform innovative management of those predators and innovative education activities to minimize human-predator conflict.

SEC. 102. LOSSES OF LIVESTOCK DUE TO DEPREDATION BY FEDERALLY PROTECTED SPECIES.

(a) DEFINITIONS.—In this section:

(1) DEPREDATION.—

(A) IN GENERAL.—The term ''depredation'' means actual death, injury, or destruction of livestock that is caused by a federally protected species.

(B) EXCLUSIONS.—The term ''depredation'' does not include damage to real or personal property other than livestock, including—

(i) damage to—

(I) other animals;

(II) vegetation;

(III) motor vehicles; or

(IV) structures;

(ii) diseases;

(iii) lost profits; or

(iv) consequential damages.

(2) FEDERALLY PROTECTED SPECIES.—The term ''federally protected species'' means a species that is or previously was protected under—

(A) the Act of June 8, 1940 (commonly known as the ''Bald and Golden Eagle Protection Act'') (54 Stat. 250, chapter 278; 16 U.S.C. 668 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(C) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) LIVESTOCK.—

(A) IN GENERAL.—The term ''livestock'' means horses, mules and asses, rabbits, llamas, cattle, bison, swine, sheep, goats, poultry, bees, honey and beehives, or any other animal generally used for food or in the production of food or fiber.

(B) INCLUSION.—The term ''livestock'' includes guard animals actively engaged in the protection of livestock described in subparagraph (A).

(5) PROGRAM.—The term ''program'' means the grant program established under subsection (b)(1).

(6) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(B) the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service.

(b) GRANT PROGRAM FOR LOSSES OF LIVESTOCK DUE TO DEPREDATION BY FEDERALLY PROTECTED SPECIES.—

(1) IN GENERAL.—The Secretaries shall establish a program to provide grants to States and Indian tribes to supplement amounts provided by States, Indian tribes, or State agencies under 1 or more programs established by the States and Indian tribes (including programs established after the date of enactment of this Act)—

(A) to assist livestock producers in carrying out—

(i) proactive and nonlethal activities to reduce the risk of livestock loss due to depredation by federally protected species occurring on—

(I) Federal, State, or private land within the applicable State; or

(II) land owned by, or held in trust for the benefit of, the applicable Indian tribe; and

(ii) research relating to the activities described in clause (i); and

(B) to compensate livestock producers for livestock losses due to depredation by federally protected species occurring on—

(i) Federal, State, or private land within the applicable State; or

(ii) land owned by, or held in trust for the benefit of, the applicable Indian tribe.

(2) ALLOCATION OF FUNDING.—

(A) REPORTS TO THE SECRETARIES.—Not later than September 30 of each year, a State or Indian tribe desiring to receive a grant under the program shall submit to the Secretaries a report describing, for the 1-year period ending on that September 30, the losses of livestock due to depredation by federally protected species occurring on—

(i) Federal, State, or private land within the applicable State; or

(ii) land owned by, or held in trust for the benefit of, the applicable Indian tribe.

(B) ALLOCATION.—The Secretaries shall allocate available funding to carry out this Act among States and Indian tribes for a 1-year period ending on September 30 based on the losses described in the reports submitted for the previous 1-year period ending on September 30 under subparagraph (A).

(3) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), a State or Indian tribe shall—

(A) designate an appropriate agency of the State or Indian tribe to administer the 1 or more programs supplemented by the grant funds;

(B) establish 1 or more accounts to receive grant funds;

(C) maintain files of all claims received and paid under grant-funded programs, including supporting documentation; and

(D) submit to the Secretaries—

(i) annual reports that include—

(I) a summary of claims and expenditures under the program during the year; and

(II) a description of any action taken on the claims; and

(ii) such other reports as the Secretaries may require to assist the Secretaries in determining the effectiveness of assisted activities under this section.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) no State or Indian tribe is required to participate in the program; and

(2) the program supplements, and does not replace or supplant, any State compensation programs for depredation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2021 through 2025, of which—

(1) $5,000,000 shall be used to provide grants for the purposes described in subsection (b)(1)(A); and

(2) $10,000,000 shall be used to provide grants for the purpose described in subsection (b)(1)(B).

SEC. 103. DEPREDATION PERMITS FOR BLACK VULTURES AND COMMON RAVENS.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the ''Secretary''), may issue depredation permits to livestock producers authorizing takings of black vultures or common ravens otherwise prohibited by Federal law to prevent those vultures or common ravens from taking livestock during the calving season or lambing season.

(b) LIMITED TO AFFECTED STATES OR REGIONS.—The Secretary may issue permits under subsection (a) only to livestock producers in States and regions in which livestock producers are affected or have been affected in the previous year by black vultures or common ravens, as determined by Secretary.

(c) REPORTING.—The Secretary shall require, as a condition of a permit under subsection (a), that the permit holder shall report to the appropriate enforcement agencies the takings of black vultures or common ravens pursuant to the permit.

SEC. 104. CHRONIC WASTING DISEASE TASK FORCE.

(a) DEFINITION OF CHRONIC WASTING DISEASE.—In this section, the term ''chronic wasting disease'' means the animal disease afflicting deer, elk, and moose populations that—

(1) is a transmissible disease of the nervous system resulting in distinctive lesions in the brain; and

(2) belongs to the group of diseases known as transmissible spongiform encephalopathies, which group includes scrapie, bovine spongiform encephalopathy, and Creutzfeldt-Jakob disease.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the United States Fish and Wildlife Service a task force, to be known as the ''Chronic Wasting Disease Task Force'' (referred to in this subsection as the ''Task Force'').

(2) DUTIES.—The Task Force shall—

(A) collaborate with foreign governments to share research, coordinate efforts, and discuss best management practices to reduce, minimize, prevent, or eliminate chronic wasting disease in the United States;

(B) develop recommendations, including recommendations based on findings of the study conducted under subsection (c), and a set of best practices regarding—

(i) the interstate coordination of practices to prevent the new introduction of chronic wasting disease;

(ii) the prioritization and coordination of the future study of chronic wasting disease, based on evolving research needs;

(iii) ways to leverage the collective resources of Federal, State, and local agencies, Indian Tribes, and foreign governments, and resources from private, nongovernmental entities, to address chronic wasting disease in the United States and along the borders of the United States; and

(iv) any other area where containment or management efforts relating to chronic wasting disease may differ across jurisdictions;

(C) draw from existing and future academic and management recommendations to develop an interstate action plan under which States and the United States Fish and Wildlife Service agree to enact consistent management, educational, and research practices relating to chronic wasting disease; and

(D) facilitate the creation of a cooperative agreement by which States and relevant Federal agencies agree to commit funds to implement best practices described in the interstate action plan developed under subparagraph (C).

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Task Force shall be composed of—

(i) 1 representative of the United States Fish and Wildlife Service with experience in chronic wasting disease, to be appointed by the Secretary of the Interior (referred to in this subsection as the ''Secretary'');

(ii) 1 representative of the United States Geological Survey;

(iii) 2 representatives of the Department of Agriculture with experience in chronic wasting disease, to be appointed by the Secretary of Agriculture—

(I) 1 of whom shall have expertise in research; and

(II) 1 of whom shall have expertise in wildlife management;

(iv) in the case of each State in which chronic wasting disease among elk, mule deer, white-tailed deer, or moose has been reported to the appropriate State agency, not more than 2 representatives, to be nominated by the Governor of the State—

(I) not more than 1 of whom shall be a representative of the State agency with jurisdiction over wildlife management or wildlife disease in the State; and

(II) in the case of a State with a farmed cervid program or economy, not more than 1 of whom shall be a representative of the State agency with jurisdiction over farmed cervid regulation in the State;

(v) in the case of each State in which chronic wasting disease among elk, mule deer, white-tailed deer, or moose has not been documented, but that has carried out measures to prevent the introduction of chronic wasting disease among those species, not more than 2 representatives, to be nominated by the Governor of the State;

(vi) not more than 2 representatives from an Indian tribe or tribal organization chosen in a process determined, in consultation with Indian tribes, by the Secretary; and

(vii) not more than 5 nongovernmental members with relevant expertise appointed, after the date on which the members are first appointed under clauses (i) through (vi), by a majority vote of the State representatives appointed under clause (iv).

(B) EFFECT.—Nothing in this paragraph requires a State to participate in the Task Force.

(4) CO-CHAIRS.—The Co-Chairs of the Task Force shall be—

(A) the Federal representative described in paragraph (3)(A)(i); and

(B) 1 State representative appointed under paragraph (3)(A)(iv), to be selected by a majority vote of those State representatives.

(5) DATE OF INITIAL APPOINTMENT.—

(A) IN GENERAL.—The members of the Task Force shall be appointed not later than 180 days after the date on which the study is completed under subsection (c).

(B) NOTIFICATION.—On appointment of the members of the Task Force, the Co-Chairs of the Task Force shall notify the Chairs and Ranking Members of the Committees on Environment and Public Works of the Senate and Natural Resources of the House of Representatives.

(6) VACANCIES.—Any vacancy in the members appointed to the Task Force—

(A) shall not affect the power or duty of the Task Force; and

(B) shall be filled not later than 30 days after the date of the vacancy.

(7) MEETINGS.—The Task Force shall convene—

(A) not less frequently than twice each year; and

(B) at such time and place, and by such means, as the Co-Chairs of the Task Force determine to be appropriate, which may include the use of remote conference technology.

(8) INTERSTATE ACTION PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date on which the members of the Task Force are appointed, the Task Force shall submit to the Secretary, and the heads of the State agencies with jurisdiction over wildlife disease and farmed cervid regulation of each State with a representative on the Task Force, the interstate action plan developed by the Task Force under paragraph (2)(C).

(B) COOPERATIVE AGREEMENTS.—

(i) IN GENERAL.—To the maximum extent practicable, the Secretary, any other applicable Federal agency, and each applicable State shall enter into a cooperative agreement to fund necessary actions under the interstate action plan submitted under subparagraph (A).

(ii) TARGET DATE.—The Secretary shall make the best effort of the Secretary to enter into any cooperative agreement under

clause (i) not later than 180 days after the date of submission of the interstate action plan under subparagraph (A).

(C) MATCHING FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), for each fiscal year, the United States Fish and Wildlife Service shall provide funds to carry out an interstate action plan through a cooperative agreement under subparagraph (B) in the amount of funds provided by the applicable States.

(ii) LIMITATION.—The amount provided by the United State Fish and Wildlife Service under clause (i) for a fiscal year shall be not greater than $5,000,000.

(9) REPORTS.—Not later than September 30 of the first full fiscal year after the date on which the first members of the Task Force are appointed, and each September 30 thereafter, the Task Force shall submit to the Secretary, and the heads of the State agencies with jurisdiction over wildlife disease and farmed cervid regulation of each State with a representatives on the Task Force, a report describing—

(A) progress on the implementation of actions identified in the interstate action plan submitted under paragraph (8)(A), including the efficacy of funding under the cooperative agreement entered into under paragraph (8)(B);

(B) updated resource requirements that are needed to reduce and eliminate chronic wasting disease in the United States;

(C) any relevant updates to the recommended best management practices included in the interstate action plan submitted under paragraph (8)(B) to reduce or eliminate chronic wasting disease;

(D) new research findings and emerging research needs relating to chronic wasting disease; and

(E) any other relevant information.

(c) CHRONIC WASTING DISEASE TRANSMISSION IN CERVIDAE RESOURCE STUDY.—

(1) DEFINITIONS.—In this subsection:

(A) ACADEMY.—The term ''Academy'' means the National Academy of Sciences.

(B) CERVID.—The term ''cervid'' means any species within the family Cervidae.

(C) SECRETARIES.—The term ''Secretaries'' means the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, and the Secretary of the Interior, acting through the Director of the United States Geological Survey, acting jointly.

(2) STUDY.—

(A) IN GENERAL.—The Secretaries shall enter into an arrangement with the Academy under which the Academy shall conduct, and submit to the Secretaries a report describing the findings of, a special resource study to identify the predominant pathways and mechanisms of the transmission of chronic wasting disease in wild, captive, and farmed populations of cervids in the United States.

(B) REQUIREMENTS.—The arrangement under subparagraph (A) shall provide that the actual expenses incurred by the Academy in conducting the study under subparagraph (A) shall be paid by the Secretaries, subject to the availability of appropriations.

(3) CONTENTS OF THE STUDY.—The study under paragraph (2) shall—

(A) with respect to wild, captive, and farmed populations of cervids in the United States, identify—

(i)(I) the pathways and mechanisms for the transmission of chronic wasting disease within live cervid populations and cervid products, which may include pathways and mechanisms for transmission from Canada;

(II) the infection rates for each pathway and mechanism identified under subclause (I); and

(III) the relative frequency of transmission of each pathway and mechanism identified under subclause (I);

(ii)(I) anthropogenic and environmental factors contributing to new chronic wasting disease emergence events;

(II) the development of geographical areas with increased chronic wasting disease prevalence; and

(III) the overall geographical patterns of chronic wasting disease distribution;

(iii) significant gaps in current scientific knowledge regarding the transmission pathways and mechanisms identified under clause (i)(I) and potential prevention, detection, and control methods identified under clause (v);

(iv) for prioritization the scientific research projects that will address the knowledge gaps identified under clause (iii), based on the likelihood that a project will contribute significantly to the prevention or control of chronic wasting disease; and

(v) potential prevention, detection, or control measures, practices, or technologies to be used to mitigate the transmission and spread of chronic wasting disease in wild, captive, and farmed populations of cervids in the United States;

(B) assess the effectiveness of the potential prevention, detection, or control measures, practices, or technologies identified under subparagraph (A)(v); and

(C) review and compare science-based best practices, standards, and guidance regarding the prevention, detection, and management of chronic wasting disease in wild, captive, and farmed populations of cervids in the United States that have been developed by—

(i) the National Chronic Wasting Disease Herd Certification Program of the Animal and Plant Health Inspection Service;

(ii) the United States Geological Survey;

(iii) State wildlife and agricultural agencies, in the case of practices, standards, and guidance that provide practical, science-based recommendations to State and Federal agencies for minimizing or eliminating the risk of transmission of chronic wasting disease in the United States; and

(iv) industry or academia, in the case of any published guidance on practices that provide practical, science-based recommendations to cervid producers for minimizing or eliminating the risk of transmission of chronic wasting disease within or between herds.

(4) DEADLINE.—The study under paragraph (2) shall be completed not later than 180 days after the date on which funds are first made available for the study.

(5) DATA SHARING.—The Secretaries shall share with the Academy, as necessary to conduct the study under paragraph (2), subject to the avoidance of a violation of a privacy or confidentiality requirement and the protection of confidential or privileged commercial, financial, or proprietary information, data and access to databases on chronic wasting disease under the jurisdiction of—

(A) the Veterinary Services Program of the Animal and Plant Health Inspection Service; and

(B) the United States Geological Survey.

(6) REPORT.—Not later than 60 days after the date of completion of the study, the Secretaries shall submit to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate and the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the findings of the study; and

(B) any conclusions and recommendations that the Secretaries determine to be appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) for the period of fiscal years 2021 through 2025, $5,000,000 to the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, to carry out administrative activities under subsection (b);

(2) for fiscal year 2021, $1,200,000 to the Secretary of the Interior, acting through the Director of the United States Geological Survey, to carry out activities to fund research under subsection (c); and

(3) for fiscal year 2021, $1,200,000 to the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, to carry out activities to fund research under subsection (c).

SEC. 105. INVASIVE SPECIES.

Section 10 of the Fish and Wildlife Coordination Act (16 U.S.C. 666c–1) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively; and

(ii) by inserting before clause (ii) (as so redesignated) the following:

''(i) relevant Federal agencies;'';

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(C) by inserting after subparagraph (A) the following:

''(B) in consultation with stakeholders, including nongovernmental organizations and industry;''; and

(2) by adding at the end the following:

''(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for each of fiscal years 2021 through 2025—

''(1) $2,500,000 to the Secretary of the Army, acting through the Chief of Engineers; and

''(2) $2,500,000 to the Secretary of the Interior.''.

SEC. 106. NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking ''not to exceed—'' in the matter preceding paragraph (1) and all that follows through paragraph (5) and inserting ''not to exceed $60,000,000 for each of fiscal years 2021 through 2025.''.

SEC. 107. NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT.

(a) BOARD OF DIRECTORS OF FOUNDATION.—

(1) IN GENERAL.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

''(2) APPOINTMENT OF DIRECTORS.—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—

''(A) be knowledgeable and experienced in matters relating to the conservation of fish, wildlife, or other natural resources; and

''(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.''; and

(ii) by striking paragraph (3) and inserting the following:

''(3) TERMS.—Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.''; and

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking ''(A) Officers and employees may not be appointed until the Foundation has sufficient funds to

pay them for their service. Officers'' and inserting the following:

''(A) IN GENERAL.—Officers''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director who shall be—

''(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

''(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.''.

(2) CONFORMING AMENDMENT.—Section 4(a)(1)(B) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(B)) is amended by striking ''Secretary of the Board'' and inserting ''Executive Director of the Board''.

(b) RIGHTS AND OBLIGATIONS OF FOUNDATION.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking ''(c) POWERS.—To carry out its purposes under'' and inserting the following:

''(c) POWERS.—

''(1) IN GENERAL.—To carry out the purposes described in'';

(B) by redesignating paragraphs (1) through (11) as subparagraphs (A) through (K), respectively, and indenting appropriately;

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking ''that are insured by an agency or instrumentality of the United States'' and inserting ''at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation'';

(D) in subparagraph (E) (as redesignated by subparagraph (B)), by striking ''paragraph (3) or (4)'' and inserting ''subparagraph (C) or (D)'';

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking ''and'' at the end;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

''(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

''(L) to do acts necessary to carry out the purposes of the Foundation.''; and

(G) by striking the undesignated matter at the end and inserting the following:

''(2) TREATMENT OF REAL PROPERTY.—

''(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

''(B) ENCUMBERED REAL PROPERTY.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

''(3) SAVINGS CLAUSE.—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.'';

(2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

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

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2021 through 2025—

''(A) $15,000,000 to the Secretary of the Interior;

''(B) $5,000,000 to the Secretary of Agriculture; and

''(C) $5,000,000 to the Secretary of Commerce.'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) AMOUNTS FROM FEDERAL AGENCIES.—

''(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities are authorized to provide funds to the Foundation through Federal financial assistance grants and cooperative agreements, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

''(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

''(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph.'';

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''FUNDS'' and inserting ''AMOUNTS'';

(ii) by striking ''shall be used'' and inserting ''may be used''; and

(iii) by striking ''and State and local government agencies'' and inserting '', State and local government agencies, and other entities''; and

(C) by adding at the end the following:

''(3) ADMINISTRATION OF AMOUNTS.—

''(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process applicable to the department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

''(i) to address an environmental emergency resulting from a natural or other disaster; or

''(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

''(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.''; and

(3) by adding at the end the following:

''(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.''.

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by inserting ''exclusive'' before ''authority''.

SEC. 108. MODIFICATION OF DEFINITION OF SPORT FISHING EQUIPMENT UNDER TOXIC SUBSTANCES CONTROL ACT.

Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking ''and'' at the end;

(2) in clause (vi) by striking the period at the end and inserting '', and''; and

(3) by inserting after clause (vi) the following:

''(vii) any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.''.

SEC. 109. REAUTHORIZATION OF CHESAPEAKE BAY PROGRAM.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended by striking subsection (j) and inserting the following:

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) for fiscal year 2020, $90,000,000;

''(2) for fiscal year 2021, $90,500,000;

''(3) for fiscal year 2022, $91,000,000;

''(4) for fiscal year 2023, $91,500,000; and

''(5) for fiscal year 2024, $92,000,000.''.

SEC. 110. REAUTHORIZATION OF CHESAPEAKE BAY INITIATIVE ACT OF 1998.

Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (Public Law 105–312; 112 Stat. 2963; 129 Stat. 2579; 132 Stat. 691) is amended by striking ''2019'' and inserting ''2025''.

SEC. 111. CHESAPEAKE WATERSHED INVESTMENTS FOR LANDSCAPE DEFENSE.

(a) DEFINITIONS.—In this section:

(1) CHESAPEAKE BAY AGREEMENTS.—The term ''Chesapeake Bay agreements'' means the formal, voluntary agreements—

(A) executed to achieve the goal of restoring and protecting the Chesapeake Bay watershed ecosystem and the living resources of the Chesapeake Bay watershed ecosystem; and

(B) signed by the Chesapeake Executive Council.

(2) CHESAPEAKE BAY PROGRAM.—The term ''Chesapeake Bay program'' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay agreements.

(3) CHESAPEAKE BAY WATERSHED.—The term ''Chesapeake Bay watershed'' means the region that covers—

(A) the Chesapeake Bay;

(B) the portions of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia that drain into the Chesapeake Bay; and

(C) the District of Columbia.

(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term ''Chesapeake Executive Council'' means the council comprised of—

(A) the Governors of each of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia;

(B) the Mayor of the District of Columbia;

(C) the Chair of the Chesapeake Bay Commission; and

(D) the Administrator of the Environmental Protection Agency.

(5) CHESAPEAKE WILD PROGRAM.—The term ''Chesapeake WILD program'' means the nonregulatory program established by the Secretary under subsection (b)(1).

(6) GRANT PROGRAM.—The term ''grant program'' means the Chesapeake Watershed Investments for Landscape Defense grant program established by the Secretary under subsection (c)(1).

(7) RESTORATION AND PROTECTION ACTIVITY.—The term ''restoration and protection activity'' means an activity carried out for the conservation, stewardship, and enhancement of habitat for fish and wildlife—

(A) to preserve and improve ecosystems and ecological processes on which the fish and wildlife depend; and

(B) for use and enjoyment by the public.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(b) PROGRAM ESTABLISHMENT.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a nonregulatory program, to be known as the ''Chesapeake Watershed Investments for Landscape Defense program''.

(2) PURPOSES.—The purposes of the Chesapeake WILD program include—

(A) coordinating restoration and protection activities among Federal, State, local, and regional entities and conservation partners throughout the Chesapeake Bay watershed;

(B) engaging other agencies and organizations to build a broader range of partner support, capacity, and potential funding for projects in the Chesapeake Bay watershed;

(C) carrying out coordinated restoration and protection activities, and providing for technical assistance, throughout the Chesapeake Bay watershed—

(i) to sustain and enhance restoration and protection activities;

(ii) to improve and maintain water quality to support fish and wildlife, habitats of fish and wildlife, and drinking water for people;

(iii) to sustain and enhance water management for volume and flood damage mitigation improvements to benefit fish and wildlife habitat;

(iv) to improve opportunities for public access and recreation in the Chesapeake Bay watershed consistent with the ecological needs of fish and wildlife habitat;

(v) to facilitate strategic planning to maximize the resilience of natural ecosystems and habitats under changing watershed conditions;

(vi) to engage the public through outreach, education, and citizen involvement to increase capacity and support for coordinated restoration and protection activities in the Chesapeake Bay watershed;

(vii) to sustain and enhance vulnerable communities and fish and wildlife habitat;

(viii) to conserve and restore fish, wildlife, and plant corridors; and

(ix) to increase scientific capacity to support the planning, monitoring, and research activities necessary to carry out coordinated restoration and protection activities.

(3) DUTIES.—In carrying out the Chesapeake WILD program, the Secretary shall—

(A) draw on existing plans for the Chesapeake Bay watershed, or portions of the Chesapeake Bay watershed, including the Chesapeake Bay agreements, and work in consultation with applicable management entities, including Chesapeake Bay program partners, such as the Federal Government, State and local governments, the Chesapeake Bay Commission, and other regional organizations, as appropriate, to identify, prioritize, and implement restoration and protection activities within the Chesapeake Bay watershed;

(B) adopt a Chesapeake Bay watershed-wide strategy that—

(i) supports the implementation of a shared set of science-based restoration and protection activities developed in accordance with subparagraph (A); and

(ii) targets cost-effective projects with measurable results; and

(C) establish the grant program in accordance with subsection (c).

(4) COORDINATION.—In establishing the Chesapeake WILD program, the Secretary shall consult, as appropriate, with—

(A) the heads of Federal agencies, including—

(i) the Administrator of the Environmental Protection Agency;

(ii) the Administrator of the National Oceanic and Atmospheric Administration;

(iii) the Chief of the Natural Resources Conservation Service;

(iv) the Chief of Engineers;

(v) the Director of the United States Geological Survey;

(vi) the Secretary of Transportation;

(vii) the Chief of the Forest Service; and

(viii) the head of any other applicable agency;

(B) the Governors of each of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia and the Mayor of the District of Columbia;

(C) fish and wildlife joint venture partnerships; and

(D) other public agencies and organizations with authority for the planning and implementation of conservation strategies in the Chesapeake Bay watershed.

(c) GRANTS AND TECHNICAL ASSISTANCE.—

(1) CHESAPEAKE WILD GRANT PROGRAM.—To the extent that funds are made available to carry out this subsection, the Secretary shall establish and carry out, as part of the Chesapeake WILD program, a voluntary grant and technical assistance program, to be known as the ''Chesapeake Watershed Investments for Landscape Defense grant program'', to provide competitive matching grants of varying amounts and technical assistance to eligible entities described in paragraph (2) to carry out activities described in subsection (b)(2).

(2) ELIGIBLE ENTITIES.—The following entities are eligible to receive a grant and technical assistance under the grant program:

(A) A State.

(B) The District of Columbia.

(C) A unit of local government.

(D) A nonprofit organization.

(E) An institution of higher education.

(F) Any other entity that the Secretary determines to be appropriate in accordance with the criteria established under paragraph (3).

(3) CRITERIA.—The Secretary, in consultation with officials and entities described in subsection (b)(4), shall establish criteria for the grant program to help ensure that activities funded under this subsection—

(A) accomplish 1 or more of the purposes described in subsection (b)(2); and

(B) advance the implementation of priority actions or needs identified in the Chesapeake Bay watershed-wide strategy adopted under subsection (b)(3)(B).

(4) COST SHARING.—

(A) DEPARTMENT OF THE INTERIOR SHARE.—The Department of the Interior share of the cost of a project funded under the grant program shall not exceed 50 percent of the total cost of the project, as determined by the Secretary.

(B) NON-DEPARTMENT OF THE INTERIOR SHARE.—

(i) IN GENERAL.—The non-Department of the Interior share of the cost of a project funded under the grant program may be provided in cash or in the form of an in-kind contribution of services or materials.

(ii) OTHER FEDERAL FUNDING.—Non-Department of the Interior Federal funds may be used for not more than 25 percent of the total cost of a project funded under the grant program.

(5) ADMINISTRATION.—The Secretary may enter into an agreement to manage the grant program with an organization that offers grant management services.

(d) REPORTING.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report describing the implementation of this section, including a description of each project that has received funding under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2021 through 2025.

(2) SUPPLEMENT, NOT SUPPLANT.—Funds made available under paragraph (1) shall supplement, and not supplant, funding for other activities conducted by the Secretary in the Chesapeake Bay watershed.

TITLE II—NATIONAL FISH HABITAT CONSERVATION THROUGH PARTNERSHIPS

SEC. 201. PURPOSE.

The purpose of this title is to encourage partnerships among public agencies and other interested persons to promote fish conservation—

(1) to achieve measurable habitat conservation results through strategic actions of Fish Habitat Partnerships that lead to better fish habitat conditions and increased fishing opportunities by—

(A) improving ecological conditions;

(B) restoring natural processes; or

(C) preventing the decline of intact and healthy systems;

(2) to establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships;

(3) to broaden the community of support for fish habitat conservation by—

(A) increasing fishing opportunities;

(B) fostering the participation of local communities, especially young people in local communities, in conservation activities; and

(C) raising public awareness of the role healthy fish habitat play in the quality of life and economic well-being of local communities;

(4) to fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment—

(A) to empower strategic conservation actions supported by broadly available scientific information; and

(B) to integrate socioeconomic data in the analysis to improve the lives of humans in a manner consistent with fish habitat conservation goals; and

(5) to communicate to the public and conservation partners—

(A) the conservation outcomes produced collectively by Fish Habitat Partnerships; and

(B) new opportunities and voluntary approaches for conserving fish habitat.

SEC. 202. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) BOARD.—The term ''Board'' means the National Fish Habitat Board established by section 203.

(3) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(4) ENVIRONMENTAL PROTECTION AGENCY ASSISTANT ADMINISTRATOR.—The term ''Environmental Protection Agency Assistant Administrator'' means the Assistant Administrator for Water of the Environmental Protection Agency.

(5) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given to the term ''Indian tribe'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(6) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ASSISTANT ADMINISTRATOR.—The term ''National Oceanic and Atmospheric Administration Assistant Administrator'' means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(7) PARTNERSHIP.—The term ''Partnership'' means an entity designated by Congress as a Fish Habitat Partnership under section 204.

(8) REAL PROPERTY INTEREST.—The term ''real property interest'' means an ownership interest in—

(A) land; or

(B) water (including water rights).

(9) MARINE FISHERIES COMMISSIONS.—The term ''Marine Fisheries Commissions'' means—

(A) the Atlantic States Marine Fisheries Commission;

(B) the Gulf States Marine Fisheries Commission; and

(C) the Pacific States Marine Commission.

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

(11) STATE.—The term ''State'' means each of the several States, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the United States Virgin Islands, and the District of Columbia.

(12) STATE AGENCY.—The term ''State agency'' means—

(A) the fish and wildlife agency of a State; and

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources of the State or sustains the habitat for those fishery resources pursuant to State law or the constitution of the State.

SEC. 203. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) FISH HABITAT BOARD.—There is established a board, to be known as the ''National Fish Habitat Board'', whose duties are—

(A) to promote, oversee, and coordinate the implementation of this title;

(B) to establish national goals and priorities for fish habitat conservation;

(C) to recommend to Congress entities for designation as Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 26 members, of whom—

(A) one shall be a representative of the Department of the Interior;

(B) one shall be a representative of the United States Geological Survey;

(C) one shall be a representative of the Department of Commerce;

(D) one shall be a representative of the Department of Agriculture;

(E) one shall be a representative of the Association of Fish and Wildlife Agencies;

(F) four shall be representatives of State agencies, one of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(G) two shall be representatives of either—

(i) Indian Tribes in the State of Alaska; or

(ii) Indian Tribes in States other than the State of Alaska;

(H) one shall be a representative of either—

(i) the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852); or

(ii) a representative of the Marine Fisheries Commissions;

(I) one shall be a representative of the Sportfishing and Boating Partnership Council;

(J) seven shall be representatives selected from at least one from each of the following:

(i) the recreational sportfishing industry;

(ii) the commercial fishing industry;

(iii) marine recreational anglers;

(iv) freshwater recreational anglers;

(v) habitat conservation organizations; and

(vi) science-based fishery organizations;

(K) one shall be a representative of a national private landowner organization;

(L) one shall be a representative of an agricultural production organization;

(M) one shall be a representative of local government interests involved in fish habitat restoration;

(N) two shall be representatives from different sectors of corporate industries, which may include—

(i) natural resource commodity interests, such as petroleum or mineral extraction;

(ii) natural resource user industries; and

(iii) industries with an interest in fish and fish habitat conservation; and

(O) one shall be a leadership private sector or landowner representative of an active partnership.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this section, a member of the Board described in any of subparagraphs (F) through (O) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—The initial Board shall consist of representatives as described in subparagraphs (A) through (F) of subsection (a)(2).

(B) REMAINING MEMBERS.—Not later than 60 days after the date of enactment of this Act, the representatives of the initial Board under subparagraph (A) shall appoint the remaining members of the Board described in subparagraphs (H) through (O) of subsection (a)(2).

(C) TRIBAL REPRESENTATIVES.—Not later than 60 days after the enactment of this Act, the Secretary shall provide to the Board a recommendation of not fewer than three Tribal representatives, from which the Board shall appoint one representative pursuant to subparagraph (G) of subsection (a)(2).

(3) STAGGERED TERMS.—Of the members described in subsection (a)(2)(J) initially appointed to the Board—

(A) two shall be appointed for a term of 1 year;

(B) two shall be appointed for a term of 2 years; and

(C) three shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in subparagraph (H), (I), (J), (K), (L), (M), (N), or (O) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (G) of subsection (a)(2), the Secretary shall recommend to the Board a list of not fewer than three Tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (O) of subparagraph (a)(2) misses three consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The representative of the Association of Fish and Wildlife Agencies appointed under subsection (a)(2)(E) shall serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of two-thirds of all members;

(C) procedures for establishing national goals and priorities for fish habitat conservation for the purposes of this title;

(D) procedures for designating Partnerships under section 204; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

SEC. 204. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO RECOMMEND.—The Board may recommend to Congress the designation of Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to work with other regional habitat conservation programs to promote cooperation and coordination to enhance fish populations and fish habitats;

(2) to engage local and regional communities to build support for fish habitat conservation;

(3) to involve diverse groups of public and private partners;

(4) to develop collaboratively a strategic vision and achievable implementation plan that is scientifically sound;

(5) to leverage funding from sources that support local and regional partnerships;

(6) to use adaptive management principles, including evaluation of project success and functionality;

(7) to develop appropriate local or regional habitat evaluation and assessment measures and criteria that are compatible with national habitat condition measures; and

(8) to implement local and regional priority projects that improve conditions for fish and fish habitat.

(c) CRITERIA FOR DESIGNATION.—An entity seeking to be designated by Congress as a Partnership shall—

(1) submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require; and

(2) demonstrate to the Board that the entity has—

(A) a focus on promoting the health of important fish and fish habitats;

(B) an ability to coordinate the implementation of priority projects that support the goals and national priorities set by the Board that are within the Partnership boundary;

(C) a self-governance structure that supports the implementation of strategic priorities for fish habitat;

(D) the ability to develop local and regional relationships with a broad range of entities to further strategic priorities for fish and fish habitat;

(E) a strategic plan that details required investments for fish habitat conservation that addresses the strategic fish habitat priorities of the Partnership and supports and meets the strategic priorities of the Board;

(F) the ability to develop and implement fish habitat conservation projects that address strategic priorities of the Partnership and the Board; and

(G) the ability to develop fish habitat conservation priorities based on sound science and data, the ability to measure the effectiveness of fish habitat projects of the Partnership, and a clear plan as to how Partnership science and data components will be integrated with the overall Board science and data effort.

(d) REQUIREMENTS FOR RECOMMENDATION TO CONGRESS.—The Board may recommend to Congress for designation an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) meets the criteria described in subsection (c)(2);

(2) identifies representatives to provide support and technical assistance to the Partnership from a diverse group of public and private partners, which may include State or local governments, nonprofit entities, Indian Tribes, and private individuals, that are focused on conservation of fish habitats to achieve results across jurisdictional boundaries on public and private land;

(3) is organized to promote the health of important fish species and important fish habitats, including reservoirs, natural lakes, coastal and marine environments, coral reefs, and estuaries;

(4) identifies strategic fish and fish habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decision making;

(5) is able to address issues and priorities on a nationally significant scale;

(6) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decision making by the applicant;

(7) demonstrates completion of, or significant progress toward the development of, a strategic plan to address declines in fish populations, rather than simply treating symptoms, in accordance with the goals and national priorities established by the Board; and

(8) promotes collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

(e) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than February 1 of the first fiscal year beginning after the date of enactment of this Act and each February 1 thereafter, the Board shall develop and submit to the appropriate congressional committees an annual report, to be entitled ''Report to Congress on Future Fish Habitat Partnerships and Modifications'', that—

(A) identifies each entity that—

(i) meets the requirements described in subsection (d); and

(ii) the Board recommends to Congress for designation as a Partnership;

(B) describes any proposed modifications to a Partnership previously designated by Congress under subsection (f);

(C) with respect to each entity recommended for designation as a Partnership, describes, to the maximum extent practicable—

(i) the purpose of the recommended Partnership; and

(ii) how the recommended Partnership fulfills the requirements described in subsection (d).

(2) PUBLIC AVAILABILITY; NOTIFICATION.—The Board shall—

(A) make the report publicly available, including on the internet; and

(B) provide to the appropriate congressional committees and the State agency of any State included in a recommended Partnership area written notification of the public availability of the report.

(f) DESIGNATION OR MODIFICATION OF PARTNERSHIP.—Congress shall have the exclusive authority to designate or modify a Partnership.

(g) EXISTING PARTNERSHIPS.—

(1) DESIGNATION REVIEW.—Not later than 5 years after the date of enactment of this Act, any partnership receiving Federal funds as of the date of enactment of this Act shall be subject to a designation review by Congress in which Congress shall have the opportunity to designate the partnership under subsection (f).

(2) INELIGIBILITY FOR FEDERAL FUNDS.—A partnership referred to in paragraph (1) that Congress does not designate as described in that paragraph shall be ineligible to receive Federal funds under this title.

SEC. 205. FISH HABITAT CONSERVATION PROJECTS.

(a) SUBMISSION TO BOARD.—Not later than March 31 of each year, each Partnership shall submit to the Board a list of priority fish habitat conservation projects recommended by the Partnership for annual funding under this title.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each year, the Board shall submit to the Secretary a priority list of fish habitat conservation projects that includes a description, including estimated costs, of each project that the Board recommends that the Secretary approve and fund under this title for the following fiscal year.

(c) CRITERIA FOR PROJECT SELECTION.—The Board shall select each fish habitat conservation project recommended to the Secretary under subsection (b) after taking into consideration, at a minimum, the following information:

(1) A recommendation of the Partnership that is, or will be, participating actively in implementing the fish habitat conservation project.

(2) The capabilities and experience of project proponents to implement successfully the proposed project.

(3) The extent to which the fish habitat conservation project—

(A) fulfills a local or regional priority that is directly linked to the strategic plan of the Partnership and is consistent with the purpose of this title;

(B) addresses the national priorities established by the Board;

(C) is supported by the findings of the habitat assessment of the Partnership or the Board, and aligns or is compatible with other conservation plans;

(D) identifies appropriate monitoring and evaluation measures and criteria that are compatible with national measures;

(E) provides a well-defined budget linked to deliverables and outcomes;

(F) leverages other funds to implement the project;

(G) addresses the causes and processes behind the decline of fish or fish habitats; and

(H) includes an outreach or education component that includes the local or regional community.

(4) The availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e).

(5) The extent to which the fish habitat conservation project—

(A) will increase fish populations in a manner that leads to recreational fishing opportunities for the public;

(B) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian Tribes, and private entities;

(C) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

(D) advances the conservation of fish and wildlife species that have been identified by a State agency as species of greatest conservation need;

(E) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(F) promotes strong and healthy fish habitats so that desired biological communities are able to persist and adapt.

(6) The substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this title unless the fish habitat conservation project includes an evaluation plan designed using applicable Board guidance—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met;

(C) to identify improvements to existing fish populations, recreational fishing opportunities, and the overall economic benefits for the local community of the fish habitat conservation project; and

(D) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION AUTHORITIES.—

(A) IN GENERAL.—A State, local government, or other non-Federal entity is eligible to receive funds for the acquisition of real

property from willing sellers under this title if the acquisition ensures—

(i) public access for fish and wildlife-dependent recreation; or

(ii) a scientifically based, direct enhancement to the health of fish and fish populations, as determined by the Board.

(B) STATE AGENCY APPROVAL.—

(i) IN GENERAL.—All real property interest acquisition projects funded under this title must be approved by the State agency in the State in which the project is occurring.

(ii) PROHIBITION.—The Board may not recommend, and the Secretary may not provide any funding for, any real property interest acquisition that has not been approved by the State agency.

(C) ASSESSMENT OF OTHER AUTHORITIES.—The Board may not recommend, and the Secretary may not provide any funding under this title for, any real property interest acquisition unless the Partnership that recommended the project has conducted a project assessment, submitted with the funding request and approved by the Board, to demonstrate all other Federal, State, and local authorities for the acquisition of real property have been exhausted.

(D) RESTRICTIONS.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, local government, or other non-Federal entity conducted with funds provided under this title, unless—

(i) the owner of the real property authorizes the State, local government, or other non-Federal entity to acquire the real property; and

(ii) the Secretary and the Board determine that the State, local government, or other non-Federal entity would benefit from undertaking the management of the real property being acquired because that is in accordance with the goals of a Partnership.

(e) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (4), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this title unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) NON-FEDERAL SHARE.—Such non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from another Federal grant program; and

(B) may include in-kind contributions and cash.

(3) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian Tribe pursuant to this title may be considered to be non-Federal funds for the purpose of paragraph (1).

(4) WAIVER AUTHORITY.—The Secretary, in consultation with the Secretary of Commerce with respect to marine or estuarine projects, may waive the application of paragraph (2)(A) with respect to a State or an Indian Tribe, or otherwise reduce the portion of the non-Federal share of the cost of an activity required to be paid by a State or an Indian Tribe under paragraph (1), if the Secretary determines that the State or Indian Tribe does not have sufficient funds not derived from another Federal grant program to pay such non-Federal share, or portion of the non-Federal share, without the use of loans.

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after the date of receipt of the recommended priority list of fish habitat conservation projects under subsection (b), and subject to subsection (d) and based, to the maximum extent practicable, on the criteria described in subsection (c), the Secretary, after consulting with the Secretary of Commerce on marine or estuarine projects, shall approve or reject any fish habitat conservation project recommended by the Board.

(2) FUNDING.—If the Secretary approves a fish habitat conservation project under paragraph (1), the Secretary shall use amounts made available to carry out this title to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the Secretary rejects under paragraph (1) any fish habitat conservation project recommended by the Board, not later than 90 days after the date of receipt of the recommendation, the Secretary shall provide to the Board, the appropriate Partnership, and the appropriate congressional committees a written statement of the reasons that the Secretary rejected the fish habitat conservation project.

SEC. 206. TECHNICAL AND SCIENTIFIC ASSISTANCE.

(a) IN GENERAL.—The Director, the National Oceanic and Atmospheric Administration Assistant Administrator, the Environmental Protection Agency Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, may provide scientific and technical assistance to Partnerships, participants in fish habitat conservation projects, and the Board.

(b) INCLUSIONS.—Scientific and technical assistance provided under subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian Tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment;

(6) ensuring the availability of experts to assist in conducting scientifically based evaluation and reporting of the results of fish habitat conservation projects; and

(7) providing resources to secure State agency scientific and technical assistance to support Partnerships, participants in fish habitat conservation projects, and the Board.

SEC. 207. COORDINATION WITH STATES AND INDIAN TRIBES.

The Secretary shall provide a notice to, and cooperate with, the appropriate State agency or Tribal agency, as applicable, of each State and Indian Tribe within the boundaries of which an activity is planned to be carried out pursuant to this title, including notification, by not later than 30 days before the date on which the activity is implemented.

SEC. 208. INTERAGENCY OPERATIONAL PLAN.

Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the National Oceanic and Atmospheric Administration Assistant Administrator, the Environmental Protection Agency Assistant Administrator, the Director of the United States Geological Survey, and the heads of other appropriate Federal departments and agencies (including, at a minimum, those agencies represented on the Board) shall develop an interagency operational plan that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs for the implementation of this title; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

SEC. 209. ACCOUNTABILITY AND REPORTING.

(a) REPORTING.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the progress of this title.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet, or other suitable measures of fish habitat, that was maintained or improved by Partnerships under this title during the 5-year period ending on the date of submission of the report;

(B) a description of the public access to fish habitats established or improved under this title during that 5-year period;

(C) a description of the improved opportunities for public recreational fishing achieved under this title; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this title during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 205(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 205(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection of a fish habitat conservation project recommended by the Board under section 205(b) that was based on a factor other than the criteria described in section 205(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian Tribes, or other entities to carry out fish habitat conservation projects under this title.

(b) STATUS AND TRENDS REPORT.—Not later than December 31, 2021, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report that includes—

(1) a status of all Partnerships designated under this title;

(2) a description of the status of fish habitats in the United States as identified by designated Partnerships; and

(3) enhancements or reductions in public access as a result of—

(A) the activities of the Partnerships; or

(B) any other activities carried out pursuant to this title.

SEC. 210. EFFECT OF THIS TITLE.

(a) WATER RIGHTS.—Nothing in this title—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) AUTHORITY TO ACQUIRE WATER RIGHTS OR RIGHTS TO PROPERTY.—Only a State, local

government, or other non-Federal entity may acquire, under State law, water rights or rights to property with funds made available through section 212.

(c) STATE AUTHORITY.—Nothing in this title—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(d) EFFECT ON INDIAN TRIBES.—Nothing in this title abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian Tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian Tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(e) ADJUDICATION OF WATER RIGHTS.—Nothing in this title diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Departments of State, Justice, Commerce, and The Judiciary Appropriation Act, 1953 (43 U.S.C. 666).

(f) DEPARTMENT OF COMMERCE AUTHORITY.—Nothing in this title affects the authority, jurisdiction, or responsibility of the Department of Commerce to manage, control, or regulate fish or fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(g) EFFECT ON OTHER AUTHORITIES.—

(1) PRIVATE PROPERTY PROTECTION.—Nothing in this title permits the use of funds made available to carry out this title to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest, respectively.

(2) MITIGATION.—Nothing in this title authorizes the use of funds made available to carry out this title for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

(3) CLEAN WATER ACT.—Nothing in this title affects any provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including any definition in that Act.

SEC. 211. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

SEC. 212. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary $7,200,000 for each of fiscal years 2021 through 2025 to provide funds for fish habitat conservation projects approved under section 205(f), of which 5 percent is authorized only for projects carried out by Indian Tribes.

(2) ADMINISTRATIVE AND PLANNING EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2021 through 2025 an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1)—

(A) for administrative and planning expenses under this title; and

(B) to carry out section 209.

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There is authorized to be appropriated for each of fiscal years 2021 through 2025 to carry out, and provide technical and scientific assistance under, section 206—

(A) $400,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) $400,000 to the National Oceanic and Atmospheric Administration Assistant Administrator for use by the National Oceanic and Atmospheric Administration;

(C) $400,000 to the Environmental Protection Agency Assistant Administrator for use by the Environmental Protection Agency;

(D) $400,000 to the Secretary for use by the United States Geological Survey; and

(E) $400,000 to the Secretary of Agriculture, acting through the Chief of the Forest Service, for use by the Forest Service.

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity to provide funds authorized by this title for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and, subject to the availability of appropriations, use a grant from any individual or entity to carry out the purposes of this title; and

(3) subject to the availability of appropriations, make funds authorized by this Act available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this title.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this title; and

(B) accept donations of funds, property, and services to carry out the purposes of this title.

(2) TREATMENT.—A donation accepted under this title—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

SEC. 213. PROHIBITION AGAINST IMPLEMENTATION OF REGULATORY AUTHORITY BY FEDERAL AGENCIES THROUGH PARTNERSHIPS.

Any Partnership designated under this title—

(1) shall be for the sole purpose of promoting fish conservation; and

(2) shall not be used to implement any regulatory authority of any Federal agency.

TITLE III—MISCELLANEOUS

SEC. 301. SENSE OF THE SENATE REGARDING CONSERVATION AGREEMENTS AND ACTIVITIES.

It is the sense of the Senate that—

(1) voluntary conservation agreements benefit species and the habitats on which the species rely;

(2) States, Indian Tribes, units of local government, landowners, and other stakeholders should be encouraged to participate in voluntary conservation agreements; and

(3) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, and the Secretary of Commerce, acting through the Assistant Administrator of the National Marine Fisheries Service, should consider the enrollment in, and performance of, conservation agreements and investment in, and implementation of, general conservation activities by States, Indian Tribes, units of local government, landowners, and other stakeholders in making determinations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 302. STUDY TO REVIEW CONSERVATION FACTORS.

(a) DEFINITION OF SECRETARIES.—In this section, the term ''Secretaries'' means—

(1) the Secretary of Agriculture;

(2) the Secretary of Commerce, acting through the Assistant Administrator of the National Marine Fisheries Service; and

(3) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(b) STUDY.—To assess factors affecting successful conservation activities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretaries shall carry out a study—

(1) to review any factors that threaten or endanger a species for which a listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) would not contribute to the conservation of the species;

(2) to review any barriers to—

(A) the delivery of Federal, State, local, or private funds for such conservation activities, including statutory or regulatory impediments, staffing needs, and other relevant considerations; or

(B) the implementation of conservation agreements, plans, or other cooperative agreements, including agreements focused on voluntary activities, multispecies efforts, and other relevant considerations;

(3) to review factors that impact the ability of the Federal Government to successfully implement the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(4) to develop recommendations regarding methods to address barriers identified under paragraph (2), if any;

(5) to review determinations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in which a species is determined to be recovered by the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, or the Secretary of Commerce, acting through the Assistant Administrator of the National Marine Fisheries Service, but remains listed under that Act, including—

(A) an explanation of the factors preventing a delisting or downlisting of the species; and

(B) recommendations regarding methods to address the factors described in subparagraph (A); and

(6) to review any determinations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in which a species has been identified as needing listing or uplisting under that Act but remains unlisted or listed as a threatened species, respectively, including—

(A) an explanation of the factors preventing a listing or uplisting of the species; and

(B) recommendations regarding methods to address the factors described in subparagraph (A).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall submit to the Committees on Appropriations and Environment and Public Works of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives and make publicly

available a report describing the results of the study under subsection (b).

SEC. 303. STUDY AND REPORT ON EXPENDITURES.

(a) REPORTS ON EXPENDITURES.—

(1) FEDERAL DEPARTMENTS AND AGENCIES.—

(A) IN GENERAL.—At the determination of the Comptroller General of the United States (referred to in this section as the ''Comptroller General''), to facilitate the preparation of the reports from the Comptroller General under paragraph (2), the head of each Federal department and agency shall submit to the Comptroller General data and other relevant information that describes the amounts expended or disbursed (including through loans, loan guarantees, grants, or any other financing mechanism) by the department or agency as a direct result of any provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (including any regulation promulgated pursuant to that Act) during—

(i) with respect to the first report under paragraph (2), the 3 fiscal years preceding the date of submission of the report; and

(ii) with respect to the second report under paragraph (2), the 2 fiscal years preceding the date of submission of the report.

(B) REQUIREMENTS.—Data and other relevant information submitted under subparagraph (A) shall describe, with respect to the applicable amounts—

(i) the programmatic office of the department or agency on behalf of which each amount was expended or disbursed;

(ii) the provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or regulation promulgated pursuant to that Act) pursuant to which each amount was expended or disbursed; and

(iii) the project or activity carried out using each amount, in detail sufficient to reflect the breadth, scope, and purpose of the project or activity.

(2) COMPTROLLER GENERAL.—Not later than 2 years and 4 years after the date of enactment of this Act, the Comptroller General shall submit to the Committees on Appropriations, Commerce, Science, and Transportation, and Environment and Public Works of the Senate and the Committee on Appropriations and Natural Resources of the House of Representatives a report that describes—

(A) the aggregate amount expended or disbursed by all Federal departments and agencies as a direct result of any provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (including any regulation promulgated pursuant to that Act) during—

(i) with respect to the first report, the 3 fiscal years preceding the date of submission of the report; and

(ii) with respect to the second report, the 2 fiscal years preceding the date of submission of the report;

(B) the provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or regulation promulgated pursuant to that Act) pursuant to which each such amount was expended or disbursed; and

(C) with respect to each relevant department or agency—

(i) the total amount expended or disbursed by the department or agency as described in subparagraph (A); and

(ii) the information described in clauses (i) through (iii) of paragraph (1)(B).

(b) REPORT ON CONSERVATION ACTIVITIES.—

(1) FEDERAL DEPARTMENTS AND AGENCIES.—At the determination of the Comptroller General, to facilitate the preparation of the report under paragraph (2), the head of each Federal department and agency shall submit to the Comptroller General data and other relevant information that describes the conservation activities by the Federal department or agency as a direct result of any provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (including any regulation promulgated pursuant to that Act) during—

(A) with respect to the first report under paragraph (2), the 3 fiscal years preceding the date of submission of the report; and

(B) with respect to the second report under paragraph (2), the 2 fiscal years preceding the date of submission of the report.

(2) COMPTROLLER GENERAL.—Not later than 2 years and 4 years after the date of enactment of this Act, the Comptroller General shall submit to the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report that—

(A) describes the conservation activities by all Federal departments and agencies for species listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as reported under paragraph (1), during—

(i) with respect to the first report, the 3 fiscal years preceding the date of submission of the report; and

(ii) with respect to the second report, the 2 fiscal years preceding the date of submission of the report;

(B) is organized into categories with respect to whether a recovery plan for a species has been established;

(C) includes conservation outcomes associated with the conservation activities; and

(D) as applicable, describes the conservation activities that required interaction between Federal agencies and between Federal agencies and State and Tribal agencies and units of local government pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 304. USE OF VALUE OF LAND FOR COST SHARING.

The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) is amended—

(1) by redesignating section 13 as section 14; and

(2) by inserting after section 12 the following:

''SEC. 13. VALUE OF LAND.

''Notwithstanding any other provision of law, any institution eligible to receive Federal funds under the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601 et seq.) shall be allowed to use the value of any land owned by the institution as an in-kind match to satisfy any cost sharing requirement under this Act.''.

SA 1277. Mr. MCCONNELL (for Mr. BARRASSO) proposed an amendment to the bill H.R. 925, to improve protections for wildlife, and for other purposes; as follows:

Amend the title so as to read: ''An Act to improve protections for wildlife, and for other purposes.''.

SA 1278. Mr. MCCONNELL (for Mr. SULLIVAN (for himself, Mr. WHITEHOUSE, and Mr. MENENDEZ)) proposed an amendment to the bill S. 1982, to improve efforts to combat marine debris, 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 ''Save Our Seas 2.0 Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) CIRCULAR ECONOMY.—The term ''circular economy'' means an economy that uses a systems-focused approach and involves industrial processes and economic activities that—

(A) are restorative or regenerative by design;

(B) enable resources used in such processes and activities to maintain their highest values for as long as possible; and

(C) aim for the elimination of waste through the superior design of materials, products, and systems (including business models).

(2) EPA ADMINISTRATOR.—The term ''EPA Administrator'' means the Administrator of the Environmental Protection Agency.

(3) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), without regard to capitalization.

(4) INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—The term ''Interagency Marine Debris Coordinating Committee'' means the Interagency Marine Debris Coordinating Committee established under section 5 of the Marine Debris Act (33 U.S.C. 1954).

(5) MARINE DEBRIS.—The term ''marine debris'' has the meaning given that term in section 7 of the Marine Debris Act (33 U.S.C. 1956).

(6) MARINE DEBRIS EVENT.—The term ''marine debris event'' means an event or related events that affects or may imminently affect the United States involving—

(A) marine debris caused by a natural event, including a tsunami, flood, landslide, hurricane, or other natural source;

(B) distinct, nonrecurring marine debris, including derelict vessel groundings and container spills, that have immediate or long-term impacts on habitats with high ecological, economic, or human-use values; or

(C) marine debris caused by an intentional or grossly negligent act or acts that causes substantial economic or environmental harm.

(7) NON-FEDERAL FUNDS.—The term ''non-Federal funds'' means funds provided by—

(A) a State;

(B) an Indian Tribe;

(C) a territory of the United States;

(D) one or more units of local governments or Tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

(E) a foreign government;

(F) a private for-profit entity;

(G) a nonprofit organization; or

(H) a private individual.

(8) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(9) POST-CONSUMER MATERIALS MANAGEMENT.—The term ''post-consumer materials management'' means the systems, operation, supervision, and long-term management of processes and equipment used for post-use material (including packaging, goods, products, and other materials), including—

(A) collection;

(B) transport;

(C) safe disposal of waste that cannot be recovered, reused, recycled, repaired, or refurbished; and

(D) systems and processes related to post-use materials that can be recovered, reused, recycled, repaired, or refurbished.

(10) STATE.—The term ''State'' means—

(A) a State;

(B) an Indian Tribe;

(C) the District of Columbia;

(D) a territory or possession of the United States; or

(E) any political subdivision of an entity described in subparagraphs (A) through (D).

(11) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

TITLE I—COMBATING MARINE DEBRIS

Subtitle A—Marine Debris Foundation

SEC. 111. ESTABLISHMENT AND PURPOSES OF FOUNDATION.

(a) ESTABLISHMENT.—There is established the Marine Debris Foundation (in this title referred to as the ''Foundation''). The Foundation is a charitable and nonprofit organization and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Foundation are—

(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the National Oceanic and Atmospheric Administration under the Marine Debris Program established under section 3 of the Marine Debris Act (33 U.S.C. 1952), and other relevant programs and agencies;

(2) to undertake and conduct such other activities as will further the efforts of the National Oceanic and Atmospheric Administration to assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris on the economy of the United States, the marine environment, and navigation safety;

(3) to participate with, and otherwise assist, State, local, and Tribal governments, foreign governments, entities, and individuals in undertaking and conducting activities to assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris and its root causes on the economy of the United States, the marine environment (including waters in the jurisdiction of the United States, the high seas, and waters in the jurisdiction of other countries), and navigation safety;

(4) to administer the Genius Prize for Save Our Seas Innovation as described in title II; and

(5) to support other Federal actions to reduce marine debris.

SEC. 112. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (in this title referred to as the ''Board''), which shall consist of the Under Secretary and 12 additional Directors appointed in accordance with subsection (b) from among individuals who are United States citizens.

(2) REPRESENTATION OF DIVERSE POINTS OF VIEW.—To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to the assessment, prevention, reduction, and removal of marine debris.

(3) NOT FEDERAL EMPLOYEES.—Appointment as a Director of the Foundation shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.

(b) APPOINTMENT AND TERMS.—

(1) APPOINTMENT.—Subject to paragraph (2), after consulting with the EPA Administrator, the Director of the United States Fish and Wildlife Service, the Assistant Secretary of State for the Bureau of Oceans and International Environmental and Scientific Affairs, and the Administrator of the United States Agency for International Development, and considering the recommendations submitted by the Board, the Under Secretary shall appoint 12 Directors who meet the criteria established by subsection (a), of whom—

(A) at least 4 shall be educated or experienced in the assessment, prevention, reduction, or removal of marine debris, which may include an individual with expertise in post-consumer materials management or a circular economy;

(B) at least 2 shall be educated or experienced in the assessment, prevention, reduction, or removal of marine debris outside the United States;

(C) at least 2 shall be educated or experienced in ocean and coastal resource conservation science or policy; and

(D) at least 2 shall be educated or experienced in international trade or foreign policy.

(2) TERMS.—

(A) IN GENERAL.—Subject to subparagraph (B), each Director (other than the Under Secretary) shall be appointed for a term of 6 years.

(B) INITIAL APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Under Secretary under paragraph (1), the Secretary shall appoint, not later than 180 days after the date of the enactment of this Act—

(i) 4 Directors for a term of 6 years;

(ii) 4 Directors for a term of 4 years; and

(iii) 4 Directors for a term of 2 years.

(3) VACANCIES.—

(A) IN GENERAL.—The Under Secretary shall fill a vacancy on the Board.

(B) TERM OF APPOINTMENTS TO FILL UNEXPIRED TERMS.—An individual appointed to fill a vacancy that occurs before the expiration of the term of a Director shall be appointed for the remainder of the term.

(4) REAPPOINTMENT.—An individual (other than an individual described in paragraph (1)) shall not serve more than 2 consecutive terms as a Director, excluding any term of less than 6 years.

(5) REQUEST FOR REMOVAL.—The executive committee of the Board may submit to the Under Secretary a letter describing the nonperformance of a Director and requesting the removal of the Director from the Board.

(6) CONSULTATION BEFORE REMOVAL.—Before removing any Director from the Board, the Under Secretary shall consult with the Assistant Secretary of State for the Bureau of Oceans and International Environmental and Scientific Affairs, the Director of the United States Fish and Wildlife Service, and the EPA Administrator.

(c) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a 2-year term.

(d) QUORUM.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a Director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (b).

(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation.

(g) GENERAL POWERS.—

(1) IN GENERAL.—The Board may complete the organization of the Foundation by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provisions of this title; and

(C) undertaking of other such acts as may be necessary to carry out the provisions of this title.

(2) LIMITATIONS ON APPOINTMENT.—The following limitations apply with respect to the appointment of officers and employees of the Foundation:

(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers and employees of the Foundation shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(B) The first officer or employee appointed by the Board shall be the Secretary of the Board who—

(i) shall serve, at the direction of the Board, as its chief operating officer; and

(ii) shall be knowledgeable and experienced in matters relating to the assessment, prevention, reduction, and removal of marine debris.

SEC. 113. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States and abroad; and

(3) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

(b) SERVICE OF PROCESS.—The serving of notice to, or service of process upon, the agent required under subsection (a)(3), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(c) POWERS.—

(1) IN GENERAL.—To carry out its purposes under section 111, the Foundation shall have, in addition to the powers otherwise given it under this title, the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

(A) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(B) to acquire by purchase or exchange any real or personal property or interest therein;

(C) to invest any funds provided to the Foundation by the Federal Government in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States;

(D) to deposit any funds provided to the Foundation by the Federal Government into accounts that are insured by an agency or instrumentality of the United States;

(E) to make use of any interest or investment income that accrues as a consequence of actions taken under subparagraph (C) or (D) to carry out the purposes of the Foundation;

(F) to use Federal funds to make payments under cooperative agreements to provide substantial long-term benefits for the assessment, prevention, reduction, and removal of marine debris;

(G) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

(H) to borrow money and issue bonds, debentures, or other debt instruments;

(I) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Foundation shall not be personally liable, except for gross negligence;

(J) to enter into contracts or other arrangements with, or provide financial assistance to, public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(K) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

(2) NON-FEDERAL CONTRIBUTIONS TO THE FUND.—A gift, devise, or bequest may be accepted by the Foundation without regard to whether the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

(d) NOTICE TO MEMBERS OF CONGRESS.—The Foundation may not make a grant of Federal funds in an amount greater than $100,000 unless, by not later than 15 days before the grant is made, the Foundation provides notice of the grant to the Member of Congress for the congressional district in which the project to be funded with the grant will be carried out.

(e) COORDINATION OF INTERNATIONAL EFFORTS.—Any efforts of the Foundation carried out in a foreign country, and any grants provided to an individual or entity in a foreign country, shall be made only with the concurrence of the Secretary of State, in consultation, as appropriate, with the Administrator of the United States Agency for International Development.

(f) CONSULTATION WITH NOAA.—The Foundation shall consult with the Under Secretary during the planning of any restoration or remediation action using funds resulting from judgments or settlements relating to the damage to trust resources of the National Oceanic and Atmospheric Administration.

SEC. 114. ADMINISTRATIVE SERVICES AND SUPPORT.

(a) PROVISION OF SERVICES.—The Under Secretary may provide personnel, facilities, and other administrative services to the Foundation, including reimbursement of expenses, not to exceed the current Federal Government per diem rates, for a period of up to 5 years beginning on the date of the enactment of this Act.

(b) REIMBURSEMENT.—The Under Secretary shall require reimbursement from the Foundation for any administrative service provided under subsection (a). The Under Secretary shall deposit any reimbursement received under this subsection into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

SEC. 115. VOLUNTEER STATUS.

The Secretary of Commerce may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the Department of Commerce, as volunteers in the performance of the functions authorized in this title.

SEC. 116. REPORT REQUIREMENTS; PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) REPORT.—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources and the Committee on Energy and Commerce of the House of Representatives a report—

(1) describing the proceedings and activities of the Foundation during that fiscal year, including a full and complete statement of its receipts, expenditures, and investments; and

(2) including a detailed statement of the recipient, amount, and purpose of each grant made by the Foundation in the fiscal year.

(b) RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purposes set forth in section 111(b), or

(2) refuses, fails, or neglects to discharge its obligations under this title, or threatens to do so,

the Attorney General may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

SEC. 117. UNITED STATES RELEASE FROM LIABILITY.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—The Secretary of Commerce shall carry out this title using existing amounts that are appropriated or otherwise made available to the Department of Commerce.

(2) USE OF APPROPRIATED FUNDS.—Subject to paragraph (3), amounts made available under paragraph (1) shall be provided to the Foundation to match contributions (whether in currency, services, or property) made to the Foundation, or to a recipient of a grant provided by the Foundation, by private persons and State and local government agencies.

(3) PROHIBITION ON USE FOR ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no Federal funds made available under paragraph (1) may be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

(B) EXCEPTION.—The Secretary may allow the use of Federal funds made available under paragraph (1) to pay for salaries during the 18-month period beginning on the date of the enactment of this Act.

(b) ADDITIONAL AUTHORIZATION.—

(1) IN GENERAL.—In addition to the amounts made available under subsection (a), the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation to further the assessment, prevention, reduction, and removal of marine debris in accordance with the requirements of this title.

(2) USE OF FUNDS ACCEPTED FROM FEDERAL AGENCIES.—Federal funds provided to the Foundation under paragraph (1) shall be used by the Foundation for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

(c) PROHIBITION ON USE OF GRANT AMOUNTS FOR LITIGATION AND LOBBYING EXPENSES.—Amounts provided as a grant by the Foundation shall not be used for—

(1) any expense related to litigation consistent with Federal-wide cost principles; or

(2) any activity the purpose of which is to influence legislation pending before Congress consistent with Federal-wide cost principles.

SEC. 119. TERMINATION OF AUTHORITY.

The authority of the Foundation under this subtitle shall terminate on the date that is 10 years after the establishment of the Foundation, unless the Foundation is reauthorized by an Act of Congress.

Subtitle B—Genius Prize for Save Our Seas Innovations

SEC. 121. DEFINITIONS.

In this subtitle:

(1) PRIZE COMPETITION.—The term ''prize competition'' means the competition for the award of the Genius Prize for Save Our Seas Innovations established under section 122.

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

SEC. 122. GENIUS PRIZE FOR SAVE OUR SEAS INNOVATIONS.

(a) IN GENERAL.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition—

(A) to encourage technological innovation with the potential to reduce plastic waste, and associated and potential pollution, and thereby prevent marine debris; and

(B) to award 1 or more prizes biennially for projects that advance human understanding and innovation in removing and preventing plastic waste, in one of the categories described in paragraph (2).

(2) CATEGORIES FOR PROJECTS.—The categories for projects are:

(A) Advancements in materials used in packaging and other products that, if such products enter the coastal or ocean environment, will fully degrade without harming the environment, wildlife, or human health.

(B) Innovations in production and packaging design that reduce the use of raw materials, increase recycled content, encourage reusability and recyclability, and promote a circular economy.

(C) Improvements in marine debris detection, monitoring, and cleanup technologies and processes.

(D) Improvements or improved strategies to increase solid waste collection, processing, sorting, recycling, or reuse.

(E) New designs or strategies to reduce overall packaging needs and promote reuse.

(b) DESIGNATION.—The prize competition established under subsection (a) shall be known as the ''Genius Prize for Save Our Seas Innovations''.

(c) PRIORITIZATION.—In selecting awards for the prize competition, priority shall be given to projects that—

(1) have a strategy, submitted with the application or proposal, to move the new technology, process, design, material, or other product supported by the prize to market-scale deployment;

(2) support the concept of a circular economy; and

(3) promote development of materials that—

(A) can fully degrade in the ocean without harming the environment, wildlife, or human health; and

(B) are to be used in fishing gear or other maritime products that have an increased likelihood of entering the coastal or ocean environment as unintentional waste.

SEC. 123. AGREEMENT WITH THE MARINE DEBRIS FOUNDATION.

(a) IN GENERAL.—The Secretary shall offer to enter into an agreement, which may include a grant or cooperative agreement, under which the Marine Debris Foundation established under title I shall administer the prize competition.

(b) REQUIREMENTS.—An agreement entered into under subsection (a) shall comply with the following requirements:

(1) DUTIES.—The Marine Debris Foundation shall—

(A) advertise the prize competition;

(B) solicit prize competition participants;

(C) administer funds relating to the prize competition;

(D) receive Federal and non-Federal funds—

(i) to administer the prize competition; and

(ii) to award a cash prize;

(E) carry out activities to generate contributions of non-Federal funds to offset, in whole or in part—

(i) the administrative costs of the prize competition; and

(ii) the costs of a cash prize;

(F) in the design and award of the prize, consult, as appropriate with experts from—

(i) Federal agencies with jurisdiction over the prevention of marine debris or the promotion of innovative materials;

(ii) State agencies with jurisdiction over the prevention of marine debris or the promotion of innovative materials;

(iii) State, regional, or local conservation or post-consumer materials management organizations, the mission of which relates to the prevention of marine debris or the promotion of innovative materials;

(iv) conservation groups, technology companies, research institutions, scientists (including those with expertise in marine environments) institutions of higher education, industry, or individual stakeholders with an interest in the prevention of marine debris or the promotion of innovative materials;

(v) experts in the area of standards development regarding the degradation, breakdown, or recycling of polymers; and

(vi) other relevant experts of the Board's choosing;

(G) in consultation with, and subject to final approval by, the Secretary, develop criteria for the selection of prize competition winners;

(H) provide advice and consultation to the Secretary on the selection of judges under section 124 based on criteria developed in consultation with, and subject to the final approval of, the Secretary;

(I) announce 1 or more annual winners of the prize competition;

(J) subject to paragraph (2), award 1 or more cash prizes biennially of not less than $100,000; and

(K) protect against unauthorized use or disclosure by the Marine Debris Foundation of any trade secret or confidential business information of a prize competition participant.

(2) ADDITIONAL CASH PRIZES.—The Marine Debris Foundation may award more than 1 cash prize in a year—

(A) if the initial cash prize referred to in paragraph (1)(I) and any additional cash prizes are awarded using only non-Federal funds; and

(B) consisting of an amount determined by the Under Secretary after the Secretary is notified by the Marine Debris Foundation that non-Federal funds are available for an additional cash prize.

(3) SOLICITATION OF FUNDS.—The Marine Debris Foundation—

(A) may request and accept Federal funds and non-Federal funds for a cash prize or administration of the prize competition;

(B) may accept a contribution for a cash prize in exchange for the right to name the prize; and

(C) shall not give special consideration to any Federal agency or non-Federal entity in exchange for a donation for a cash prize awarded under this section.

SEC. 124. JUDGES.

(a) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in subsection (b), select the 1 or more annual winners of the prize competition.

(b) DETERMINATION BY THE SECRETARY.—The judges appointed under subsection (a) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

SEC. 125. REPORT TO CONGRESS.

Not later than 60 days after the date on which a cash prize is awarded under this title, the Secretary shall post on a publicly available website a report on the prize competition that includes—

(1) a statement by the Committee that describes the activities carried out by the Committee relating to the duties described in section 123;

(2) if the Secretary has entered into an agreement under section 123, a statement by the Marine Debris Foundation that describes the activities carried out by the Marine Debris Foundation relating to the duties described in section 123; and

(3) a statement by 1 or more of the judges appointed under section 124 that explains the basis on which the winner of the cash prize was selected.

SEC. 126. AUTHORIZATION OF APPROPRIATIONS.

The Secretary of Commerce shall carry out this title using existing amounts that are appropriated or otherwise made available to the Department of Commerce.

SEC. 127. TERMINATION OF AUTHORITY.

The prize program will terminate after 5 prize competition cycles have been completed.

Subtitle C—Other Measures Relating to Combating Marine Debris

SEC. 131. PRIORITIZATION OF MARINE DEBRIS IN EXISTING INNOVATION AND ENTREPRENEURSHIP PROGRAMS.

The Secretary of Commerce, the Secretary of Energy, the EPA Administrator, and the heads of other relevant Federal agencies, shall prioritize efforts to combat marine debris in innovation and entrepreneurship programs established before the date of the enactment of this Act, including by using such programs to increase innovation in and the effectiveness of post-consumer materials management, monitoring, detection, and data-sharing related to the prevalence and location of marine debris, demand for recycled content, alternative uses for plastic waste, product design, reduction of disposable plastic consumer products and packaging, ocean biodegradable materials development, waste prevention, and cleanup.

SEC. 132. EXPANSION OF DERELICT VESSEL RECYCLING.

Not later than 1 year after the date of the enactment of this Act, the Under Secretary and the EPA Administrator shall jointly conduct a study to determine the feasibility of developing a nationwide derelict vessel recycling program—

(1) using as a model the fiberglass boat recycling program from the pilot project in Rhode Island led by Rhode Island Sea Grant and its partners; and

(2) including, if possible, recycling of vessels made from materials other than fiberglass.

SEC. 133. INCENTIVE FOR FISHERMEN TO COLLECT AND DISPOSE OF PLASTIC FOUND AT SEA.

(a) IN GENERAL.—The Under Secretary shall establish a pilot program to assess the feasibility and advisability of providing incentives, such as grants, to fishermen based in the United States who incidentally capture marine debris while at sea—

(1) to track or keep the debris on board; and

(2) to dispose of the debris properly on land.

(b) SUPPORT FOR COLLECTION AND REMOVAL OF DERELICT GEAR.—The Under Secretary shall encourage United States efforts, such as the Fishing for Energy net disposal program, that support—

(1) collection and removal of derelict fishing gear and other fishing waste;

(2) disposal or recycling of such gear and waste; and

(3) prevention of the loss of such gear.

SEC. 134. AMENDMENTS TO MARINE DEBRIS PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 9(a) of the Marine Debris Act (33 U.S.C. 1958(a)) is amended by—

(1) striking ''$10,000,000'' and inserting ''$15,000,000''; and

(2) striking ''5 percent'' and inserting ''7 percent''.

(b) ENHANCEMENT OF PURPOSE.—Section 2 of the Marine Debris Act (33 U.S.C. 1951) is amended by striking ''marine environment,'' and inserting ''marine environment (including waters in the jurisdiction of the United States, the high seas, and waters in the jurisdiction of other countries),''.

(c) TECHNICAL CORRECTIONS.—Section 3(d)(2) of the Marine Debris Act (33 U.S.C. 1952(d)(2)) is amended—

(1) in subparagraph (B), by striking ''the matching requirement under subparagraph (A)'' and inserting ''a matching requirement under subparagraph (A) or (C)''; and

(2) in subparagraph (C), in the matter preceding clause (i), by striking ''Notwithstanding subparagraph (A)'' and inserting ''Notwithstanding subparagraph (A) and except as provided in subparagraph (B)''.

SEC. 135. MARINE DEBRIS ON NATIONAL FOREST SYSTEM LAND.

(a) SPECIAL-USE AUTHORIZATION.—The Secretary of Agriculture (referred to in this section as the ''Secretary'') shall not require a volunteer organization to obtain a special-use authorization for the removal of any marine debris being stored on National Forest System land.

(b) TEMPORARY STORAGE.—Marine debris may be stored on National Forest System land in a location determined by the Secretary for a period of not more than to 90 days, which may be extended in 90-day increments with approval by the relevant U.S. Forest Service District Ranger.

(c) REQUIREMENTS.—Except as otherwise provided in this section, any activities related to the removal of marine debris from National Forest System land shall be conducted in a manner consistent with applicable law and regulations and subject to such reasonable terms and conditions as the Secretary may require.

Subtitle D—Studies and Reports

SEC. 141. REPORT ON OPPORTUNITIES FOR INNOVATIVE USES OF PLASTIC WASTE.

Not later than 2 years after the date of enactment of this Act, the Interagency Marine Debris Coordinating Committee shall submit to Congress a report on innovative uses for plastic waste in consumer products.

SEC. 142. REPORT ON MICROFIBER POLLUTION.

Not later than 2 years after the date of the enactment of this Act, the Interagency Marine Debris Coordinating Committee shall submit to Congress a report on microfiber pollution that includes—

(1) a definition for ''microfiber'';

(2) an assessment of the sources, prevalence, and causes of microfiber pollution;

(3) a recommendation for a standardized methodology to measure and estimate the prevalence of microfiber pollution;

(4) recommendations for reducing microfiber pollution; and

(5) a plan for how Federal agencies, in partnership with other stakeholders, can lead on opportunities to reduce microfiber pollution during the 5-year period beginning on such date of enactment.

SEC. 143. STUDY ON UNITED STATES PLASTIC POLLUTION DATA.

(a) IN GENERAL.—The Under Secretary, in consultation with the EPA Administrator and the Secretary of the Interior, shall seek to enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine under which the National Academies will undertake a multifaceted study that includes the following:

(1) An evaluation of United States contributions to global ocean plastic waste, including types, sources, and geographic variations.

(2) An assessment of the prevalence of marine debris and mismanaged plastic waste in saltwater and freshwater United States navigable waterways and tributaries.

(3) An examination of the import and export of plastic waste to and from the United States, including the destinations of the exported plastic waste and the waste management infrastructure and environmental conditions of these locations.

(4) Potential means to reduce United States contributions to global ocean plastic waste.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Under Secretary shall submit to Congress a report on the study conducted under subsection (a) that includes—

(1) the findings of the National Academies;

(2) recommendations on knowledge gaps that warrant further scientific inquiry; and

(3) recommendations on the potential value of a national marine debris tracking and monitoring system and how such a system might be designed and implemented.

SEC. 144. STUDY ON MASS BALANCE METHODOLOGIES TO CERTIFY CIRCULAR POLYMERS.

(a) IN GENERAL.—The National Institute of Standards and Technology shall conduct a study of available mass balance methodologies that are or could be readily standardized to certify circular polymers.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Institute shall submit to Congress a report on the study conducted under subsection (a) that includes—

(1) an identification and assessment of existing mass balance methodologies, standards, and certification systems that are or may be applicable to supply chain sustainability of polymers, considering the full life cycle of the polymer, and including an examination of—

(A) the International Sustainability and Carbon Certification; and

(B) the Roundtable on Sustainable Biomaterials; and

(2) an assessment of any legal or regulatory barriers to developing a standard and certification system for circular polymers.

(c) DEFINITIONS.—In this section:

(1) CIRCULAR POLYMERS.—The term ''circular polymers'' means polymers that can be reused multiple times or converted into a new, higher-quality product.

(2) MASS BALANCE METHODOLOGY.—The term ''mass balance methodology'' means the method of chain of custody accounting designed to track the exact total amount of certain content in products or materials through the production system and to ensure an appropriate allocation of this content in the finished goods based on auditable bookkeeping.

SEC. 145. REPORT ON SOURCES AND IMPACTS OF DERELICT FISHING GEAR.

Not later than 2 years after the date of the enactment of this Act, the Under Secretary shall submit to Congress a report that includes—

(1) an analysis of the scale of fishing gear losses by domestic and foreign fisheries, including—

(A) how the amount of gear lost varies among—

(i) domestic and foreign fisheries;

(ii) types of fishing gear; and

(iii) methods of fishing;

(B) how lost fishing gear is transported by ocean currents; and

(C) common reasons fishing gear is lost;

(2) an evaluation of the ecological, human health, and maritime safety impacts of derelict fishing gear, and how those impacts vary across—

(A) types of fishing gear;

(B) materials used to construct fishing gear; and

(C) geographic location;

(3) recommendations on management measures—

(A) to prevent fishing gear losses; and

(B) to reduce the impacts of lost fishing gear;

(4) an assessment of the cost of implementing such management measures; and

(5) an assessment of the impact of fishing gear loss attributable to foreign countries.

TITLE II—ENHANCED GLOBAL ENGAGEMENT TO COMBAT MARINE DEBRIS

SEC. 201. STATEMENT OF POLICY ON INTERNATIONAL COOPERATION TO COMBAT MARINE DEBRIS.

It is the policy of the United States to partner, consult, and coordinate with foreign governments (at the national and subnational levels), civil society, international organizations, international financial institutions, subnational coastal communities, commercial and recreational fishing industry leaders, and the private sector, in a concerted effort—

(1) to increase knowledge and raise awareness about—

(A) the linkages between the sources of plastic waste, mismanaged waste and post-consumer materials, and marine debris; and

(B) the upstream and downstream causes and effects of plastic waste, mismanaged waste and post-consumer materials, and marine debris on marine environments, marine wildlife, human health, and economic development;

(2) to support—

(A) strengthening systems for reducing the generation of plastic waste and recovering, managing, reusing, and recycling plastic waste, marine debris, and microfiber pollution in the world's oceans, emphasizing upstream post-consumer materials management solutions—

(i) to decrease plastic waste at its source; and

(ii) to prevent leakage of plastic waste into the environment;

(B) advancing the utilization and availability of safe and affordable reusable alternatives to disposable plastic products in commerce, to the extent practicable, and with consideration for the potential impacts of such alternatives, and other efforts to prevent marine debris;

(C) deployment of and access to advanced technologies to capture value from post-consumer materials and municipal solid waste streams through mechanical and other recycling systems;

(D) access to information on best practices in post-consumer materials management, options for post-consumer materials management systems financing, and options for participating in public-private partnerships; and

(E) implementation of management measures to reduce derelict fishing gear, the loss of fishing gear, and other sources of pollution generated from marine activities and to increase proper disposal and recycling of fishing gear; and

(3) to work cooperatively with international partners—

(A) on establishing—

(i) measurable targets for reducing marine debris, lost fishing gear, and plastic waste from all sources; and

(ii) action plans to achieve those targets with a mechanism to provide regular reporting;

(B) to promote consumer education, awareness, and outreach to prevent marine debris;

(C) to reduce marine debris by improving advance planning for marine debris events and responses to such events; and

(D) to share best practices in post-consumer materials management systems to prevent the entry of plastic waste into the environment.

SEC. 202. PRIORITIZATION OF EFFORTS AND ASSISTANCE TO COMBAT MARINE DEBRIS AND IMPROVE PLASTIC WASTE MANAGEMENT.

(a) IN GENERAL.—The Secretary of State shall, in coordination with the Administrator of the United States Agency for International Development, as appropriate, and the officials specified in subsection (b)—

(1) lead and coordinate efforts to implement the policy described in section 201; and

(2) develop strategies and implement programs that prioritize engagement and cooperation with foreign governments, subnational and local stakeholders, and the private sector to expedite efforts and assistance in foreign countries—

(A) to partner with, encourage, advise and facilitate national and subnational governments on the development and execution, where practicable, of national projects, programs and initiatives to—

(i) improve the capacity, security, and standards of operations of post-consumer materials management systems;

(ii) monitor and track how well post-consumer materials management systems are functioning nationwide, based on uniform and transparent standards developed in cooperation with municipal, industrial, and civil society stakeholders;

(iii) identify the operational challenges of post-consumer materials management systems and develop policy and programmatic solutions;

(iv) end intentional or unintentional incentives for municipalities, industries, and individuals to improperly dispose of plastic waste; and

(v) conduct outreach campaigns to raise public awareness of the importance of proper waste disposal and the reduction of plastic waste;

(B) to facilitate the involvement of municipalities and industries in improving solid waste reduction, collection, disposal, and reuse and recycling projects, programs, and initiatives;

(C) to partner with and provide technical assistance to investors, and national and local institutions, including private sector actors, to develop new business opportunities and solutions to specifically reduce plastic waste and expand solid waste and post-consumer materials management best practices in foreign countries by—

(i) maximizing the number of people and businesses, in both rural and urban communities, receiving reliable solid waste and post-consumer materials management services;

(ii) improving and expanding the capacity of foreign industries to responsibly employ post-consumer materials management practices;

(iii) improving and expanding the capacity and transparency of tracking mechanisms for marine debris to reduce the impacts on the marine environment;

(iv) eliminating incentives that undermine responsible post-consumer materials management practices and lead to improper waste disposal practices and leakage;

(v) building the capacity of countries—

(I) to reduce, monitor, regulate, and manage waste, post-consumer materials and plastic waste, and pollution appropriately and transparently, including imports of plastic waste from the United States and other countries;

(II) to encourage private investment in post-consumer materials management and reduction; and

(III) to encourage private investment, grow opportunities, and develop markets for recyclable, reusable, and repurposed plastic waste and post-consumer materials, and products with high levels of recycled plastic content, at both national and local levels; and

(vi) promoting safe and affordable reusable alternatives to disposable plastic products, to the extent practicable; and

(D) to research, identify, and facilitate opportunities to promote collection and proper disposal of damaged or derelict fishing gear.

(b) OFFICIALS SPECIFIED.—The officials specified in this subsection are the following:

(1) The United States Trade Representative.

(2) The Under Secretary.

(3) The EPA Administrator.

(4) The Director of the Trade and Development Agency.

(5) The President and the Board of Directors of the Overseas Private Investment Corporation or the Chief Executive Officer and the Board of Directors of the United States International Development Finance Corporation, as appropriate.

(6) The Chief Executive Officer and the Board of Directors of the Millennium Challenge Corporation.

(7) The heads of such other agencies as the Secretary of State considers appropriate.

(c) PRIORITIZATION.—In carrying out subsection (a), the officials specified in subsection (b) shall prioritize assistance to countries with, and regional organizations in regions with—

(1) rapidly developing economies; and

(2) rivers and coastal areas that are the most severe sources of marine debris, as identified by the best available science.

(d) EFFECTIVENESS MEASUREMENT.—In prioritizing and expediting efforts and assistance under this section, the officials specified in subsection (b) shall use clear, accountable, and metric-based targets to measure the effectiveness of guarantees and assistance in achieving the policy described in section 201.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the modification of or the imposition of limits on the portfolios of any agency or institution led by an official specified in subsection (b).

SEC. 203. UNITED STATES LEADERSHIP IN INTERNATIONAL FORA.

In implementing the policy described in section 201, the President shall direct the United States representatives to appropriate international bodies and conferences (including the United Nations Environment Programme, the Association of Southeast Asian Nations, the Asia Pacific Economic Cooperation, the Group of 7, the Group of 20, the Organization for Economic Co-Operation and Development (OECD), and the Our Ocean Conference) to use the voice, vote, and influence of the United States, consistent with the broad foreign policy goals of the United States, to advocate that each such body—

(1) commit to significantly increasing efforts to promote investment in well-designed post-consumer materials management and plastic waste elimination and mitigation projects and services that increase access to safe post-consumer materials management and mitigation services, in partnership with the private sector and consistent with the constraints of other countries;

(2) address the post-consumer materials management needs of individuals and communities where access to municipal post-consumer materials management services is historically impractical or cost-prohibitive;

(3) enhance coordination with the private sector—

(A) to increase access to solid waste and post-consumer materials management services;

(B) to utilize safe and affordable reusable alternatives to disposable plastic products, to the extent practicable;

(C) to encourage and incentivize the use of recycled content; and

(D) to grow economic opportunities and develop markets for recyclable, reusable, and repurposed plastic waste materials and other efforts that support the circular economy;

(4) provide technical assistance to foreign regulatory authorities and governments to remove unnecessary barriers to investment in otherwise commercially-viable projects related to—

(A) post-consumer materials management;

(B) the use of safe and affordable reusable alternatives to disposable plastic products; or

(C) beneficial reuse of solid waste, plastic waste, post-consumer materials, plastic products, and refuse;

(5) use clear, accountable, and metric-based targets to measure the effectiveness of such projects; and

(6) engage international partners in an existing multilateral forum (or, if necessary, establish through an international agreement a new multilateral forum) to improve global cooperation on—

(A) creating tangible metrics for evaluating efforts to reduce plastic waste and marine debris;

(B) developing and implementing best practices at the national and subnational levels of foreign countries, particularly countries with little to no solid waste or post-consumer materials management systems, facilities, or policies in place for—

(i) collecting, disposing, recycling, and reusing plastic waste and post-consumer materials, including building capacity for improving post-consumer materials management; and

(ii) integrating alternatives to disposable plastic products, to the extent practicable;

(C) encouraging the development of standards and practices, and increasing recycled content percentage requirements for disposable plastic products;

(D) integrating tracking and monitoring systems into post-consumer materials management systems;

(E) fostering research to improve scientific understanding of—

(i) how microfibers and microplastics may affect marine ecosystems, human health and safety, and maritime activities;

(ii) changes in the amount and regional concentrations of plastic waste in the ocean, based on scientific modeling and forecasting;

(iii) the role rivers, streams, and other inland waterways play in serving as conduits for mismanaged waste traveling from land to the ocean;

(iv) effective means to eliminate present and future leakages of plastic waste into the environment; and

(v) other related areas of research the United States representatives deem necessary;

(F) encouraging the World Bank and other international finance organizations to prioritize efforts to reduce plastic waste and combat marine debris;

(G) collaborating on technological advances in post-consumer materials management and recycled plastics;

(H) growing economic opportunities and developing markets for recyclable, reusable, and repurposed plastic waste and post-consumer materials and other efforts that support the circular economy; and

(I) advising foreign countries, at both the national and subnational levels, on the development and execution of regulatory policies, services, including recycling and reuse of plastic, and laws pertaining to reducing the creation and the collection and safe management of—

(i) solid waste;

(ii) post-consumer materials;

(iii) plastic waste; and

(iv) marine debris.

SEC. 204. ENHANCING INTERNATIONAL OUTREACH AND PARTNERSHIP OF UNITED STATES AGENCIES INVOLVED IN MARINE DEBRIS ACTIVITIES.

(a) FINDINGS.—Congress recognizes the success of the marine debris program of the National Oceanic and Atmospheric Administration and the Trash-Free Waters program of the Environmental Protection Agency.

(b) AUTHORIZATION OF EFFORTS TO BUILD FOREIGN PARTNERSHIPS.—The Under Secretary and the EPA Administrator shall work with the Secretary of State and the Administrator of the United States Agency for International Development to build partnerships, as appropriate, with the governments of foreign countries and to support international efforts to combat marine debris.

SEC. 205. NEGOTIATION OF NEW INTERNATIONAL AGREEMENTS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report—

(1) assessing the potential for negotiating new international agreements or creating a new international forum to reduce land-based sources of marine debris and derelict fishing gear, consistent with section 203;

(2) describing the provisions that could be included in such agreements; and

(3) assessing potential parties to such agreements.

SEC. 206. CONSIDERATION OF MARINE DEBRIS IN NEGOTIATING INTERNATIONAL AGREEMENTS.

In negotiating any relevant international agreement with any country or countries after the date of the enactment of this Act, the President shall, as appropriate—

(1) consider the impact of land-based sources of plastic waste and other solid waste from that country on the marine and aquatic environment; and

(2) ensure that the agreement strengthens efforts to eliminate land-based sources of plastic waste and other solid waste from that country that impact the marine and aquatic environment.

TITLE III—IMPROVING DOMESTIC INFRASTRUCTURE TO PREVENT MARINE DEBRIS

SEC. 301. STRATEGY FOR IMPROVING POST-CONSUMER MATERIALS MANAGEMENT AND WATER MANAGEMENT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the EPA Administrator shall, in consultation with stakeholders, develop a strategy to improve post-consumer materials management and infrastructure for the purpose of reducing plastic waste and other post-consumer materials in waterways and oceans.

(b) RELEASE.—On development of the strategy under subsection (a), the EPA Administrator shall—

(1) distribute the strategy to States; and

(2) make the strategy publicly available for use by—

(A) for-profit private entities involved in post-consumer materials management; and

(B) other nongovernmental entities.

SEC. 302. SENSE OF THE SENATE FOR ISSUES TO BE INCLUDED IN STRATEGY FOR POST-CONSUMER MATERIALS MANAGEMENT AND WATER MANAGEMENT.

It is the sense of the Senate that the strategy under section 301 should address, for the purpose of reducing plastic waste and other post-consumer materials in waterways and oceans—

(1) the harmonization of post-consumer materials management protocols, including—

(A) an evaluation of waste streams to determine which waste streams are most likely to become marine debris; and

(B) a determination of how to reduce the generation of products that contribute to those waste streams;

(2) best practices for the collection of post-consumer recyclables;

(3) improved quality and sorting of post-consumer recyclable materials through opportunities such as—

(A) education and awareness programs;

(B) improved infrastructure, including new equipment and innovative technologies for processing of recyclable materials;

(C) enhanced markets for recycled material; and

(D) standardized measurements;

(4) increasing capacity, where practicable, for more types of plastic (including plastic films) and other materials to be reduced, collected, processed, and recycled or repurposed into usable materials or products;

(5) the development of new strategies and programs that prioritize engagement and cooperation with States and the private sector to expedite efforts and assistance for States to partner with, encourage, advise, and facilitate the development and execution, where practicable, of projects, programs, and initiatives—

(A) to improve operations for post-consumer materials management and reduce the generation of plastic waste;

(B) to monitor how well post-consumer materials management entities are functioning;

(C)(i) to identify the operational challenges of post-consumer materials management; and

(ii) to develop policy and programmatic solutions to those challenges; and

(D) to end intentional and unintentional incentives to improperly dispose of post-consumer materials;

(6) strengthening markets for products with high levels of recycled plastic content; and

(7) the consideration of complementary activities, such as—

(A) reducing waste upstream and at the source of the waste, including anti-litter initiatives;

(B) developing effective post-consumer materials management provisions in stormwater management plans;

(C) capturing post-consumer materials at stormwater inlets, at stormwater outfalls, or in bodies of water;

(D) providing education and outreach relating to post-consumer materials movement and reduction;

(E) monitoring or modeling post-consumer material flows and the reduction of post-consumer materials resulting from the implementation of best management practices; and

(F) incentives for manufacturers to design packaging and consumer goods that can more easily be reused, recycled, repurposed, or otherwise removed from the waste stream after their initial use.

SEC. 303. GRANT PROGRAMS.

(a) POST-CONSUMER MATERIALS MANAGEMENT INFRASTRUCTURE GRANT PROGRAM.—

(1) IN GENERAL.—The EPA Administrator may provide grants to States, as defined in section 2, to implement the strategy developed under section 301(a) and—

(A) to support improvements to local post-consumer materials management, including municipal recycling programs;

(B) to assist local waste management authorities in making improvements to local waste management systems;

(C) to deploy waste interceptor technologies, such as ''trash wheels'' and litter traps, to manage the collection and cleanup of aggregated waste from waterways; and

(D) for such other purposes as the EPA Administrator determines to be appropriate.

(2) APPLICATIONS.—To be eligible to receive a grant under paragraph (1), the applicant State shall submit to the EPA Administrator an application at such time, in such manner, and containing such information as the EPA Administrator may require.

(3) CONTENTS OF APPLICATIONS.—In developing application requirements, the EPA Administrator shall consider requesting that a State applicant provide—

(A) a description of—

(i) the project or projects to be carried out by entities receiving the grant; and

(ii) how the project or projects would result in the generation of less plastic waste;

(B) a description of how the funds will support disadvantaged communities; and

(C) an explanation of any limitations, such as flow control measures, that restrict access to reusable or recyclable materials.

(4) REPORT TO CONGRESS.—Not later than January 1, 2023, the EPA Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) a description of the activities carried out under this subsection;

(B) estimates as to how much plastic waste was prevented from entering the oceans and other waterways as a result of activities funded by the grant; and

(C) a recommendation on the utility of evolving the grant program into a new waste management State revolving fund.

(b) DRINKING WATER INFRASTRUCTURE GRANTS.—

(1) IN GENERAL.—The EPA Administrator may provide competitive grants to units of local government, including units of local government that own treatment works (as defined in section 212 of the Federal Water

Pollution Control Act (33 U.S.C. 1292)), Indian Tribes, and public water systems (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)), as applicable, to support improvements in reducing and removing plastic waste and post-consumer materials, including microplastics and microfibers, from drinking water, including planning, design, construction, technical assistance, and planning support for operational adjustments.

(2) APPLICATIONS.—To be eligible to receive a grant under paragraph (1), an applicant shall submit to the EPA Administrator an application at such time, in such manner, and containing such information as the EPA Administrator may require.

(c) WASTEWATER INFRASTRUCTURE GRANTS.—

(1) IN GENERAL.—The EPA Administrator may provide grants to units of local government, including units of local government that own treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)), Indian Tribes, and public water systems (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)), as applicable, to support improvements in reducing and removing plastic waste and post-consumer materials, including microplastics and microfibers, from wastewater.

(2) APPLICATIONS.—To be eligible to receive a grant under paragraph (1), an applicant shall submit to the EPA Administrator an application at such time, in such manner, and containing such information as the EPA Administrator may require.

(d) TRASH-FREE WATERS GRANTS.—

(1) IN GENERAL.—The EPA Administrator may provide grants to units of local government, Indian Tribes, and nonprofit organizations—

(A) to support projects to reduce the quantity of solid waste in bodies of water by reducing the quantity of waste at the source, including through anti-litter initiatives;

(B) to enforce local post-consumer materials management ordinances;

(C) to implement State or local policies relating to solid waste;

(D) to capture post-consumer materials at stormwater inlets, at stormwater outfalls, or in bodies of water;

(E) to provide education and outreach about post-consumer materials movement and reduction; and

(F) to monitor or model flows of post-consumer materials, including monitoring or modeling a reduction in trash as a result of the implementation of best management practices for the reduction of plastic waste and other post-consumer materials in sources of drinking water.

(2) APPLICATIONS.—To be eligible to receive a grant under paragraph (1), an applicant shall submit to the EPA Administrator an application at such time, in such manner, and containing such information as the EPA Administrator may require.

(e) APPLICABILITY OF FEDERAL LAW.—

(1) IN GENERAL.—The EPA Administrator shall ensure that all laborers and mechanics employed on projects funded directly, or assisted in whole or in part, by a grant established by this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code.

(2) AUTHORITY.—With respect to the labor standards specified in paragraph (1), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(f) LIMITATION ON USE OF FUNDS.—A grant under this section may not be used (directly or indirectly) as a source of payment (in whole or in part) of, or security for, an obligation the interest on which is excluded from gross income under section 103 of the Internal Revenue Code of 1986.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated—

(A) for the program described subsection (a), $55,000,000 for each of fiscal years 2021 through 2025; and

(B) for each of the programs described subsections (b), (c), and (d), $10,000,000 for each of fiscal years 2021 through 2025.

(2) NO IMPACT ON OTHER FEDERAL FUNDS.—

(A) IN GENERAL.—No funds shall be made available under paragraph (1) to carry out subsections (b) and (c) in a fiscal year if the total amount made available to carry out the programs described in subparagraph (B) for that fiscal year is less than the total amount made available to carry out the programs described in subparagraph (B) for fiscal year 2019.

(B) PROGRAMS DESCRIBED.—The programs referred to in subparagraph (A) are—

(i) State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12);

(ii) programs for assistance for small and disadvantaged communities under subsections (a) through (j) of section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a); and

(iii) State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.).

SEC. 304. STUDY ON REPURPOSING PLASTIC WASTE IN INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary of Transportation (referred to in this section as the ''Secretary'') and the EPA Administrator shall jointly enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine under which the National Academies will—

(1) conduct a study on the uses of plastic waste in infrastructure; and

(2) as part of the study under paragraph (1)—

(A) identify domestic and international examples of—

(i) the use of plastic waste materials described in that paragraph;

(ii) infrastructure projects in which the use of plastic waste has been applied; and

(iii) projects in which the use of plastic waste has been incorporated into or with other infrastructure materials;

(B) assess—

(i) the effectiveness and utility of the uses of plastic waste described in that paragraph;

(ii) the extent to which plastic waste materials are consistent with recognized specifications for infrastructure construction and other recognized standards;

(iii) relevant impacts of plastic waste materials compared to non-waste plastic materials;

(iv) the health, safety, and environmental impacts of—

(I) plastic waste on humans and animals; and

(II) the increased use of plastic waste for infrastructure;

(v) the ability of plastic waste infrastructure to withstand natural disasters, extreme weather events, and other hazards; and

(vi) plastic waste in infrastructure through an economic analysis; and

(C) make recommendations with respect to what standards or matters may need to be addressed with respect to ensuring human and animal health and safety from the use of plastic waste in infrastructure.

(b) REPORT REQUIRED.—Not later than 2 years after the date of enactment of this Act and subject to the availability of appropriations, the Secretary and the EPA Administrator shall submit to Congress a report on the study conducted under subsection (a).

SEC. 305. STUDY ON EFFECTS OF MICROPLASTICS IN FOOD SUPPLIES AND SOURCES OF DRINKING WATER.

(a) IN GENERAL.—The EPA Administrator, in consultation with the Under Secretary, shall seek to enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine under which the National Academies will conduct a human health and environmental risk assessment on microplastics, including microfibers, in food supplies and sources of drinking water.

(b) REPORT REQUIRED.—Not later than 2 years after the date of enactment of this Act, the EPA Administrator shall submit to Congress a report on the study conducted under subsection (a) that includes—

(1) a science-based definition of ''microplastics'' that can be adopted in federally supported monitoring and future assessments supported or conducted by a Federal agency;

(2) recommendations for standardized monitoring, testing, and other necessary protocols relating to microplastics;

(3)(A) an assessment of whether microplastics are currently present in the food supplies and sources of drinking water of United States consumers; and

(B) if the assessment under subparagraph (A) is positive—

(i) the extent to which microplastics are present in the food supplies and sources of drinking water; and

(ii) an assessment of the type, source, prevalence, and risk of microplastics in the food supplies and sources of drinking water;

(4) an assessment of the risk posed, if any, by the presence of microplastics in the food supplies and sources of drinking water of United States consumers that includes—

(A) an identification of the most significant sources of those microplastics; and

(B) a review of the best available science to determine any potential hazards of microplastics in the food supplies and sources of drinking water of United States consumers; and

(5) a measurement of—

(A) the quantity of environmental chemicals that absorb to microplastics; and

(B) the quantity described in subparagraph (A) that would be available for human exposure through food supplies or sources of drinking water.

SEC. 306. REPORT ON ELIMINATING BARRIERS TO INCREASE THE COLLECTION OF RECYCLABLE MATERIALS.

Not later than 1 year after the date of enactment of this Act, the EPA Administrator shall submit to Congress a report describing—

(1) the economic, educational, technological, resource availability, legal, or other barriers to increasing the collection, processing, and use of recyclable materials; and

(2) recommendations to overcome the barriers described under paragraph (1).

SEC. 307. REPORT ON ECONOMIC INCENTIVES TO SPUR DEVELOPMENT OF NEW END-USE MARKETS FOR RECYCLED PLASTICS.

Not later than 1 year after the date of enactment of this Act, the EPA Administrator shall submit to Congress a report describing

the most efficient and effective economic incentives to spur the development of additional new end-use markets for recyclable plastics (including plastic film), including the use of increased recycled content by manufacturers in the production of plastic goods and packaging.

SEC. 308. REPORT ON MINIMIZING THE CREATION OF NEW PLASTIC WASTE.

(a) IN GENERAL.—The EPA Administrator, in coordination with the Interagency Marine Debris Coordinating Committee and the National Institute of Standards and Technology, shall conduct a study on minimizing the creation of new plastic waste.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the EPA Administrator shall submit to Congress a report on the study conducted under subsection (a) that includes—

(1) an estimate of the current and projected United States consumption of plastics, by type of plastic, including consumer food products;

(2) an estimate of the environmental effects and impacts of plastic use in relation to other materials;

(3) an estimate of current and projected future recycling rates of plastics, by type of plastic;

(4) an assessment of opportunities to minimize the creation of new plastic waste, including consumer food products, by reducing, recycling, reusing, refilling, refurbishing, or capturing plastic that would otherwise be part of a waste stream; and

(5) an assessment of what recycled content standards for plastic are technologically and economically feasible, and the impact of the standards on recycling rates.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have 2 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, January 9, 2020, at 10 a.m., to conduct a hearing on the following nominations: Andrew Lynn Brasher, of Alabama, to be United States Circuit Judge for the Eleventh Circuit, John Charles Hinderaker, and Scott H. Rash, both to be a United States District Judge for the District of Arizona, Joshua M. Kindred, to be United States District Judge for the District of Alaska, Matthew Thomas Schelp, to be United States District Judge for the Eastern District of Missouri, and Stephen A. Vaden, of Tennessee, to be a Judge of the United States Court of International Trade.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Thursday, January 9, 2020, at 2 p.m., to conduct a closed hearing.

UNITED STATES PUBLIC HEALTH SERVICE MODERNIZATION ACT OF 2019

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 289, S. 2629.

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

The senior assistant legislative clerk read as follows:

A bill (S. 2629) to amend the Public Health Service Act with respect to the Public Health Service Corps.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, 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 ''United States Public Health Service Modernization Act of 2019''.

SEC. 2. AMENDMENTS.

(a) COMMISSIONED CORPS AND READY RESERVE CORPS.—Section 203 of the Public Health Service Act (42 U.S.C. 204) is amended—

(1) in subsection (a)(1), by striking ''a Ready Reserve Corps for service in time of national emergency'' and inserting '', for service in time of a public health or national emergency, a Ready Reserve Corps''; and

(2) in subsection (c)—

(A) in the heading, by striking ''RESEARCH'' and inserting ''RESERVE CORPS'';

(B) in paragraph (1), by inserting ''during public health or national emergencies'' before the period;

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting '', consistent with paragraph (1)'' after ''shall'';

(ii) in subparagraph (C), by inserting ''during such emergencies'' after ''members''; and

(iii) in subparagraph (D), by inserting '', consistent with subparagraph (C)'' before the period; and

(D) by adding at the end the following:

''(3) STATUTORY REFERENCES TO RESERVE.—A reference in any Federal statute, except in the case of subsection (b), to the 'Reserve Corps' of the Public Health Service or to the 'reserve' of the Public Health Service shall be deemed to be a reference to the Ready Reserve Corps.''.

(b) DEPLOYMENT READINESS.—Section 203A(a)(1)(B) of the Public Health Service Act (42 U.S.C. 204a(a)(1)(B)) is amended by striking ''Active Reserves'' and inserting ''Ready Reserve Corps''.

(c) RETIREMENT OF COMMISSIONED OFFICERS.—Section 211 of the Public Health Service Act (42 U.S.C. 212) is amended—

(1) by striking ''the Service'' each place it appears and inserting ''the Regular Corps'';

(2) in subsection (a)(4), by striking ''(in the case of an officer in the Reserve Corps)'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''or an officer of the Reserve Corps''; and

(ii) by inserting ''or under section 221(a)(19)'' after ''subsection (a)''; and

(B) in paragraph (2), by striking ''Regular or Reserve Corps'' and inserting ''Regular Corps or Ready Reserve Corps''; and

(4) in subsection (f), by striking ''the Regular or Reserve Corps of''.

(d) RIGHTS, PRIVILEGES, ETC. OF OFFICERS AND SURVIVING BENEFICIARIES.—Section 221 of the Public Health Service Act (42 U.S.C. 213a) is amended—

(1) in subsection (a), by adding at the end the following:

''(19) Chapter 1223, Retired Pay for Non-Regular Service.

''(20) Section 12601, Compensation: Reserve on active duty accepting from any person.

''(21) Section 12684, Reserves: separation for absence without authority or sentence to imprisonment.''; and

(2) in subsection (b)—

(A) by striking ''Secretary of Health, Education, and Welfare or his designee'' and inserting ''Secretary of Health and Human Services or the designee of such secretary'';

(B) by striking ''(b) The authority vested'' and inserting the following:

''(b)(1) The authority vested'';

(C) by striking ''For purposes of'' and inserting the following:

''(2) For purposes of''; and

(D) by adding at the end the following:

''(3) For purposes of paragraph (19) of subsection (a), the terms 'Military department', 'Secretary concerned', and 'Armed forces' in such title 10 shall be deemed to include, respectively, the Department of Health and Human Services, the Secretary of Health and Human Services, and the Commissioned Corps.''.

(e) TECHNICAL AMENDMENTS.—Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended—

(1) in sections 204 and 207(c), by striking ''Regular or Reserve Corps'' each place it appears and inserting ''Regular Corps or Ready Reserve Corps'';

(2) in section 208(a), by striking ''Regular and Reserve Corps'' each place it appears and inserting ''Regular Corps and Ready Reserve Corps''; and

(3) in section 205(c), 206(c), 210, and 219, and in subsections (a), (b), and (d) of section 207, by striking ''Reserve Corps'' each place it appears and inserting ''Ready Reserve Corps''.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to and the bill, as amended, be considered read a third time.

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

The committee-reported amendment, in the nature of a substitute, was agreed to.

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

Mr. MCCONNELL. Mr. President, I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 2629), as amended, was passed.

Mr. MCCONNELL. 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.

RENAMING THE OYSTER BAY NATIONAL WILDLIFE REFUGE AS THE CONGRESSMAN LESTER WOLFF OYSTER BAY NATIONAL WILDLIFE REFUGE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 263 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. 263) to rename the Oyster Bay National Wildlife Refuge as the Congressman Lester Wolff Oyster Bay National Wildlife Refuge.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time.

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

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

Mr. MCCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate, the question is, Shall the bill pass?

The bill (H.R. 263) was passed.

Mr. MCCONNELL. 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.

APPOINTMENTS TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate joint resolutions introduced earlier today: S.J. Res. 65, 66, and 67.

There being no objection, the Senate proceeded to consider the joint resolutions, en bloc.

Mr. MCCONNELL. I ask unanimous consent that the joint resolutions be passed and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

PROVIDING FOR THE REAPPOINTMENT OF JOHN FAHEY AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 65) providing for the reappointment of John Fahey as a citizen regent of the Board of Regents of the Smithsonian Institution, was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S.J. RES. 65

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of John Fahey of Massachusetts on February 20, 2020, is filled by the reappointment of the incumbent. The reappointment is for a term of six years, beginning on the later of February 20, 2020, or the date of the enactment of this joint resolution.

PROVIDING FOR THE APPOINTMENT OF DENISE O'LEARY AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 66) providing for the appointment of Denise O'Leary as a citizen regent of the Board of Regents of the Smithsonian Institution, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 66

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Barbara M. Barrett of Arizona on October 17, 2019, is filled by the appointment of Denise O'Leary of Colorado. The appointment is for a term of six years, beginning on the date of the enactment of this joint resolution

PROVIDING FOR THE REAPPOINTMENT OF RISA LAVIZZO-MOUREY AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The joint resolution (S. J. Res. 67) providing for the reappointment of Risa Lavizzo-Mourey as a citizen regent of the Board of Regents of the Smithsonian Institution, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 67

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Risa Lavizzo-Mourey of Pennsylvania on February 21, 2020, is filled by the reappointment of the incumbent. The reappointment is for a term of six years, beginning on the later of February 21, 2020, or the date of enactment of this joint resolution.

NORTH AMERICAN WETLANDS CONSERVATION EXTENSION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 925, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 925) to extend the authorization of appropriations for allocation to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2024.

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

Mr. MCCONNELL. I ask unanimous consent that the Barrasso substitute amendment be agreed to and the bill, as amended, be considered read the third time.

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

The amendment (No. 1276), in the nature of a substitute, was agreed to.

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

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. MCCONNELL. 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?

The bill (H.R. 925), as amended, was passed.

Mr. MCCONNELL. I ask unanimous consent that the Barrasso title amendment be agreed to and the motions to reconsider be considered made and laid upon the table.

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

The title amendment (No. 1277) was agreed to as follows:

(Purpose: To amend the title)

Amend the title so as to read: ''An Act to improve protections for wildlife, and for other purposes.''.

SAVE OUR SEAS 2.0 ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of S. 1982, 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 (S. 1982) to improve efforts to combat marine debris, and for other purposes.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Sullivan substitute amendment at the desk be considered and agreed to, and the bill, as amended, be considered read the third time.

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

The amendment (No. 1278), in the nature of a substitute, was agreed to.

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

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is, Shall the bill pass?

The bill (S. 1982), as amended, was passed.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, I take a moment to congratulate the occupant of the Chair for this important piece of legislation that will help us deal with ocean debris in a hopefully very successful way.

ORDERS FOR MONDAY, JANUARY 13, 2020

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, January 13; 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, morning business be closed, and the Senate proceed to executive session and resume consideration of the Gaynor nomination; finally, that the cloture motion filed during today's session ripen at 5:30 p.m. on Monday.

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

ADJOURNMENT UNTIL MONDAY, JANUARY 13, 2020, AT 3 P.M.

Mr. MCCONNELL. 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 5:36 p.m., adjourned until Monday, January 13, 2020, at 3 p.m.