

SA 1225. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, supra; which was ordered to lie on the table.

SA 1226. Mr. MARKEY (for himself, Mr. BLUMENTHAL, Mr. BOOKER, Mrs. FEINSTEIN, and Ms. HARRIS) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, supra; which was ordered to lie on the table.

SA 1227. Mr. SCHUMER (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, supra; which was ordered to lie on the table.

SA 1228. Mr. SCHUMER (for himself, Mr. BROWN, Mr. CASEY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Ms. WARREN, and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, supra; which was ordered to lie on the table.

SA 1229. Mr. PETERS (for himself, Ms. STABENOW, Mr. JONES, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, supra; which was ordered to lie on the table.

SA 1230. Ms. SMITH submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, supra; which was ordered to lie on the table.

SA 1231. Mr. LEE submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, supra; which was ordered to lie on the table.

SA 1232. Mr. INHOFE (for himself and Ms. DUCKWORTH) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, supra; which was ordered to lie on the table.

SA 1233. Mr. INHOFE (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, supra; which was ordered to lie on the table.

SA 1234. Ms. MCSALLY (for herself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, supra; which was ordered to lie on the table.

SA 1235. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, supra; which was ordered to lie on the table.

SA 1236. Mr. TILLIS (for himself, Mr. GARDNER, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, supra; which was ordered to lie on the table.

SA 1237. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, supra; which was ordered to lie on the table.

SA 1238. Mr. MANCHIN (for himself, Mr. CASEY, Mr. KAINE, Mr. JONES, Mr. WARNER, Ms. SINEMA, Mr. SANDERS, Mr. VAN HOLLEN, Ms. DUCKWORTH, Mr. BROWN, Mr. DURBIN, and Ms. HARRIS) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, supra; which was ordered to lie on the table.

SA 1239. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, supra; which was ordered to lie on the table.

SA 1240. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 916, to improve Federal efforts with respect to the prevention of maternal

mortality, and for other purposes; which was referred to the Committee on Finance.

## TEXT OF AMENDMENTS

**SA 1213.** Mr. BLUNT (for himself, Ms. KLOBUCHAR, Mr. GARDNER, and Ms. CORTEZ MASTO) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### TITLE —TRAVEL PROMOTION

#### SEC. 01. SHORT TITLE.

This title may be cited as the “Brand USA Extension Act”.

#### SEC. 02. THE CORPORATION FOR TRAVEL PROMOTION.

Subsection (b) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (ii), by inserting “or foodservice” after “restaurant”;

(B) in clause (v), by inserting “, such as outdoor recreation or theme parks” before the semicolon at the end; and

(C) in clause (viii), by inserting “commercial or private” before “passenger air sector”;

(2) in paragraph (5)(A)—

(A) in clause (iii), by inserting “speaking conventions, sales missions,” after “trade shows,”;

(B) in clause (iv), by striking “and” at the end;

(C) in clause (v), by striking the period at the end and inserting “; and”;

(D) by adding at the end the following:

“(vi) to promote tourism to the United States through digital media, online platforms, and other appropriate medium.”; and

(3) in paragraph (7)(C), by striking “3 days” and inserting “5 days”.

#### SEC. 03. ACCOUNTABILITY MEASURES.

Subsection (c) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(c)) is amended—

(1) in paragraph (2), by striking “\$500,000” and inserting “\$450,000”; and

(2) in paragraph (3)—

(A) by redesignating subparagraph (I) as subparagraph (K);

(B) in subparagraph (H)(iii), by striking “and” at the end; and

(C) by inserting after subparagraph (H)(iii) the following:

“(I) a list of countries the Corporation identifies as emerging markets for tourism to the United States;

“(J) a description of the efforts the Corporation has made to promote tourism to rural areas of the United States; and”.

#### SEC. 04. EXTENSION OF FUNDING FOR BRAND USA.

Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

(1) in paragraph (2)(B), by striking “2020” and inserting “2027”;

(2) in paragraph (3)(B)(ii), by striking “70 percent” and inserting “50 percent”; and

(3) in paragraph (4)(B), by striking “2020” and inserting “2027”.

#### SEC. 05. PERFORMANCE PLAN.

Not later than 90 days after the date of the enactment of this Act, the Corporation for Travel Promotion shall make the performance metrics established pursuant to subsection (f)(1)(A) of the Travel Promotion Act

of 2009 (22 U.S.C. 2131(f)(1)(A)) publicly available on the website of the Corporation.

#### SEC. 06. ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION FEE INCREASE.

Section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) is amended by striking “\$10” and inserting “\$17”.

**SA 1214.** Mr. HOEVEN (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place under the heading “OPERATIONS” under the heading “FEDERAL AVIATION ADMINISTRATION” in title I of division D, insert the following: “*Provided further*, That of the funds appropriated under this heading, not less than \$5,000,000 shall be used for a veterans pilot training competitive grant program.”.

**SA 1215.** Ms. MCSALLY (for herself and Ms. SINEMA) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, line 2, insert “*Provided further*, That not later than 90 days after the date of enactment of this Act, the Chief of the Forest Service shall submit to the Committees on Appropriations and Natural Resources of the House of Representatives and the Committees on Appropriations and Energy and Natural Resources of the Senate a report detailing the status of efforts to accelerate forest ecosystem restoration under the Four Forest Restoration Initiative.” after “7303(f).”.

**SA 1216.** Ms. CORTEZ MASTO (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII of division B, insert the following:

SEC. 7. (a) There is appropriated \$600,000 to carry out section 6306 of the Agriculture Improvement Act of 2018 (7 U.S.C. 2204b-3).

(b) Notwithstanding any other provision of this Act, the amount appropriated under this Act to the Department of Agriculture under the heading “OFFICE OF THE CHIEF FINANCIAL OFFICER” shall be reduced by \$600,000.

**SA 1217.** Mr. REED submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and

Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII of division B, insert the following:

SEC. 7 \_\_\_\_\_. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading "SALARIES AND EXPENSES" under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE" in title I shall be increased by \$1,000,000, to remain available until expended, which shall be for surveillance, testing, prevention, and research relating to Eastern equine encephalitis in impacted States.

(b) Notwithstanding any other provision of this Act, the amount appropriated under this Act to the Department of Agriculture under the heading "OFFICE OF THE CHIEF FINANCIAL OFFICER" shall be reduced by \$1,000,000.

**SA 1218.** Mr. TILLIS (for himself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 13 and 14, insert the following:

SEC. 7 \_\_\_\_\_. Notwithstanding subsections (d) and (e) of section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) or any other provision of law, beginning in crop year 2020, tobacco shall be an eligible agricultural commodity under the Market Facilitation Program conducted pursuant to that section.

**SA 1219.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

On page 237, line 7, insert "": *Provided further*, That the Service shall issue guidance to field offices for streamlining consultations under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) relating to Federal actions that authorize, fund, or carry out an activity that is covered by an approved Habitat Conservation Plan, is permitted under section 10(a)(1)(B) of that Act (16 U.S.C. 1539(a)(1)(B)), and affects a species that is listed as a threatened or endangered species under that Act (16 U.S.C. 1531 et seq.) and covered by the approved Habitat Conservation Plan" before the period at the end.

**SA 1220.** Ms. COLLINS (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

On page 338, line 22, at the appropriate place insert the following: "*Provided further*, That of the funds appropriated herein, not less than \$3,700,000 shall be made available for the Women's History Initiative."

**SA 1221.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place under the heading "OPERATIONS" under the heading "FEDERAL AVIATION ADMINISTRATION" in title I of division D, insert the following: "*Provided further*, That the Administrator of the Federal Aviation Administration shall use funds appropriated under this heading to publish guidance describing how a pilot may share flight expenses with passengers in a manner consistent with Federal law, including regulations, as required under section 515 of Public Law 115-254."

**SA 1222.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place under the heading "OPERATIONS" under the heading "FEDERAL AVIATION ADMINISTRATION" in title I of division D, insert the following: "*Provided further*, That the amount herein appropriated shall be reduced by \$100,000 for each day after December 31, 2019, that the guidance describing how a pilot may share flight expenses with passengers in a manner consistent with Federal law, including regulations, is not published as required under section 515 of Public Law 115-254."

**SA 1223.** Ms. STABENOW (for herself, Ms. SMITH, Mr. CASEY, Mr. DURBIN, Mr. MENENDEZ, Mr. BOOKER, Mrs. MURRAY, Mr. WYDEN, Mr. BROWN, Ms. DUCKWORTH, Ms. HIRONO, Ms. BALDWIN, Mr. VAN HOLLEN, and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII of division B, insert the following:

SEC. 7 \_\_\_\_\_. (a) There is appropriated \$5,000,000 to carry out section 222 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6923).

(b) Notwithstanding any other provision of this Act, the amount provided under the heading "AGRICULTURE BUILDINGS AND FACILITIES" under the heading "AGRICULTURAL PROGRAMS" in title I shall be reduced by \$6,000,000.

**SA 1224.** Mr. CORNYN (for himself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year

ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 13 and 14, insert the following:

SEC. 7 \_\_\_\_\_. (a) There is appropriated \$2,000,000 to carry out section 30 of the Food and Nutrition Act of 2008 (7 U.S.C. 2036d).

(b) Notwithstanding any other provision of this Act, the amount provided under the heading "AGRICULTURE BUILDINGS AND FACILITIES" under the heading "AGRICULTURAL PROGRAMS" in title I shall be reduced by \$2,000,000.

**SA 1225.** Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, line 18, insert "the family unification program under section 8(x) of the Act," after "the Act,".

**SA 1226.** Mr. MARKEY (for himself, Mr. BLUMENTHAL, Mr. BOOKER, Mrs. FEINSTEIN, and Ms. HARRIS) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division C, insert the following:

#### OIL AND GAS PROGRAM LEASE SALE REQUIREMENT

##### SEC. 1 \_\_\_\_\_.

None of the funds made available to the Secretary of the Interior by this or any other Act may be used to conduct a lease sale pursuant to section 20001(c)(1) of Public Law 115-97 (16 U.S.C. 3143 note) that does not contain a national minimum acceptable bid amount sufficient to produce Federal receipts to the Treasury, net of any State share, of not less than an amount equal to 50 percent of the amount required by section 2001(b) of H. Con. Res. 71, the concurrent resolution on the budget for fiscal year 2018, as agreed to on October 26, 2017.

**SA 1227.** Mr. SCHUMER (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division C, insert the following:

#### SEC. 1 \_\_\_\_\_. GAO STUDY ON OUTDOOR RECREATION.

##### (a) DEFINITIONS.—In this section:

(1) COVERED AGENCY.—The term "covered agency" means—

- (A) the Department of Agriculture;
- (B) the Department of the Interior;
- (C) the Corps of Engineers;
- (D) the National Marine Fisheries Service; and

(E) the Office of National Marine Sanctuaries of the National Oceanic and Atmospheric Administration.

(2) **OUTDOOR RECREATION.**—The term “outdoor recreation” means all recreational activities undertaken for pleasure that—

(A) generally involve some level of intentional physical exertion; and

(B) occur in nature-based environments outdoors.

(b) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a study that—

(1) identifies each program carried out by a covered agency that directly impacts the outdoor recreation sector, including each program that affects the management and conservation of, and access to, the land, waters, and natural resources of the United States; and

(2) describes, for each program identified under paragraph (1), the spending level for that program during each of the 20 fiscal years preceding the year in which the report is submitted.

(c) **REQUIRED COORDINATION.**—In conducting the study under subsection (b), the Comptroller General of the United States shall coordinate with the outdoor recreation industry, nongovernmental organizations, the Bureau of Economic Analysis of the Department of Commerce, and other interested stakeholders.

(d) **REPORT.**—Not later than 240 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that describes the results of the study conducted under subsection (b).

**SA 1228.** Mr. SCHUMER (for himself, Mr. BROWN, Mr. CASEY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Ms. WARREN, and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IV of division C, insert the following:

**NATIONAL HERITAGE AREAS AND NATIONAL HERITAGE CORRIDORS**

**SEC. 4.** (a) Section 512 of Title V of Division J of P.L. 108-447 is amended by striking “on the date that is 15 years after the date that funds are first made available for this title.” and inserting “after September 30, 2022.”

(b) Section 608 of Title VI of Division J of P.L. 108-447 is amended by striking “the expiration of the 15-year period beginning on the date that funds are first made available for this title.” and inserting “September 30, 2022.”

(c) Section 109 of Title I of Public Law 103-449, as amended by Public Law 111-11, title VIII section 8201(c), is further amended by striking “\$15,000,000” and inserting “\$17,000,000”.

(d) Section 810(a)(1) of Title VIII of Division B of Appendix D of Public Law 106-554, as amended by Public Law 115-31, Division G, Title I section 115(b), is further amended by striking “\$12,000,000” and inserting “\$14,000,000”.

**SA 1229.** Mr. PETERS (for himself, Ms. STABENOW, Mr. JONES, and Mr. TESTER) submitted an amendment intended to be proposed to amendment

SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII of division B, insert the following:

**SEC. 7.** (a) Notwithstanding any other provision of law, of the funds of the Commodity Credit Corporation, the Secretary of Agriculture (referred to in this section as the “Secretary”) may use for the cost of loan guarantees not more than \$30,000,000 to carry out the interest rate reduction program established under section 351 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999).

(b)(1) Not later than 90 days after the date of enactment of this Act, the Secretary shall advertise to current borrowers the process and opportunity by which a borrower may, pursuant to section 331A(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981a(a)), request deferral of principal and interest in order to forgo foreclosure.

(2) The Secretary shall submit a quarterly report describing the number of requests under paragraph (1) submitted, approved, and denied to—

(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(B) the Committee on Agriculture of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

(c) For purposes of providing equitable relief under section 366 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008a), the Secretary may consider a good faith claim of a borrower of misunderstanding due to ambiguous or unclear guidance or a change in normal procedure to be reliance on the advice of the Secretary under subsection (b)(2) of that section.

(d) The amounts made available under this section are designated by Congress as being for emergency requirements pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

**SA 1230.** Ms. SMITH submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION E—FAIR COMPENSATION FOR LOW-WAGE CONTRACTOR EMPLOYEES ACT OF 2019**

**SECTION 1. SHORT TITLE.**

This division may be cited as the “Fair Compensation for Low-Wage Contractor Employees Act of 2019”.

**SEC. 2. APPROPRIATION.**

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, to remain available until expended, for each Federal agency subject to the lapse in appropriations that began on or about December 22, 2018, for adjustments in the price of contracts of such agency under section 3.

**SEC. 3. BACK COMPENSATION FOR LOW-WAGE EMPLOYEES OF GOVERNMENT CONTRACTORS IN CONNECTION WITH THE LAPSE IN APPROPRIATIONS.**

(a) **IN GENERAL.**—Each Federal agency subject to the lapse in appropriations that began on or about December 22, 2018, shall adjust the price of any contract of such agency for which the contractor was ordered to suspend, delay, or interrupt all or part of the work of such contract, or stop all or any part of the work called for in such contract, as a result of the lapse in appropriations to compensate the contractor for reasonable costs incurred—

(1) to provide compensation, at an employee’s standard rate of compensation, to any employee who was furloughed or laid off, or who was not working, who experienced a reduction of hours, or who experienced a reduction in compensation, as a result of the lapse in appropriations (for the period of the lapse); or

(2) to restore paid leave taken by any employee during the lapse in appropriations, if the contractor required employees to use paid leave as a result of the lapse in appropriations.

(b) **LIMITATION ON AMOUNT OF WEEKLY COMPENSATION COVERED BY ADJUSTMENT.**—The maximum amount of weekly compensation of an employee for which an adjustment may be made under subsection (a) may not exceed the lesser of—

(1) the employee’s actual weekly compensation; or

(2) \$965.

(c) **TIMING OF ADJUSTMENTS.**—The adjustments required by subsection (a) shall be made as soon as practicable after the enactment of this Act.

(d) **DEFINITIONS.**—In this section:

(1) The term “compensation” has the meaning given that term in section 6701 of title 41, United States Code.

(2) The term “employee” means the following:

(A) A “service employee” as that term is defined in section 6701(3) of title 41, United States Code, except that the term also includes service employees described in subparagraph (C) of that section notwithstanding that subparagraph.

(B) A “laborer or mechanic” covered by section 3142 of title 40, United States Code.

**SEC. 4. EFFECTIVE DATE.**

This division shall take effect upon the date of enactment of this Act.

**SEC. 5. BUDGETARY EFFECTS.**

(a) **CLASSIFICATION OF BUDGETARY EFFECTS.**—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

(b) **DETERMINATION OF BUDGETARY EFFECTS.**—The budgetary effects of this division, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this division, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**SA 1231.** Mr. LEE submitted an amendment intended to be proposed to

amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IV of division C, insert the following:

PROHIBITION ON USE OF FUNDS TO PROHIBIT THE USE OF UNMANNED AERIAL VEHICLES FOR MANAGING TELECOMMUNICATIONS INFRASTRUCTURE ON FEDERAL LAND

SEC. 4. None of the funds made available by this Act may be used to prohibit a telecommunications provider from using an unmanned aerial vehicle for surveying, maintaining, or managing telecommunications infrastructure on Federal land.

**SA 1232.** Mr. INHOFE (for himself and Ms. DUCKWORTH) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division D, insert the following:

SEC. . (a) IN GENERAL.—Section 625(c)(1) of the FAA Reauthorization Act of 2018 (Public Law 115-254) is amended—

(1) in subparagraph (C), by striking “or” after the semicolon;

(2) in subparagraph (D), by striking the period and inserting “; or”; and

(3) by adding at the end the following: “(E) an organization representing aircraft users, aircraft owners, or aircraft pilots.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the FAA Reauthorization Act of 2018 (Public Law 115-254).

**SA 1233.** Mr. INHOFE (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 12, strike “initiatives;” and insert “initiatives: *Provided*, That not more than 2 percent of any grant awarded using funds made available under this paragraph may be used by a State administrative agency for administrative costs;”.

**SA 1234.** Ms. MCSALLY (for herself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division A, insert the following:

SEC. 2. Not later than 90 days after the date of enactment of this Act, the Attorney

General shall submit a report to the Committee on Appropriations and the Committee on the Judiciary of the Senate detailing the efforts of the Department of Justice to combat and enforce animal fighting and animal welfare statutes, which shall include—

(1) a break down of the number of personnel dedicated to animal welfare crimes on a full-time basis, including their respective departmental component;

(2) a list of all cases involving animal welfare crimes that the Department of Justice has prosecuted since 2014;

(3) a list of investigations that were referred to the Department of Justice that have been delayed or declined to be prosecuted by the Department of Justice and the reason for any deferral or declination; and

(4) a qualitative description of how the Department of Justice coordinates the efforts of the Department with other governmental partners to ensure proper enforcement of animal welfare laws.

**SA 1235.** Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in paragraph (2) under the heading “TENANT-BASED RENTAL ASSISTANCE” under the heading “PUBLIC AND INDIAN HOUSING” in title II of division D, insert the following: “the family unification program under section 8(x) of the Act.”.

**SA 1236.** Mr. TILLIS (for himself, Mr. GARDNER, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division A, insert the following:

SEC. . None of the funds appropriated by this Act may be used to enforce the safeguard measure imposed under section 203 of the Trade Act of 1974 (19 U.S.C. 2253) with respect to bifacial solar modules pursuant to Presidential Proclamation 9693, issued on January 23, 2018 (83 Federal Register 3541).

**SA 1237.** Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

**SEC. 90. REPORT ON MAINTAINING FEDERAL LAND HOLDINGS.**

Not later than 120 days after the date on which the President submits to Congress the budget of the United States for fiscal year 2020, the President shall submit to Congress a report that describes—

(1) all Federal land holdings; and

(2) the total cost of maintaining the Federal land holdings described under paragraph

(1) for each of fiscal years 2017 through 2019, including an accounting of holdings and expenditures by each Federal agency with respect to the land holdings.

**SA 1238.** Mr. MANCHIN (for himself, Mr. CASEY, Mr. KAINE, Mr. JONES, Mr. WARNER, Ms. SINEMA, Mr. SANDERS, Mr. VAN HOLLEN, Ms. DUCKWORTH, Mr. BROWN, Mr. DURBIN, and Ms. HARRIS) submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . AMERICAN MINERS ACT OF 2019.**

(a) TRANSFERS TO 1974 UMW PENSION PLAN.—

(1) IN GENERAL.—Subsection (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232) is amended—

(A) in paragraph (3)(A), by striking “\$490,000,000” and inserting “\$750,000,000”; and

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

“(4) ADDITIONAL AMOUNTS.—

“(A) CALCULATION.—If the dollar limitation specified in paragraph (3)(A) exceeds the aggregate amount required to be transferred under paragraphs (1) and (2) for a fiscal year, the Secretary of the Treasury shall transfer an additional amount equal to the difference between such dollar limitation and such aggregate amount to the trustees of the 1974 UMW Pension Plan to pay benefits required under that plan.

“(B) CESSATION OF TRANSFERS.—The transfers described in subparagraph (A) shall cease as of the first fiscal year beginning after the first plan year for which the funded percentage (as defined in section 432(j)(2) of the Internal Revenue Code of 1986) of the 1974 UMW Pension Plan is at least 100 percent.

“(C) PROHIBITION ON BENEFIT INCREASES, ETC.—During a fiscal year in which the 1974 UMW Pension Plan is receiving transfers under subparagraph (A), no amendment of such plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986.

“(D) TREATMENT OF TRANSFERS FOR PURPOSES OF WITHDRAWAL LIABILITY UNDER ERISA.—The amount of any transfer made under subparagraph (A) (and any earnings attributable thereto) shall be disregarded in determining the unfunded vested benefits of the 1974 UMW Pension Plan and the allocation of such unfunded vested benefits to an employer for purposes of determining the employer’s withdrawal liability under section 4201 of the Employee Retirement Income Security Act of 1974.

“(E) REQUIREMENT TO MAINTAIN CONTRIBUTION RATE.—A transfer under subparagraph (A) shall not be made for a fiscal year unless the persons that are obligated to contribute to the 1974 UMW Pension Plan on the date of the transfer are obligated to make the contributions at rates that are no less than those in effect on the date which is 30 days

before the date of enactment of the Commerce, Justice, Science, Agriculture, Rural Development, Food and Drug Administration, Interior, Environment, Military Construction, Veterans Affairs, Transportation, and Housing and Urban Development Appropriations Act, 2020.

“(F) ENHANCED ANNUAL REPORTING.—

“(i) IN GENERAL.—Not later than the 90th day of each plan year beginning after the date of enactment of the Commerce, Justice, Science, Agriculture, Rural Development, Food and Drug Administration, Interior, Environment, Military Construction, Veterans Affairs, Transportation, and Housing and Urban Development Appropriations Act, 2020, the trustees of the 1974 UMW Pension Plan shall file with the Secretary of the Treasury or the Secretary's delegate and the Pension Benefit Guaranty Corporation a report (including appropriate documentation and actuarial certifications from the plan actuary, as required by the Secretary of the Treasury or the Secretary's delegate) that contains—

“(I) whether the plan is in endangered or critical status under section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 as of the first day of such plan year;

“(II) the funded percentage (as defined in section 432(j)(2) of such Code) as of the first day of such plan year, and the underlying actuarial value of assets and liabilities taken into account in determining such percentage;

“(III) the market value of the assets of the plan as of the last day of the plan year preceding such plan year;

“(IV) the total value of all contributions made during the plan year preceding such plan year;

“(V) the total value of all benefits paid during the plan year preceding such plan year;

“(VI) cash flow projections for such plan year and either the 6 or 10 succeeding plan years, at the election of the trustees, and the assumptions relied upon in making such projections;

“(VII) funding standard account projections for such plan year and the 9 succeeding plan years, and the assumptions relied upon in making such projections;

“(VIII) the total value of all investment gains or losses during the plan year preceding such plan year;

“(IX) any significant reduction in the number of active participants during the plan year preceding such plan year, and the reason for such reduction;

“(X) a list of employers that withdrew from the plan in the plan year preceding such plan year, and the resulting reduction in contributions;

“(XI) a list of employers that paid withdrawal liability to the plan during the plan year preceding such plan year and, for each employer, a total assessment of the withdrawal liability paid, the annual payment amount, and the number of years remaining in the payment schedule with respect to such withdrawal liability;

“(XII) any material changes to benefits, accrual rates, or contribution rates during the plan year preceding such plan year;

“(XIII) any scheduled benefit increase or decrease in the plan year preceding such plan year having a material effect on liabilities of the plan;

“(XIV) details regarding any funding improvement plan or rehabilitation plan and updates to such plan;

“(XV) the number of participants and beneficiaries during the plan year preceding such plan year who are active participants, the number of participants and beneficiaries

in pay status, and the number of terminated vested participants and beneficiaries;

“(XVI) the information contained on the most recent annual funding notice submitted by the plan under section 101(f) of the Employee Retirement Income Security Act of 1974;

“(XVII) the information contained on the most recent Department of Labor Form 5500 of the plan; and

“(XVIII) copies of the plan document and amendments, other retirement benefit or ancillary benefit plans relating to the plan and contribution obligations under such plans, a breakdown of administrative expenses of the plan, participant census data and distribution of benefits, the most recent actuarial valuation report as of the plan year, copies of collective bargaining agreements, and financial reports, and such other information as the Secretary of the Treasury or the Secretary's delegate, in consultation with the Secretary of Labor and the Director of the Pension Benefit Guaranty Corporation, may require.

“(ii) ELECTRONIC SUBMISSION.—The report required under clause (i) shall be submitted electronically.

“(iii) INFORMATION SHARING.—The Secretary of the Treasury or the Secretary's delegate shall share the information in the report under clause (i) with the Secretary of Labor.

“(iv) PENALTY.—Any failure to file the report required under clause (i) on or before the date described in such clause shall be treated as a failure to file a report required to be filed under section 6058(a) of the Internal Revenue Code of 1986, except that section 6652(e) of such Code shall be applied with respect to any such failure by substituting ‘\$100’ for ‘\$25’. The preceding sentence shall not apply if the Secretary of the Treasury or the Secretary's delegate determines that reasonable diligence has been exercised by the trustees of such plan in attempting to timely file such report.

“(G) 1974 UMW PENSION PLAN DEFINED.—For purposes of this paragraph, the term ‘1974 UMW Pension Plan’ has the meaning given the term in section 9701(a)(3) of the Internal Revenue Code of 1986, but without regard to the limitation on participation to individuals who retired in 1976 and thereafter.”

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to fiscal years beginning after September 30, 2016.

(B) REPORTING REQUIREMENTS.—Section 402(i)(4)(F) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(i)(4)(F)), as added by this subsection, shall apply to plan years beginning after the date of the enactment of this Act.

(b) INCLUSION IN MULTIEMPLOYER HEALTH BENEFIT PLAN.—Section 402(h)(2)(C) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)) is amended—

(1) by striking “the Health Benefits for Miners Act of 2017” both places it appears in clause (ii) and inserting “the Commerce, Justice, Science, Agriculture, Rural Development, Food and Drug Administration, Interior, Environment, Military Construction, Veterans Affairs, Transportation, and Housing and Urban Development Appropriations Act, 2020”;

(2) by striking “, would be denied or reduced as a result of a bankruptcy proceeding commenced in 2012 or 2015” in clause (ii)(II) and inserting “or a related coal wage agreement, would be denied or reduced as a result of a bankruptcy proceeding commenced in 2012, 2015, 2018, or 2019”;

(3) by striking “the date of the enactment of the Health Benefits for Miners Act of

2017” each place it appears in clause (ii) and inserting “the date of the enactment of the Commerce, Justice, Science, Agriculture, Rural Development, Food and Drug Administration, Interior, Environment, Military Construction, Veterans Affairs, Transportation, and Housing and Urban Development Appropriations Act, 2020”;

(4) by striking “January 1, 2017” in clause (ii) and inserting “January 1, 2019”; and

(5) by adding at the end the following new clause:

“(vi) RELATED COAL WAGE AGREEMENT.—For purposes of clause (ii), the term ‘related coal wage agreement’ means an agreement between the United Mine Workers of America and an employer in the bituminous coal industry that—

“(I) is a signatory operator; or

“(II) is or was a debtor in a bankruptcy proceeding that was consolidated, administratively or otherwise, with the bankruptcy proceeding of a signatory operator or a related person to a signatory operator (as those terms are defined in section 9701(c) of the Internal Revenue Code of 1986).”

(c) REDUCTION IN MINIMUM AGE FOR ALLOWABLE IN-SERVICE DISTRIBUTIONS.—

(1) IN GENERAL.—Section 401(a)(36) of the Internal Revenue Code of 1986 is amended by striking “age 62” and inserting “age 59½”.

(2) APPLICATION TO GOVERNMENTAL SECTION 457(b) PLANS.—Clause (i) of section 457(d)(1)(A) of the Internal Revenue Code of 1986 is amended by inserting “(in the case of a plan maintained by an employer described in subsection (e)(1)(A), age 59½)” before the comma at the end.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after December 31, 2019.

(d) BLACK LUNG LIABILITY TRUST FUND EXCISE TAX.—

(1) IN GENERAL.—Section 4121(e) of the Internal Revenue Code of 1986 is amended—

(A) by striking “after the temporary increase termination date” in paragraph (1) and inserting “during any temporary increase inapplicable period”, and

(B) by amending paragraph (2) to read as follows:

“(2) TEMPORARY INCREASE INAPPLICABLE PERIOD.—For purposes of paragraph (1), the term ‘temporary increase inapplicable period’ means—

“(A) the period beginning on January 1, 2019, and ending on December 31, 2019, and

“(B) the period beginning on the earlier of—

“(i) January 1, 2029, or

“(ii) the first January 1 after 2007 as of which there is—

“(I) no balance of repayable advances made to the Black Lung Disability Trust Fund, and

“(II) no unpaid interest on such advances.”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales after December 31, 2019.

**SA 1239.** Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 948 proposed by Mr. SHELBY to the bill H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII of division B, insert the following:

SEC. \_\_\_\_ (a) Section 907(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387g(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

“(C) SPECIAL RULE FOR ELECTRONIC NICOTINE DELIVERY SYSTEMS.—Beginning 90 days after the date of enactment of the Commerce, Justice, Science, Agriculture, Rural Development, Food and Drug Administration, Interior, Environment, Military Construction, Veterans Affairs, Transportation, and Housing and Urban Development Appropriations Act, 2020, an electronic nicotine delivery system or any of its components or parts (including e-liquid) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, coffee, menthol, or mint that is a characterizing flavor of the electronic nicotine delivery system or e-liquid. Nothing in this subparagraph shall be construed to limit the Secretary’s authority to take action under this section or other sections of this Act applicable to any artificial or natural flavor, herb, or spice not specified in this subparagraph.”; and

(2) by adding at the end the following:

“(7) ELECTRONIC NICOTINE DELIVERY SYSTEM STANDARDS.—Not later than 1 year after the date of enactment of the Commerce, Justice, Science, Agriculture, Rural Development, Food and Drug Administration, Interior, Environment, Military Construction, Veterans Affairs, Transportation, and Housing and Urban Development Appropriations Act, 2020, the Secretary shall promulgate regulations setting forth standards on the permissible design of electronic nicotine delivery systems, and issue guidance for manufacturers to implement such standards. Such standards, at a minimum, shall—

“(A) prohibit refillable components or parts;

“(B) prohibit any electronic nicotine delivery system designed to look like combustible cigarettes or commonplace, nonmedical devices, such as pens or USB flash drives; and

“(C) require each electronic nicotine delivery system and its components and parts to be tamper-proof.”.

(b)(1) Section 900 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387) is amended—

(A) by redesignating paragraphs (8) through (22) as paragraphs (10) through (24); and

(B) by inserting after paragraph (7) the following:

“(8) ELECTRONIC NICOTINE DELIVERY SYSTEM.—

“(A) IN GENERAL.—The term ‘electronic nicotine delivery system’—

“(i) means noncombustible tobacco products, including vapes, vaporizers, vape pens, hookah pens, electronic cigarettes (also known as ‘e-cigarettes’ or ‘e-cigs’), and e-pipes that deliver an aerosolized e-liquid that may contain nicotine, as well as varying compositions of flavorings, propylene glycol, vegetable glycerin, and other ingredients; and

“(ii) includes components and parts, such as e-liquids, tanks, cartridges, pods, wicks, and atomizers.

“(B) COMPONENTS AND PARTS.—The term ‘components and parts’, with respect to an electronic nicotine delivery system, means the objects intended or reasonably expected to be used with, or for, the human consumption of a tobacco product that are not accessories.

“(9) E-LIQUID.—The term ‘e-liquid’ means liquid nicotine, nicotine containing liquids (including liquid nicotine combined with colorings, flavorings, or other ingredients), and liquids that do not contain nicotine or

other material made or derived from tobacco, but that are intended or reasonably expected to be used with or for the human consumption of a tobacco product.”.

(2) Section 9(1) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408(1)) is amended by striking “section 900(18)” and inserting “section 900(20)”.

SEC. \_\_\_\_\_. (a) Not later than 1 year after the date of enactment of this Act and annually thereafter, the Secretary of Health and Human Services (referred to in this section as the “Secretary”), in consultation with the Director of the National Institutes of Health, the Commissioner of Food and Drugs, the Director of the Centers for Disease Control and Prevention, and other heads of appropriate agencies, as the Secretary of Health and Human Services determines appropriate, shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and publicly post on an internet website, a report on the public health risks of tobacco use that includes—

(1) the public health implications of the use of tobacco products, with a focus on electronic nicotine delivery systems and other alternative tobacco products;

(2) emerging trends in tobacco use, including the use of tobacco flavors and new tobacco products;

(3) updates on the public health awareness campaign authorized by subsection (b); and

(4) recommendations for Congress.

(b) The Secretary shall conduct a public awareness campaign to educate the public about the public health implications of using electronic nicotine delivery systems (as defined in section 900 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387)).

(c) To carry out subsection (b), for each of fiscal years 2021 through 2024, there shall be transferred to the Secretary, from the General Fund of the Treasury, the lesser of—

(1) the amount equal to the amount collected under 5701(h) of the Internal Revenue Code of 1986 during the previous fiscal year; or

(2) \$115,000,000.

SEC. \_\_\_\_\_. (a) Section 5701 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsection (h) as subsection (i), and

(2) by inserting after subsection (g) the following new subsection:

“(h) ELECTRONIC NICOTINE DELIVERY.—

“(1) ELECTRONIC NICOTINE DELIVERY SYSTEMS.—

“(A) IN GENERAL.—On electronic nicotine delivery systems (as defined in section 900(8) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387(8))), manufactured in or imported into the United States, there shall be imposed a tax equal to \$1.01 per electronic nicotine delivery system.

“(B) EXCEPTION.—This paragraph shall not apply to any single-use electronic nicotine delivery system.

“(2) E-LIQUID.—On e-liquids (as defined in section 900(9) of such Act) or single-use electronic nicotine delivery systems, manufactured in or imported into the United States, there shall be imposed a tax equal to—

“(A) in the case of a product which contains less than 5 percent nicotine by volume, \$1.01, and

“(B) in the case of the product which contains a percentage of nicotine by volume which is equal to or greater than 5 percent, an amount equal to the sum of—

“(i) \$1.01, plus,

“(ii) for each percentage point of nicotine by volume contained in such product which

is in excess of 5 percent, 20.2 cents (and a proportionate amount at the like rate on any such percentage which is not a whole number).”.

(b) Section 5702 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (c), by striking “and roll-your-own tobacco” and inserting “roll-your-own tobacco, electronic nicotine delivery systems, and e-liquids”, and

(2) in subsection (d), by striking “or roll-your-own tobacco” each place it appears and inserting “roll-your-own tobacco, electronic nicotine delivery systems, and e-liquids”.

(c) The amendments made by this section shall apply to articles removed after the date which is 90 days after the date of enactment of this Act.

SEC. \_\_\_\_\_. (a) Any person who—

(1) on the date of the enactment of this Act, is engaged in business as a manufacturer of electronic nicotine delivery systems or e-liquids, and

(2) before the applicable date, submits an application under subchapter B of chapter 52 of the Internal Revenue Code of 1986 to engage in such business, may, notwithstanding such subchapter B, continue to engage in such business pending final action on such application. Pending such final action, all provisions of chapter 52 of such Code shall apply to such applicant in the same manner and to the same extent as if such applicant were a holder of a permit to manufacture electronic nicotine delivery systems or e-liquids under such chapter 52.

(b)(1) On electronic nicotine delivery systems or e-liquids manufactured in or imported into the United States which are removed before the applicable date and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such applicable date.

(2)(A) A person holding electronic nicotine delivery systems or e-liquids on the applicable date to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) The tax imposed by paragraph (1) shall be paid on or before the date that is 120 days after the applicable date.

(3) Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.), or any other provision of law, any article which is located in a foreign trade zone on any tax increase date shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).

(4) Rules similar to the rules of section 5061(e)(3) of the Internal Revenue Code of 1986 shall apply for purposes of this subsection.

(5) All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of the Internal Revenue Code of 1986 shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person



to whom a credit or refund under such provisions may be allowed or made.

(c) For purposes of this section—

(1) Any term used in this section which is also used in section 5701 or 5702 of the Internal Revenue Code of 1986 shall have the same meaning as such term has in such section.

(2) The term “applicable date” means the day after the date which is 90 days after the date of enactment of this Act.

(3) The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

**SA 1240.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 916, to improve Federal efforts with respect to the prevention of maternal mortality, and for other purposes; which was referred to the Committee on Finance; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Healthy Maternal Opportunities Matter Act of 2019” or the “Healthy MOM Act”.

#### SEC. 2. ADDITIONAL FUNDING FOR MATERNAL AND CHILD HEALTH PROJECTS.

Section 501 of the Social Security Act (42 U.S.C. 701) is amended by adding at the end the following new subsection:

“(d) In addition to the amounts appropriated under subsection (a) and retained under section 502(b)(1)(A), out of any money in the Treasury not otherwise appropriated, there is appropriated to the Secretary \$200,000,000 for the period of fiscal years 2020 through 2024, to support increased efforts to improve maternal and child health in accordance with the projects described in subparagraphs (A) through (E) of section 501(a)(3).”

#### SEC. 3. MEDICAID DEMONSTRATION PROGRAM TO INCREASE ACCESS TO MATERNAL HEALTH CARE IN UNDERSERVED AREAS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

“(bb) DEMONSTRATION PROJECT TO INCREASE ACCESS TO MATERNAL HEALTH CARE IN UNDERSERVED AREAS.—

“(1) IN GENERAL.—In addition to the payments provided under subsection (a), the Secretary shall provide for payments to States for State activities to improve access to maternal health care and prevent maternal mortality in underserved areas (including rural areas) in the manner described in paragraph (5).

“(2) PERMISSIBLE USE OF FUNDS.—The following are examples of State activities for which funds provided under this subsection may be used:

“(A) Developing and implementing innovative reimbursement models for providers of maternal health care services.

“(B) Increasing maternal health professional recruitment efforts.

“(C) Expanding access to telemedicine for women with high-risk pregnancies.

“(3) APPLICATION; TERMS AND CONDITIONS.—

“(A) IN GENERAL.—No payments shall be made to a State under this subsection unless the State applies to the Secretary for such payments in a form, manner, and time specified by the Secretary.

“(B) TERMS AND CONDITIONS.—Such payments are made under such terms and conditions consistent with this subsection as the Secretary prescribes.

“(C) ANNUAL REPORT.—Payment to a State under this subsection is conditioned on the State submitting to the Secretary an annual report on the activities supported by such

payment. Such report shall include information on—

“(i) the specific uses of such payment;

“(ii) an assessment of quality improvements and clinical outcomes resulting from such activities; and

“(iii) estimates of cost savings resulting from such activities.

“(4) DURATION.—No payment shall be made under this subsection after fiscal year 2024.

“(5) FUNDING.—

“(A) IN GENERAL.—Subject to subparagraph (B), State expenditures on activities under this subsection shall be treated as medical assistance for purposes of subsection (a).

“(B) LIMITATION ON FUNDS.—The total amount of payments made under this subsection shall not exceed \$2,500,000,000 for fiscal years 2020 through 2024. This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Secretary to provide for the payment of amounts provided under this subsection.”

#### SEC. 4. REGULAR FMAP APPLIED IN CASE OF CERTAIN MEDICAID EXPANSION INDIVIDUALS.

Section 1905(y) of the Social Security Act (42 U.S.C. 1396d(y)) is amended—

(1) in paragraph (1), by inserting “subject to paragraph (3),” after “Notwithstanding subsection (b),”; and

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

“(3) EXCEPTION.—With respect to amounts expended by a State described in paragraph (1) for medical assistance for items and services furnished on or after January 1, 2020, to a newly eligible individual described in subclause (VIII) of section 1902(a)(10)(A)(i) who is an inmate in a public institution and is a patient in a medical institution, paragraph (1) shall not apply with respect to such amounts expended for such items and services and the Federal medical assistance percentage for such State under subsection (b) shall apply with respect to such amounts expended for such items and services.”

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. INHOFE. Mr. President, I have four 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 ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, October 29, 2019, at 9:30 a.m., in open session to consider the nominations of Ms. Lisa W. Hershman to be Chief Management Officer of the Department of Defense; Mr. Dana S. Deasy to be Chief Information Officer of the Department of Defense; and Mr. Robert J. Sander to be General Counsel of the Department of the Navy.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Tuesday, October 29, 2019, at 10 a.m., in room 216 of the Hart Senate Office Building. The Com-

mittee will hold a Full Committee Hearing titled “Aviation Safety and the Future of Boeing’s 737 MAX.”

##### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, October 29, 2019 at 2:30 p.m. to hold a hearing on nominations.

##### SELECT COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 116th Congress of the U.S. Senate on Tuesday, October 29, 2019, from 4:00 p.m.–6:00 p.m., in room SH-219 in the Senate Hart Office Building to hold a closed roundtable.

#### PRIVILEGES OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Craig Radcliffe, counsel on my staff, be permitted floor privileges for the remainder of the day.

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

Mr. PAUL. Mr. President, I ask unanimous consent for floor privileges for a member of my staff, Rob Givens.

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

#### CONDEMNING THE HORRIFIC ATTACK IN DAYTON, OHIO, AND EXPRESSING SUPPORT AND PRAYERS FOR ALL THOSE IMPACTED BY THAT TRAGEDY

Mr. CASSIDY. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 367.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 367) condemning the horrific attack in Dayton, Ohio, and expressing support and prayers for all those impacted by that tragedy.

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

Mr. CASSIDY. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 367) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of October 21, 2019, under “Submitted Resolutions.”)

#### TAIWAN ALLIES INTERNATIONAL PROTECTION AND ENHANCEMENT INITIATIVE ACT OF 2019

Mr. CASSIDY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 237, S. 1678.