

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. WYDEN (for himself and Mr. CARDIN):

S. 3549. A bill to amend the Internal Revenue Code of 1986 to provide advance tax refunds to small businesses, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3550. A bill to amend the Federal Reserve Act to permit to the Board of Governors of the Federal Reserve System to engage in certain open market operations during unusual and exigent circumstances; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PETERS (for himself, Mrs. SHAHEEN, Ms. STABENOW, and Ms. HASSAN):

S. 3551. A bill to help small businesses access capital and create jobs by reauthorizing the successful State Small Business Credit Initiative; to the Committee on Small Business and Entrepreneurship.

By Mr. ROUNDS (for himself, Mr. TESTER, Mr. MERKLEY, Ms. SMITH, Mr. HOEVEN, Mr. DAINES, Mrs. FISCHER, Mrs. HYDE-SMITH, Mr. CRAMER, and Mr. WYDEN):

S. 3552. A bill to require the Secretary of Agriculture to provide payments to cattle producers to offset losses due to the Coronavirus Disease 2019 (COVID-19), and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PERDUE:

S. 3553. A bill to modify the schedule for estimated tax payments for 2020; to the Committee on Finance.

By Mr. CARDIN (for himself, Ms. CANTWELL, Mrs. SHAHEEN, Mr. MARKEY, Mr. BOOKER, Mr. COONS, Ms. HIRONO, Ms. DUCKWORTH, and Ms. ROSEN):

S. 3554. A bill to provide assistance to small businesses impacted by COVID-19, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. STABENOW (for herself and Mr. PETERS):

S. 3555. A bill to expand the trade adjustment assistance for workers program, and for other purposes; to the Committee on Finance.

By Mr. ROMNEY:

S. 3556. A bill to amend the Higher Education Act of 1965 to provide for deferral of loan repayment for graduates during the period of the coronavirus; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. PORTMAN (for himself and Ms. KLOBUCHAR):

S. Res. 549. A resolution designating April 2020 as "Second Chance Month"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 3486

At the request of Ms. WARREN, her name was added as a cosponsor of S. 3486, a bill to improve State, local, and tribal public health security.

S. 3502

At the request of Mr. CRAMER, the name of the Senator from Georgia

(Mrs. LOEFFLER) was added as a cosponsor of S. 3502, a bill to delay the implementation date of the current expected credit losses methodology for estimating allowances for credit losses, and for other purposes.

S. 3504

At the request of Mr. DAINES, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 3504, a bill to require the Secretary of Homeland Security to extend, until not earlier than September 30, 2021, the requirement that State-issued identification must be compliant with the REAL ID Act of 2005 to be accepted by Federal agencies for certain purposes.

S. 3533

At the request of Mr. CRAMER, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Arizona (Ms. SINEMA) were added as cosponsors of S. 3533, a bill to authorize and establish minimum standards for electronic and remote notarizations that occur in or affect interstate commerce, to require any Federal court located in a State to recognize notarizations performed by a notary public commissioned by another State when the notarization occurs in or affects interstate commerce, and to require any State to recognize notarizations performed by a notary public commissioned by another State when the notarization occurs in or affects interstate commerce or when the notarization was performed under or relates to a public act, record, or judicial proceeding of the State in which the notary public was commissioned.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 549—DESIGNATING APRIL 2020 AS "SECOND CHANCE MONTH"

Mr. PORTMAN (for himself and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 549

Whereas every individual is endowed with human dignity and value;

Whereas redemption and second chances are values of the United States;

Whereas millions of citizens of the United States have a criminal record;

Whereas hundreds of thousands of individuals return to their communities from Federal and State prisons every year;

Whereas individuals returning from Federal and State prisons have paid their debt for committing crimes but still face significant legal and societal barriers (referred to in this preamble as "collateral consequences");

Whereas collateral consequences for an individual returning from a Federal or State prison are mandatory and take effect automatically, regardless of—

- (1) whether there is a nexus between the crime and public safety;
- (2) the seriousness of the crime;
- (3) the time that has passed since the individual committed the crime; or
- (4) the efforts of the individual to make amends or earn back the trust of the public;

Whereas, for individuals returning to their communities from Federal and State prisons, gaining meaningful employment is one of the most significant predictors of successful reentry and has been shown to reduce future criminal activity;

Whereas many individuals who have previously been incarcerated struggle to find employment because of collateral consequences, which are often not directly related to the offenses the individuals committed or any proven public safety benefit;

Whereas many States have laws that prohibit an individual with a criminal record from working in certain industries or obtaining professional licenses;

Whereas, in addition to employment, education has also been shown to be a significant predictor of successful reentry for individuals returning from Federal and State prisons;

Whereas an individual with a criminal record often has a lower level of educational attainment than the general population and has significant difficulty acquiring admission to, and funding for, educational programs;

Whereas an individual who has been convicted of certain crimes is often barred from receiving the financial aid necessary to acquire additional skills and knowledge;

Whereas an individual with a criminal record—

- (1) faces collateral consequences in securing a place to live; and
- (2) is often barred from seeking access to public housing;

Whereas collateral consequences prevent millions of individuals in the United States from contributing fully to their families and communities;

Whereas collateral consequences can contribute to recidivism, which increases crime and victimization and decreases public safety;

Whereas the inability to find gainful employment and other collateral consequences of conviction inhibit the economic mobility of an individual with a criminal record, which can negatively impact the well-being of the children and families of the individual for generations;

Whereas the bipartisan First Step Act of 2018 (Public Law 115-391) was signed into law on December 21, 2018, to increase opportunities for individuals incarcerated in Federal prisons to participate in meaningful recidivism reduction programs and prepare for their second chances;

Whereas the programs authorized by the Second Chance Act of 2007 (Public Law 110-199)—

- (1) have provided reentry services to more than 164,000 individuals in 49 States and the District of Columbia since the date of enactment of the Act; and
- (2) were reauthorized by the First Step Act of 2018 (Public Law 115-391);

Whereas the anniversary of the death of Charles Colson, who used his second chance following his incarceration for a Watergate-related crime to found Prison Fellowship, the largest program in the United States that provides outreach to prisoners, former prisoners, and their families, falls on April 21; and

Whereas the designation of April as "Second Chance Month" may contribute to—

- (1) increased public awareness about—
 - (A) the impact of collateral consequences; and
 - (B) the need for closure for individuals with a criminal record who have paid their debt; and
- (2) opportunities for individuals, employers, congregations, and communities to extend second chances to those individuals: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2020 as “Second Chance Month”;

(2) honors the work of communities, governmental institutions, nonprofit organizations, congregations, employers, and individuals to remove unnecessary legal and societal barriers that prevent individuals with criminal records from becoming productive members of society; and

(3) calls upon the people of the United States to observe Second Chance Month through actions and programs that—

(A) promote awareness of those unnecessary legal and social barriers; and

(B) provide closure for individuals with a criminal record who have paid their debt.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1561. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3548, to provide emergency assistance and health care response for individuals, families, and businesses affected by the 2020 coronavirus pandemic; which was referred to the Committee on Finance.

TEXT OF AMENDMENTS

SA 1561. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3548, to provide emergency assistance and health care response for individuals, families, and businesses affected by the 2020 coronavirus pandemic; which was referred to the Committee on Finance; as follows:

At the appropriate place, insert the following:

SEC. ____ . COVERAGE FOR ALLERGY DIAGNOSTIC TESTING SERVICES UNDER MEDICARE AND MEDICAID.

(a) FINDINGS.—Congress finds the following:

(1) Allergies, when not properly diagnosed, cannot be effectively treated.

(2) Allergies to food, inhaled particles, or other sources can cause debilitating and, in some cases, fatal reactions.

(3) Allergies can substantially compound other illnesses, including asthma, emphysema, and adult obstructive pulmonary diseases, leading to social and economic costs for families and our Nation's health care system.

(4) According to clinical guidelines from the National Institutes of Health and recommendations from peer-reviewed literature, in vitro specific IgE tests and percutaneous tests are considered equivalent as confirmatory tests in terms of their sensitivity and accuracy.

(5) Despite these recommendations, some current Medicare local coverage determinations and Medicaid coverage policies deny equal access to in vitro specific IgE tests and percutaneous tests.

(6) In vitro specific IgE tests and percutaneous tests must be equally accessible for clinicians and patients to improve health outcomes, reduce system costs, and reduce current health care disparities caused by the lack of equal coverage.

(b) MEDICAID COVERAGE FOR ALLERGY DIAGNOSTIC TESTING SERVICES.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(A) in section 1902(a)—

(i) in paragraph (85), by striking “and” at the end;

(ii) in paragraph (86), by striking the period at the end and inserting “; and”; and

(iii) by inserting after paragraph (86) the following new paragraph:

“(87) provide, with respect to the provision of allergy diagnostic testing services (as defined in section 1905(gg)) under the State plan, for equality in the treatment of in vitro specific IgE tests and percutaneous tests with respect to—

“(A) any medical necessity or other coverage requirements established for such in vitro specific IgE and percutaneous tests;

“(B) any frequency limits established for such tests; and

“(C) any allergen unit limits established for such tests.”; and

(B) in section 1905—

(i) in subsection (r)—

(I) by redesignating paragraph (5) as paragraph (6); and

(II) by inserting after paragraph (4) the following new paragraph:

“(5) Allergy diagnostic testing services (as defined in subsection (gg)).”; and

(ii) by adding at the end the following new subsection:

“(gg) ALLERGY DIAGNOSTIC TESTING SERVICES DEFINED.—The term ‘allergy diagnostic testing services’ means in vitro specific IgE tests and percutaneous tests that—

“(1) have been cleared under section 501(k), classified under section 513(f)(2), or approved under section 515 of the Federal Food, Drug, and Cosmetic Act; and

“(2) are provided to individuals for the purpose of evaluating immunologic response to certain antigens.”.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection shall apply with respect to items and services provided on or after January 1, 2021.

(B) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet any requirement imposed by amendments made by this subsection, the respective plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this subsection. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

(c) MEDICARE COVERAGE FOR ALLERGY DIAGNOSTIC TESTING SERVICES.—

(1) COVERAGE.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(A) in subsection (s)(2)—

(i) in subparagraph (GG), by striking “and” at the end;

(ii) in subparagraph (HH), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following new subparagraph:

“(II) allergy diagnostic testing services (as defined in subsection (kkk)).”; and

(B) by adding at the end the following new subsection:

“(kkk) ALLERGY DIAGNOSTIC TESTING SERVICES.—

“(1) IN GENERAL.—The term ‘allergy diagnostic testing services’ means in vitro specific IgE tests and percutaneous tests—

“(A) that have been cleared under section 501(k), classified under section 513(f)(2), or approved under section 515 of the Federal Food, Drug, and Cosmetic Act; and

“(B) which are furnished to individuals for the purpose of evaluating immunologic re-

sponse to certain antigens, as determined appropriate by the practitioner ordering such test.

“(2) EQUAL ACCESS TO TESTING METHODS.—The Secretary shall ensure equality in the treatment of in vitro specific IgE tests and percutaneous tests described in paragraph (1) with respect to—

“(A) any medical necessity or other coverage requirements established for such in vitro specific IgE and percutaneous tests;

“(B) any frequency limits established for such tests; and

“(C) any allergen unit limits established for such tests.”.

(2) PAYMENT.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(x) ALLERGY DIAGNOSTIC TESTING SERVICES.—For purposes of payment only, in the case of allergy diagnostic testing services (as defined in section 1861(kkk))—

“(1) in vitro specific IgE tests shall be treated as clinical diagnostic laboratory tests; and

“(2) percutaneous tests shall be treated as physicians’ services.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to items and services furnished on or after January 1, 2021.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have a request for one committee to meet during today's session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is 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 Friday, March 20, 2020, at 3:30 p.m., to conduct a hearing on military nominations.

MIDDLE CLASS HEALTH BENEFITS TAX REPEAL ACT OF 2019—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 157, H.R. 748.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 748) to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby