

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

move to bring to a close debate on the motion to proceed to Calendar No. 157, H.R. 748, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

Mitch McConnell, David Perdue, Mike Rounds, Mitt Romney, James E. Risch, Lamar Alexander, Steve Daines, Kevin Cramer, Rick Scott, Martha McSally, Deb Fischer, Marco Rubio, John Boozman, James Lankford, Rob Portman, Tom Cotton.

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

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

Mr. MCCONNELL. Mr. President, I just filed cloture on the motion to proceed to a shell that will serve as the vehicle for the CARES Act. Member-level discussion is going on as we speak. The goal is to reach agreements on each of the four components of the legislation by the end of the day. Senators are here; we are working; and we are going to deliver.

ORDERS FOR SATURDAY, MARCH 21, 2020

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon, Saturday, March 21; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate resume consideration of the motion to proceed to H.R. 748.

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

ADJOURNMENT UNTIL TOMORROW

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 4:30 p.m., adjourned until Saturday, March 21, 2020, at 12 noon.

DISCHARGED NOMINATION

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination unanimous consent and the nomination was confirmed:

ALMA L. GOLDEN, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 20, 2020:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JASON E. BAILEY

COL. KENYON K. BELL
COL. WILLIAM D. BETTS
COL. SHAWN W. CAMPBELL
COL. HOUSTON R. CANTWELL
COL. ERIC A. CARNEY
COL. SEAN M. CHOQUETTE
COL. MICHAEL E. CONLEY
COL. ERIC P. DELANGE
COL. DANIEL A. DEVOE
COL. GERALD A. DONOHUE
COL. RUSSELL D. DRIGGERS
COL. MICHAEL R. DROWLEY
COL. JOHN R. EDWARDS
COL. TODD A. FOGLE
COL. JENNIFER HAMMERSTEDT
COL. MATTHEW W. HIGER
COL. JASON T. HINDS
COL. STACY J. HUSER
COL. WILLIAM H. KALE
COL. JOSEPH D. KUNKEL
COL. LESLIE A. MAHER
COL. MICHAEL H. MANION
COL. PAUL D. MOGA
COL. JOSHUA M. OLSON
COL. DEREK J. O'MALLEY
COL. BRANDON D. PARKER
COL. STEPHEN G. PURDY, JR.
COL. MARK B. PYE
COL. NEIL R. RICHARDSON
COL. PATRICK S. RYDER
COL. CHRISTOPHER S. SAGE
COL. JENNIFER M. SHORT
COL. DALE R. WHITE
COL. PARKER H. WRIGHT

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. SCOTT F. BENEDICT
BRIG. GEN. JASON Q. BOHM
BRIG. GEN. FRANCIS L. DONOVAN
BRIG. GEN. BRADFORD J. GERING
BRIG. GEN. JAMES F. GLYNN
BRIG. GEN. DAVID W. MAXWELL
BRIG. GEN. WILLIAM H. SEELY III
BRIG. GEN. ROGER B. TURNER, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. EDWARD M. DALY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RANDY B. CRITES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. SAMUEL J. PAPARO, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. STEVEN L. ALLEN
COL. ROBERT L. BARRIE, JR.
COL. GUILLAUME N. BEAURPERE
COL. CHRISTOPHER G. BECK
COL. TREVOR J. BREDENKAMP
COL. WINSTON P. BROOKS
COL. JACQUELINE D. BROWN
COL. LARRY Q. BURRIS, JR.
COL. PAUL G. CRAFT
COL. LANCE G. CURTIS
COL. GLENN A. DEAN III
COL. MATTHEW L. EICHBURG
COL. DAVID C. FOLEY
COL. PATRICK L. GAYDON
COL. CLAIR A. GILL
COL. MARK A. HOLLER
COL. DARYL O. HOOD
COL. MARK J. HOVATTER
COL. JAMES P. ISENHOWER III
COL. RYAN M. JANOVIC
COL. MICHAEL B. LALOR
COL. STEVEN M. MARKS
COL. GENE D. MEREDITH
COL. THOMAS W. O'CONNOR, JR.
COL. ISAAC J. PELTIER
COL. KEITH C. PHILLIPS
COL. RONALD R. RAGIN
COL. HOPE C. RAMPEY
COL. WILLIAM A. RYAN III
COL. DAVID F. STEWART
COL. DAVID C. TRYBULA
COL. COLIN P. TULEY

COL. JOHN W. WEIDNER
COL. TIMOTHY P. WHITE
COL. DAVID B. WOMACK
COL. RICHARD L. ZELLMANN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT L. MARION

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID A. KRUMM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. TIMOTHY G. FAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JON T. THOMAS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. ROBERT P. BURKE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ANNE M. SWAP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL W. STUEDEMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) STUART P. BAKER
REAR ADM. (LH) MICHAEL D. BERNACCHI, JR.
REAR ADM. (LH) FRANK M. BRADLEY
REAR ADM. (LH) DANIEL L. CHEEVER
REAR ADM. (LH) YVETTE M. DAVIDS
REAR ADM. (LH) DANIEL W. DWYER
REAR ADM. (LH) PETER A. GARVIN
REAR ADM. (LH) ALVIN HOLSEY
REAR ADM. (LH) WILLIAM J. HOUSTON
REAR ADM. (LH) FREDERICK W. KACHER
REAR ADM. (LH) DOUGLAS G. PERRY
REAR ADM. (LH) FRED I. PYLE
REAR ADM. (LH) CHARLES W. ROCK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DION D. ENGLISH
CAPT. MATTHEW N. OTT III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. THOMAS M. HENDERSCHIEDT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. KEVIN P. BYRNE
CAPT. JASON M. LLOYD
CAPT. HOWARD B. MARKLE
CAPT. ELIZABETH S. OKANA
CAPT. KURT J. ROTHENHAUS

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203:

To be brigadier general

COL. CHRISTOPHER Z. BARRA
COL. JOHN C. HAFLEY
COL. JEFFREY B. MCCARTER