

S. 3520

At the request of Mr. COONS, the names of the Senator from Illinois (Ms. DUCKWORTH), the Senator from Kansas (Mr. MORAN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3520, a bill to waive, for 1 year, the cost sharing requirements of the Hollings Manufacturing Extension Partnership, and for other purposes.

S. 3551

At the request of Mr. PETERS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3551, a bill to help small businesses access capital and create jobs by reauthorizing the successful State Small Business Credit Initiative.

S. 3554

At the request of Mr. PETERS, his name was added as a cosponsor of S. 3554, a bill to provide assistance to small businesses impacted by COVID-19, and for other purposes.

S. 3559

At the request of Mr. BENNET, the names of the Senator from Maine (Mr. KING), the Senator from Kansas (Mr. ROBERTS), the Senator from Arizona (Ms. SINEMA) and the Senator from Georgia (Mrs. LOEFFLER) were added as cosponsors of S. 3559, a bill to provide emergency financial assistance to rural health care facilities and providers impacted by the COVID-19 emergency.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1564. Mr. MENENDEZ (for himself, Mr. PERDUE, Mr. TESTER, and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill H.R. 748, to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage; which was ordered to lie on the table.

SA 1565. Mr. MENENDEZ (for himself, Mr. PERDUE, Mr. TESTER, and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill H.R. 748, supra; which was ordered to lie on the table.

SA 1566. Mr. LANKFORD (for himself, Mr. COONS, Mr. LEE, Ms. KLOBUCHAR, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Ms. MCSALLY, and Ms. SINEMA) submitted an amendment intended to be proposed by him to the bill H.R. 748, supra; which was ordered to lie on the table.

SA 1567. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 748, supra; which was ordered to lie on the table.

SA 1568. Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 748, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 1564. Mr. MENENDEZ (for himself, Mr. PERDUE, Mr. TESTER, and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill H.R. 748, to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . . . OPEN MARKET OPERATIONS.

Section 14(b) of the Federal Reserve Act (12 U.S.C. 355) is amended by adding at the end the following:

“(3)(A) In unusual and exigent circumstances, the Federal Open Market Committee may, by a majority vote, authorize any Federal reserve bank, during such periods as the Committee may determine, to buy and sell, at home or abroad—

“(i) investment grade bills, notes, bonds, or warrants, none of which may have a maturity of less than 6 months, by any corporation, company, or similar legal entity; and

“(ii) investment grade bills, notes, bonds, and warrants, none of which may have a maturity of less than 6 months, by any State, county, district, political subdivision, instrumentality of a political subdivision, territory, possession, municipality, or Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), in the United States, including irrigation, drainage, and reclamation districts.

“(B) All actions under this paragraph shall be subject to such limitations, restrictions, and regulations as the Federal Open Market Committee may prescribe. In prescribing such limitations, restrictions, and regulations, the Federal Open Market Committee shall take into account the need to protect taxpayers from losses.

“(C) Assets purchased under this paragraph shall be denominated in United States dollars.

“(D) Not later than 7 days after the exercise of the authority in subparagraph (A) that occurs on or after January 1, 2021, the Chairman of the Board shall—

“(i) appear before the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the chair and ranking members of the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives describing—

“(I) why action under this paragraph is necessary to achieve the monetary policy objectives under section 2A; and

“(II) how the Federal Open Market Committee has exhausted all other reasonable options available in achieving the monetary policy objectives under section 2A; and

“(ii) submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the description described in clause (i)(I).

“(E)(i) Not later than 3 days after the date of enactment of this paragraph, the Federal Open Market Committee shall meet and vote on whether to exercise the authority under this paragraph with respect to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID-19).

“(ii) If the Federal Open Market Committee does not approve to exercise the authority under this clause (i), the Board shall submit to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the chair and ranking members of the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives a notice describing why such action is not necessary to achieve the monetary policy objectives under section 2A.

“(F) Upon the expiration of the unusual and exigent circumstances, it should be a

priority of the Federal Open Market Committee to achieve the monetary policy objectives under section 2A without the use of the authority provided under this paragraph as soon as practicable while minimizing the disruptions to the market and general economy of the United States.”.

SA 1565. Mr. MENENDEZ (for himself, Mr. PERDUE, Mr. TESTER, and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill H.R. 748, to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . . . OPEN MARKET OPERATIONS.

Section 14(b) of the Federal Reserve Act (12 U.S.C. 355) is amended by adding at the end the following:

“(3)(A) In unusual and exigent circumstances, the Federal Open Market Committee may, by a majority vote, authorize any Federal reserve bank, during such periods as the Committee may determine, to buy and sell, at home or abroad—

“(i) investment grade bills, notes, bonds, or warrants, none of which may have a maturity of less than 6 months, by any corporation, company, or similar legal entity; and

“(ii) investment grade bills, notes, bonds, and warrants, none of which may have a maturity of less than 6 months, by any State, county, district, political subdivision, instrumentality of a political subdivision, territory, possession, municipality, or Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), in the United States, including irrigation, drainage, and reclamation districts.

“(B) All actions under this paragraph shall be subject to such limitations, restrictions, and regulations as the Federal Open Market Committee may prescribe. In prescribing such limitations, restrictions, and regulations, the Federal Open Market Committee shall take into account the need to protect taxpayers from losses.

“(C) Assets purchased under this paragraph shall be denominated in United States dollars.

“(D) Not later than 7 days after the exercise of the authority in subparagraph (A) that occurs on or after January 1, 2021, the Chairman of the Board shall—

“(i) appear before the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the chair and ranking members of the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives describing—

“(I) why action under this paragraph is necessary to achieve the monetary policy objectives under section 2A; and

“(II) how the Federal Open Market Committee has exhausted all other reasonable options available in achieving the monetary policy objectives under section 2A; and

“(ii) submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the description described in clause (i)(I).

“(E)(i) Not later than 3 days after the date of enactment of this paragraph, the Federal Open Market Committee shall meet and vote on whether to exercise the authority under this paragraph with respect to the national emergency declared by the President under

the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID-19).

“(ii) If the Federal Open Market Committee does not approve to exercise the authority under this clause (i), the Board shall submit to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the chair and ranking members of the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives a notice describing why such action is not necessary to achieve the monetary policy objectives under section 2A.

“(F) Upon the expiration of the unusual and exigent circumstances, it should be a priority of the Federal Open Market Committee to achieve the monetary policy objectives under section 2A without the use of the authority provided under this paragraph as soon as practicable while minimizing the disruptions to the market and general economy of the United States.”.

**SA 1566.** Mr. LANKFORD (for himself, Mr. COONS, Mr. LEE, Ms. KLOBUCHAR, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Ms. MCSALLY, and Ms. SINEMA) submitted an amendment intended to be proposed by him to the bill H.R. 748, to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage; which was ordered to lie on the table; as follows:

Strike section \_\_\_\_\_ and insert the following:

**SEC. \_\_\_\_\_. ABOVE-THE-LINE DEDUCTION FOR CHARITABLE CONTRIBUTIONS FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.**

(a) IN GENERAL.—Subsection (a) of section 62 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (21) the following new paragraph:

“(22) CHARITABLE CONTRIBUTIONS FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—In the case of an individual who does not elect to itemize deductions for the taxable year, the deduction allowed by section 170 with respect to charitable contributions (as defined in section 170(c)) made during the period beginning on January 1, 2020, and ending on December 31, 2020. The preceding sentence shall not apply to any deduction in excess of an amount equal to 1/3 of the amount of the standard deduction with respect to such individual.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to charitable contributions (as defined in section 170(c) of the Internal Revenue Code of 1986) made after December 31, 2019.

**SA 1567.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 748, to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. PROVIDING INFORMATION TO STATES REGARDING UNDELIVERED SAVINGS BONDS.**

Section 3105 of title 31, United States Code, is amended by adding at the end the following:

“(f)(1) Notwithstanding any other law, the Secretary shall provide each State, as digital or other electronically searchable forms be-

come available (including digital images), with sufficient information to identify the registered owner of any applicable savings bond with a registration address that is within such State, including the serial number of the bond, the name and registered address of such owner, and any registered beneficiaries.

“(2) The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this subsection, including rules to—

“(A) protect the privacy of the owners of applicable savings bonds; and

“(B) ensure that any information provided to a State under this subsection shall be used solely to locate such owners and assist them in redeeming such bonds with the United States Treasury.

“(3) Not later than 12 months after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committee on Appropriations and the Committee on Finance of the Senate a report assessing all efforts to satisfy the requirement under paragraph (1).

“(4) For purposes of this subsection, the term ‘applicable savings bond’ means a matured and unredeemed savings bond.”.

**SA 1568.** Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 748, to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage; which was ordered to lie on the table; 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 de-

fined 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 response 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 a year 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.

ADJOURNMENT UNTIL TOMORROW

Mr. McCONNELL. Madam 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 11:39 p.m., adjourned until Monday, March 23, 2020, at 12 noon.