

condolences to the family of David Dorn; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. RISCH, Mr. CARDIN, Mr. RUBIO, Mr. KAINE, and Mr. CRUZ):

S. Res. 632. A resolution reaffirming the partnership between the United States and the Republic of Ecuador and recognizing the restoration and advancement of economic relations, security, and development opportunities in both nations; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 785

At the request of Mr. PORTMAN, his name was added as a cosponsor of S. 785, a bill to improve mental health care provided by the Department of Veterans Affairs, and for other purposes.

S. 872

At the request of Mrs. SHAHEEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 872, a bill to require the Secretary of the Treasury to redesign \$20 Federal reserve notes so as to include a likeness of Harriet Tubman, and for other purposes.

S. 1374

At the request of Ms. MCSALLY, the names of the Senator from Iowa (Ms. ERNST) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1374, a bill to amend title II of the Social Security Act to eliminate the waiting periods for disability insurance benefits and Medicare coverage for individuals with metastatic breast cancer, and for other purposes.

S. 1620

At the request of Mr. PAUL, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 1620, a bill to amend the Federal Meat Inspection Act to exempt from inspection the slaughter of animals and the preparation of carcasses conducted at a custom slaughter facility, and for other purposes.

S. 3095

At the request of Ms. WARREN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 3095, a bill to develop voluntary guidelines for accessible postsecondary electronic instructional materials and related technologies, and for other purposes.

S. 3103

At the request of Mr. DURBIN, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3103, a bill to amend title XVIII of the Social Security Act to restore State authority to waive for certain facilities the 35-mile rule for designating critical access hospitals under the Medicare program.

S. 3599

At the request of Mr. PERDUE, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Virginia (Mr. KAINE) and the Senator from New Hampshire (Ms. HASSAN) were added as

cosponsors of S. 3599, a bill to enhance our Nation's nurse and physician workforce during the COVID-19 crisis by recapturing unused immigrant visas.

S. 3620

At the request of Mr. REED, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 3620, a bill to establish a Housing Assistance Fund at the Department of the Treasury.

S. 3703

At the request of Ms. COLLINS, the names of the Senator from Kansas (Mr. MORAN) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of S. 3703, a bill to amend the Elder Abuse Prevention and Prosecution Act to improve the prevention of elder abuse and exploitation of individuals with Alzheimer's disease and related dementias.

S. 3722

At the request of Mr. CRUZ, the names of the Senator from Florida (Mr. SCOTT), the Senator from New Hampshire (Ms. HASSAN), the Senator from Kansas (Mr. MORAN), the Senator from Virginia (Mr. KAINE), the Senator from Idaho (Mr. CRAPO), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from West Virginia (Mrs. CAPITO) and the Senator from Nevada (Ms. CORTEZ MASTO) were added as cosponsors of S. 3722, a bill to authorize funding for a bilateral cooperative program with Israel for the development of health technologies with a focus on combating COVID-19.

S. 3768

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 3768, a bill to protect older adults and people with disabilities living in nursing homes, intermediate care facilities, and psychiatric hospitals from COVID-19.

S. 3850

At the request of Ms. WARREN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 3850, a bill to require the Centers for Disease Control and Prevention to collect and report certain data concerning COVID-19.

S. 3856

At the request of Ms. WARREN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3856, a bill to authorize emergency homeless assistance grants under the Emergency Solutions Grants program of the Department of Housing and Urban Development for response to the public health emergency relating to COVID-19, and for other purposes.

S. 3911

At the request of Mrs. SHAHEEN, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 3911, a bill to require the Secretary of Defense to establish a task force to address the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances from

activities of the Department of Defense, to include exposure to such substances in periodic health assessments of members of the Armed Forces, and for other purposes.

S. 3931

At the request of Mr. PAUL, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 3931, a bill to prevent the militarization of Federal, State, and local law enforcement by Federal excess property transfers and grant programs.

S. 3981

At the request of Mr. VAN HOLLEN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 3981, a bill to extend to the Mayor of the District of Columbia the same authority over the National Guard of the District of Columbia as the Governors of the several States exercise over the National Guard of those States with respect to administration of the National Guard and its use to respond to natural disasters and other civil disturbances, and for other purposes.

S. 3982

At the request of Mr. VAN HOLLEN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 3982, a bill to amend the District of Columbia Home Rule Act to repeal the authority of the President to assume emergency control of the police of the District of Columbia.

S. RES. 509

At the request of Mr. TOOMEY, the names of the Senator from New Hampshire (Ms. HASSAN) and the Senator from Indiana (Mr. YOUNG) were added as cosponsors of S. Res. 509, a resolution calling upon the United Nations Security Council to adopt a resolution on Iran that extends the dates by which Annex B restrictions under Resolution 2231 are currently set to expire.

S. RES. 623

At the request of Mr. PORTMAN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 623, a resolution commemorating Otto Frederick Warmbier and condemning the North Korean regime for their continued human rights abuses.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. THUNE (for himself and Mr. BROWN):

S. 3995. A bill to limit the authority of States or other taxing jurisdictions to tax certain income of employees for employment duties performed in other States or taxing jurisdictions, and for other purposes; to the Committee on Finance.

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

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

S. 3995

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Remote and Mobile Worker Relief Act of 2020”.

**SEC. 2. LIMITATIONS ON WITHHOLDING AND TAXATION OF EMPLOYEE INCOME.**

(a) IN GENERAL.—No part of the wages or other remuneration earned by an employee who performs employment duties in more than one taxing jurisdiction shall be subject to income tax in any taxing jurisdiction other than—

(1) the taxing jurisdiction of the employee’s residence; and

(2) the taxing jurisdiction within which the employee is present and performing employment duties for more than 30 days during the calendar year in which the wages or other remuneration is earned.

(b) WAGES OR OTHER REMUNERATION.—Wages or other remuneration earned in any calendar year shall not be subject to income tax withholding and reporting requirements with respect to any taxing jurisdiction unless the employee is subject to income tax in such taxing jurisdiction under subsection (a). Income tax withholding and reporting requirements under subsection (a)(2) shall apply to wages or other remuneration earned as of the commencement date of employment duties in the taxing jurisdiction during the calendar year.

(c) OPERATING RULES.—For purposes of determining penalties related to an employer’s income tax withholding and reporting requirements with respect to any taxing jurisdiction—

(1) an employer may rely on an employee’s annual determination of the time expected to be spent by such employee in the taxing jurisdictions in which the employee will perform duties absent—

(A) the employer’s actual knowledge of fraud by the employee in making the determination; or

(B) collusion between the employer and the employee to evade tax;

(2) except as provided in paragraph (3), if records are maintained by an employer in the regular course of business that record the location of an employee, such records shall not preclude an employer’s ability to rely on an employee’s determination under paragraph (1); and

(3) notwithstanding paragraph (2), if an employer, at its sole discretion, maintains a time and attendance system that tracks where the employee performs duties on a daily basis, data from the time and attendance system shall be used instead of the employee’s determination under paragraph (1).

(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this Act:

(1) DAY.—

(A) Except as provided in subparagraph (B), an employee is considered present and performing employment duties within a taxing jurisdiction for a day if the employee performs more of the employee’s employment duties within such taxing jurisdiction than in any other taxing jurisdiction during a day.

(B) If an employee performs employment duties in a resident taxing jurisdiction and in only one nonresident taxing jurisdiction during one day, such employee shall be considered to have performed more of the employee’s employment duties in the nonresident taxing jurisdiction than in the resident taxing jurisdiction for such day.

(C) For purposes of this paragraph, the portion of the day during which the employee is in transit shall not be considered in determining the location of an employee’s performance of employment duties.

(2) EMPLOYEE.—The term “employee” has the same meaning given to it by the taxing jurisdiction in which the employment duties are performed, except that the term “em-

ployee” shall not include a professional athlete, professional entertainer, qualified production employee, or certain public figures.

(3) PROFESSIONAL ATHLETE.—The term “professional athlete” means a person who performs services in a professional athletic event, provided that the wages or other remuneration are paid to such person for performing services in his or her capacity as a professional athlete.

(4) PROFESSIONAL ENTERTAINER.—The term “professional entertainer” means a person of prominence who performs services in the professional performing arts for wages or other remuneration on a per-event basis, provided that the wages or other remuneration are paid to such person for performing services in his or her capacity as a professional entertainer.

(5) QUALIFIED PRODUCTION EMPLOYEE.—The term “qualified production employee” means a person who performs production services of any nature directly in connection with a taxing jurisdiction qualified, certified or approved film, television or other commercial video production for wages or other remuneration, provided that the wages or other remuneration paid to such person are qualified production costs or expenditures under such taxing jurisdiction’s qualified, certified or approved film incentive program, and that such wages or other remuneration must be subject to withholding under such film incentive program as a condition to treating such wages or other remuneration as a qualified production cost or expenditure.

(6) CERTAIN PUBLIC FIGURES.—The term “certain public figures” means persons of prominence who perform services for wages or other remuneration on a per-event basis, provided that the wages or other remuneration are paid to such person for services provided at a discrete event, in the nature of a speech, public appearance, or similar event.

(7) EMPLOYER.—The term “employer” has the meaning given such term in section 3401(d) of the Internal Revenue Code of 1986 (26 U.S.C. 3401(d)), unless such term is defined by the taxing jurisdiction in which the employee’s employment duties are performed, in which case the taxing jurisdiction’s definition shall prevail.

(8) TAXING JURISDICTION.—The term “taxing jurisdiction” means any of the several States, the District of Columbia, or any territory or possession of the United States, any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other political subdivision within the territorial limits of the United States with the authority to impose a tax, charge, or fee.

(9) TIME AND ATTENDANCE SYSTEM.—The term “time and attendance system” means a system in which—

(A) the employee is required on a contemporaneous basis to record his work location for every day worked outside of the taxing jurisdiction in which the employee’s employment duties are primarily performed; and

(B) the system is designed to allow the employer to allocate the employee’s wages for income tax purposes among all taxing jurisdictions in which the employee performs employment duties for such employer.

(10) WAGES OR OTHER REMUNERATION.—The term “wages or other remuneration” may be limited by the taxing jurisdiction in which the employment duties are performed.

(e) ADJUSTMENT DURING CORONAVIRUS PANDEMIC.—With respect to calendar year 2020, in the case of any employee who performs employment duties in any taxing jurisdiction other than the taxing jurisdiction of the employee’s residence during such year as a result of the COVID-19 public health emergency, subsection (a)(2) shall be applied by substituting “90 days” for “30 days”.

**SEC. 3. STATE AND LOCAL TAX CERTAINTY.**

(a) STATUS OF EMPLOYEES DURING COVERED PERIOD.—Notwithstanding section 2(a)(2) or any provision of law of a taxing jurisdiction, with respect to any employee who is working remotely within such taxing jurisdiction during the covered period—

(1) except as provided under paragraph (2), any wages earned by such employee during such period shall be deemed to have been earned at the primary work location of such employee; and

(2) if an employer, at its sole discretion, maintains a system that tracks where such employee performs duties on a daily basis, wages earned by such employee may, at the election of such employer, be treated as earned at the location in which such duties were remotely performed.

(b) STATUS OF BUSINESSES DURING COVERED PERIOD.—Notwithstanding any provision of law of a taxing jurisdiction—

(1) in the case of an out-of-state business which has any employees working remotely within such jurisdiction during the covered period, the duties performed by such employees within such jurisdiction during such period shall not be sufficient to create any nexus or establish any minimum contacts or level of presence that would otherwise subject such business to any registration, taxation, or other related requirements for businesses operating within such jurisdiction; and

(2) except as provided under subsection (a)(2), with respect to any tax imposed by such taxing jurisdiction which is determined, in whole or in part, based on net or gross receipts or income, for purposes of apportioning or sourcing such receipts or income, any duties performed by an employee of an out-of-state business while working remotely during the covered period—

(A) shall be disregarded with respect to any filing requirements for such tax; and

(B) shall be apportioned and sourced to the tax jurisdiction which includes the primary work location of such employee.

(c) DEFINITIONS.—For purposes of this section—

(1) COVERED PERIOD.—The term “covered period” means, with respect to any employee working remotely, the period—

(A) beginning on the date on which such employee began working remotely; and

(B) ending on the earlier of—

(i) the date on which the employer allows, at the same time—

(I) such employee to return to their primary work location; and

(II) not less than 90 percent of their permanent workforce to return to such work location; or

(ii) December 31, 2020.

(2) EMPLOYEE.—The term “employee” has the same meaning given to it by the taxing jurisdiction in which the employment duties are performed.

(3) EMPLOYER.—The term “employer” has the same meaning given such term under section 2(d)(7).

(4) OUT-OF-STATE BUSINESS.—The term “out-of-state business” means, with respect to any tax jurisdiction, any business entity which, excepting any employees of such business who are working remotely within such jurisdiction during the covered period, would not otherwise be subject to any tax filing requirements under the existing law of such taxing jurisdiction.

(5) PRIMARY WORK LOCATION.—The term “primary work location” means, with respect to an employee, the address of the employer where the employee is regularly assigned to work when such employee is not working remotely during the covered period.

(6) **TAXING JURISDICTION.**—The term “taxing jurisdiction” has the same meaning given such term under section 2(d)(8).

(7) **WAGES.**—The term “wages” means all wages and other remuneration paid to an employee that are subject to tax or withholding requirements under the law of the taxing jurisdiction in which the employment duties are deemed to be performed under subsection (a) during the covered period.

(8) **WORKING REMOTELY.**—The term “working remotely” means the performance of duties by an employee at a location other than the primary work location of such employee at the direction of their employer due to conditions resulting from the public health emergency relating to the virus SARS-CoV-2 or coronavirus disease 2019 (referred to in this paragraph as “COVID-19”), including—

(A) to comply with any government order relating to COVID-19;

(B) to prevent the spread of COVID-19; and

(C) due to the employee or a member of the employee’s family contracting COVID-19.

(d) **PRESERVATION OF AUTHORITY OF TAXING JURISDICTIONS.**—This section shall not be construed as modifying, impairing, superseding, or authorizing the modification, impairment, or supersession of the law of any taxing jurisdiction pertaining to taxation except as expressly provided in subsections (a) through (c).

#### SEC. 4. EFFECTIVE DATE; APPLICABILITY.

(a) **EFFECTIVE DATE.**—This Act shall apply to calendar years beginning after December 31, 2019.

(b) **APPLICABILITY.**—This Act shall not apply to any tax obligation that accrues before January 1, 2020.

By Mr. PORTMAN (for himself, Mr. CARPER, Mr. BARRASSO, Mrs. BLACKBURN, Mr. BRAUN, Mr. COONS, Ms. CORTEZ MASTO, Ms. HASSAN, Mr. HAWLEY, Mr. MANCHIN, Mr. RISCH, Mr. RUBIO, Mr. SCOTT of Florida, Mrs. SHAHEEN, and Mr. TILLIS):

S. 3997. A bill to strengthen the security and integrity of the United States scientific and research enterprise; to the Committee on Homeland Security and Governmental Affairs.

Mr. PORTMAN. Mr. President, I am here on the floor to talk about a significant step forward in holding China accountable for not playing by the rules. Today, after months of work, we are introducing bipartisan legislation called the Safeguarding American Innovation Act that will help crack down on the rampant theft of U.S. taxpayer-funded research and innovation at America’s colleges and universities by foreign governments like China. It’s outrageous, and it has to stop.

At the Permanent Subcommittee on Investigations, which I chair, we conducted a bipartisan year-long investigation in 2019 into how China has used so-called talent recruitment programs, most notably its Thousand Talents Plan, to steal U.S. taxpayer-funded research. The Chinese Communist Party has systematically targeted the most promising U.S. research and researchers, and then paid these grant recipients to take their taxpayer-funded research to China. That research and technology often ends up going directly to China to help fuel the rise of its military and economy. Part of the rea-

son it’s gone on so long, frankly, is because we’ve been asleep at the switch. That’s starting to change in the wake of our Subcommittee investigation.

Right now, our law enforcement officials and other federal entities are working to hold China accountable for this IP theft problem but are limited in the actions they can take under current law. All of the arrests they’ve made so far have been about peripheral financial crimes like wire fraud and tax evasion, not the core issue of taking American taxpayer-paid research to benefit China. Why? Because they don’t have the legal ability to address the root causes of this problem.

That changes today. Along with my Democratic counterpart on the Subcommittee, TOM CARPER from Delaware, we are introducing the bipartisan Safeguarding American Innovation Act to empower the government to protect our research enterprise while keeping it open and transparent.

First, our bill makes it a crime failing to disclose their foreign ties on federal grant applications, which, shockingly, it currently isn’t.

It requires the Office of Management and Budget, OMB, to streamline and coordinate grant-making between the federal agencies so there’s needed accountability and transparency when it comes to tracking the billions of dollars of taxpayer-funded grant money that’s being distributed.

It also allows the State Department to deny visas to foreign researchers who we know are seeking to steal research and IP by exploiting exemptions in our export control laws. This may surprise you, but the State Department can’t do that now. Career foreign service officers, employees at the State Department, have asked us to provide this authority.

Our bill also requires research institutions and universities to provide the State Department basic information about the sensitive technologies that a foreign researcher will have access to.

And our bill ensures transparency by requiring universities to report any foreign gift of \$50,000 or more and empowering the Department of Education to fine universities that repeatedly fail to disclose these gifts.

Rather than just pointing the finger at China, we ought to be looking at our own government and our own institutions and doing a better job here. Until we start to get our own house in order and take a firmer stance on foreign influence here in this country, we’re not going to see much improvement. That’s what this legislation does. In turn, I think showing that we’re serious about fixing our own vulnerabilities will send a firm but fair signal to China—and other adversaries looking to take advantage of our research enterprise—to change their behavior. I encourage my colleagues to support this bipartisan effort.

I yield back.

By Mr. DURBIN (for himself and Ms. DUCKWORTH):

S. 4002. A bill to amend the Servicemembers Civil Relief Act to extend the interest rate limitation on debt entered into during military service to debt incurred during military service to consolidate or refinance student loans incurred before military service; to the Committee on Veterans’ Affairs.

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

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

S. 4002

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Service-member Student Loan Affordability Act of 2020”.

#### SEC. 2. INTEREST RATE LIMITATION ON DEBT ENTERED INTO DURING MILITARY SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE MILITARY SERVICE.

(a) **IN GENERAL.**—Subsection (a) of section 207 of the Servicemembers Civil Relief Act (50 U.S.C. 3937) is amended—

(1) in paragraph (1), by inserting “ON DEBT INCURRED BEFORE SERVICE” after “LIMITATION TO 6 PERCENT”;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) **LIMITATION TO 6 PERCENT ON DEBT INCURRED DURING SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE SERVICE.**—An obligation or liability bearing interest at a rate in excess of 6 percent per year that is incurred by a servicemember, or the servicemember and the servicemember’s spouse jointly, during military service to consolidate or refinance one or more student loans incurred by the servicemember before such military service shall not bear an interest at a rate in excess of 6 percent during the period of military service.”;

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection, by inserting “or (2)” after “paragraph (1)”; and

(5) in paragraph (4), as so redesignated, by striking “paragraph (2)” and inserting “paragraph (3)”.

(b) **IMPLEMENTATION OF LIMITATION.**—Subsection (b) of such section is amended—

(1) in paragraph (1)(A), by striking “the interest rate limitation in subsection (a)” and inserting “an interest rate limitation in paragraph (1) or (2) of subsection (a)”;

and

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “EFFECTIVE AS OF DATE OF ORDER TO ACTIVE DUTY” and inserting “EFFECTIVE DATE”; and

(B) by inserting before the period at the end the following: “in the case of an obligation or liability covered by subsection (a)(1), or as of the date the servicemember (or servicemember and spouse jointly) incurs the obligation or liability concerned under subsection (a)(2)”.

(c) **STUDENT LOAN DEFINED.**—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(3) **STUDENT LOAN.**—The term ‘student loan’ means the following:

“(A) A Federal student loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(B) A private student loan as that term is defined section 140(a) of the Truth in Lending Act (15 U.S.C. 1650(a)).”.

By Mr. THUNE:

S. 4015. A bill to provide funds to assess the availability, accelerate the deployment, and improve the sustainability of advanced communications services and communications infrastructure in rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

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

S. 4015

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Rural Connectivity Advancement Program Act of 2020”.

#### SEC. 2. DEPOSIT OF SPECTRUM AUCTION PROCEEDS IN RURAL BROADBAND ASSESSMENT AND DEPLOYMENT FUND.

Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking “and (G)” and inserting “(G), and (H)”; and

(2) by adding at the end the following:

“(H) ASSESSMENT AND DEPLOYMENT SET-ASIDE.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), and except as provided in subparagraphs (B), (D), (E), (F), and (G), 10 percent of the net proceeds from each use of a system of competitive bidding under this subsection completed before September 30, 2022, shall be deposited in the Rural Broadband Assessment and Deployment Fund established under section 3 of the Rural Connectivity Advancement Program Act of 2020.

“(ii) NET PROCEEDS DEFINED.—For purposes of this subparagraph, the term ‘net proceeds’, with respect to the use of a system of competitive bidding, means the proceeds remaining after subtracting all auction-related expenditures, including—

“(I) relocation payments, including accelerated relocation payments;

“(II) payments to incumbent licensees for the relinquishment of all or a portion of the spectrum usage rights of those licensees;

“(III) costs associated with the reallocation of spectrum, whether on an exclusive or shared use basis;

“(IV) relocation or sharing costs, including for planning for relocation or sharing; and

“(V) bidding credits.”.

#### SEC. 3. DIRECTION AND USE OF RURAL BROADBAND ASSESSMENT AND DEPLOYMENT FUND PROCEEDS.

(a) DEFINITIONS.—In this subsection—

(1) the term “Commission” means the Federal Communications Commission; and

(2) the term “high-cost programs” means—

(A) the program for Universal Service Support for High-Cost Areas set forth under subpart D of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(B) the Rural Digital Opportunity Fund set forth under subpart J of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(C) the Interstate Common Line Support Mechanism for Rate-of-Return Carriers set forth under subpart K of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(D) the Mobility Fund set forth under subpart L of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(E) the High Cost Loop Support for Rate-of-Return Carriers program set forth under subpart M of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(F) the Uniendo a Puerto Rico Fund and the Connect USVI Fund set forth under subpart O of part 54 of title 47, Code of Federal Regulations, or any successor regulations; and

(G) the Rural Broadband Experiments, as established by the Commission under part 54 of title 47, Code of Federal Regulations.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund to be known as the “Rural Broadband Assessment and Deployment Fund”.

(c) BORROWING AUTHORITY.—

(1) IN GENERAL.—Beginning on the date on which the Commission announces the results of an auction under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), the Commission may borrow from the Treasury of the United States an amount not to exceed the amount that will be deposited in the Rural Broadband Assessment and Deployment Fund under paragraph (8)(H) of that section (as added by section 2 of this Act) as a result of that auction.

(2) REIMBURSEMENT.—The Commission shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under paragraph (1) as funds are deposited into the Rural Broadband Assessment and Deployment Fund.

(d) AVAILABILITY OF AMOUNTS.—Any amounts borrowed under subsection (c)(1) and any amounts in the Rural Broadband Assessment and Deployment Fund that are not necessary for reimbursement of the general fund of the Treasury for such borrowed amounts shall be available to the Commission for use in accordance with subsection (e).

(e) USE OF AMOUNTS.—

(1) ESTABLISHMENT OF PROGRAM OR PROGRAMS.—The Commission shall use the amounts made available under subsection (d) to establish 1 or more programs that are separate from, but are coordinated with and complement, the high-cost programs to address—

(A) gaps that remain in broadband internet access service coverage in high-cost rural areas despite the operations of the high-cost programs; and

(B) shortfalls in sufficient funding of the high-cost programs that could adversely affect the sustainability of services or reasonable comparability of rates that are supported by those programs.

(2) PURPOSES.—In carrying out paragraph (1), the Commission shall use amounts made available under subsection (d) in an efficient and cost-effective manner only—

(A) for the assessment of, and to provide subsidies in a technology-neutral manner through a competitive process (subject to weighting preferences for performance quality and other service metrics as the Commission may find appropriate) to providers for support of, deployment of broadband-capable infrastructure in high-cost rural areas that the Commission determines are unserved by fixed terrestrial broadband internet access service at a download speed of not less than 25 megabits per second and an upload speed of not less than 3 megabits per second (or such higher speed as the Commission may determine appropriate based upon an evolving definition of universal service); and

(B) to assess, and provide subsidies to providers to enable providers to sustain, broadband internet access service in any rural area in which—

(i) only one provider of fixed terrestrial broadband internet access service operates; and

(ii) the high-cost nature of the area precludes the offering of voice service and broadband internet access service at rates and performance levels available in urban areas as determined by the Urban Rate Survey conducted by the Commission.

(3) TRIBAL CONSIDERATIONS.—In distributing amounts under this subsection, the Commission shall consider the broadband internet access service needs of residents of Tribal lands (as defined in section 54.400 of title 47, Code of Federal Regulations, or any successor regulation).

(4) LIMITATIONS.—

(A) PROHIBITION ON FUNDING OTHER PROGRAMS.—

(i) IN GENERAL.—The Commission may not use amounts made available under subsection (d) to fund any program that was not established by the Commission under paragraph (1) of this subsection, including any program established under section 254 of the Communications Act of 1934 (47 U.S.C. 254) in effect on the date of enactment of this Act, except for using the Universal Service Administrative Company to administer funding.

(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to prohibit the Commission from using amounts made available under subsection (d) to supplement the provision of support under the high-cost programs, as authorized under paragraph (1)(B) of this subsection.

(B) TRANSPARENCY AND ACCOUNTABILITY FOR ADDRESSING GAPS IN COVERAGE.—The Commission shall establish transparency and accountability requirements for amounts made available for the purpose set forth in paragraph (1)(A) that, at a minimum—

(i) provide—

(I) a process for challenging any initial determination by the Commission regarding whether an area is served or unserved; and

(II) written public notice on the website of the Commission of—

(aa) how each challenge under subparagraph (I) was decided; and

(bb) the reasons of the Commission for each decision;

(ii) establish broadband service buildout milestones and require periodic certification by funding recipients to ensure compliance with the broadband service buildout milestones;

(iii) establish a maximum buildout timeframe of 4 years beginning on the date on which funding is provided;

(iv) establish periodic reporting requirements for funding recipients that identify, at a minimum, the nature of the service provided in each area where funding is provided;

(v) establish standard penalties for non-compliance with the requirements established under this subparagraph and as may be further prescribed by the Commission;

(vi) establish procedures for recovery of funds, in whole or in part, from funding recipients in the event of default or non-compliance with the requirements established under this subparagraph and as may be further prescribed by the Commission; and

(vii) require a funding recipient to—

(I) offer voice service and broadband internet access service; and

(II) permit a consumer to subscribe to one type of service described in subclause (I) or both types; and

(C) TRANSPARENCY AND ACCOUNTABILITY FOR ADDRESSING SHORTFALLS IN FUNDING.—The Commission shall establish transparency and accountability requirements for amounts made available for the purpose set forth in subparagraph (1)(B) that, at a minimum—

(i) establish periodic reporting and certification requirements for funding recipients to ensure that the funding results in the offering of voice service and broadband internet access service at reasonably comparable rates and performance levels;

(ii) establish standard penalties for non-compliance with the requirements established under this subparagraph and as may be further prescribed by the Commission;

(iii) establish procedures for recovery of funds, in whole or in part, from funding recipients in the event of default or non-compliance with the requirements established under this subparagraph and as may be further prescribed by the Commission; and

(iv) require a funding recipient to—

(I) offer voice service and broadband internet access service; and

(II) permit a consumer to subscribe to one type of service described in subclause (I) or both types.

(f) REPORTS.—

(1) AUCTION-SPECIFIC REPORTS.—Not later than 30 days after the date on which the Commission announces the results of an auction under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), the Commission shall publish and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the amount of net proceeds that will be deposited in the Rural Broadband Assessment and Deployment Fund under paragraph (8)(H) of that section (as added by section 2 of this Act) as a result of that auction.

(2) AUCTION PROCEEDS DEPLOYMENT REPORT.—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by adding at the end the following:

“(19) REPORT ON RURAL BROADBAND ASSESSMENT AND DEPLOYMENT FUND PROCEEDS.—Not later than March 1, 2021, and not less frequently than annually thereafter, the Commission shall publish and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on—

“(A) the distribution of amounts made available under section 3(d) of the Rural Connectivity Advancement Program Act of 2020 for the preceding year; and

“(B) the projected distribution of amounts that will be made available under section 3(d) of the Rural Connectivity Advancement Program Act of 2020 for the year after the year in which the report is published and submitted.”.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 628—CELEBRATING THE 140TH ANNIVERSARY OF THE ESTABLISHMENT OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND ROMANIA

Mr. JOHNSON (for himself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 628

Whereas the United States established diplomatic relations with Romania in June 1880;

Whereas, in 1997, the United States and Romania established a long-term partnership based on the United States' recognition of Romania's strategic importance, the commitment to shared values, and a common interest in stability and democratic progress;

Whereas Romania joined the North Atlantic Treaty Organization (NATO) in 2004 and hosts NATO's Multi-national Division Headquarters South East, a NATO Force Integration Unit, the Multi-national Brigade South East, and the Aegis Ashore Missile Defense System, a key element of the United States European Phased Adaptive Approach missile defense system;

Whereas, in 2011, the United States and Romania issued the “Joint Declaration on Strategic Partnership for the 21st Century Between the United States of America and Romania”, reflecting increasing cooperation between the countries and throughout the Black Sea region to promote security, democracy, free market opportunities, and cultural exchange;

Whereas Romania continues to modernize its armed forces and is 1 of 7 NATO members to have met its 2014 Wales Summit commitment to allocate at least 2 percent of gross domestic product for defense spending;

Whereas the Romanian Armed Forces have supported NATO and United States operations in Iraq, Afghanistan, and other theaters for almost 2 decades, contributing more than 30,000 total combat and support personnel to those missions, some of whom have made the ultimate sacrifice;

Whereas Romania is a member of the Global Coalition to Defeat ISIS, provided humanitarian assistance to the people of Iraq and Syria, and is making significant contributions to the fight against international terrorism;

Whereas, on August 20, 2019, the United States and Romania signed a memorandum of understanding outlining a shared commitment to developing a secure and vibrant fifth-generation wireless infrastructure based on free and fair competition, transparency, and the rule of law—including a rigorous evaluation of vendors.

Whereas Romania has played a leading role in the establishment of the Three Seas Initiative and was one of the first countries to invest in the Three Seas Initiative Investment Fund, which aims to increase energy independence and infrastructure connectivity across Central and Eastern Europe;

Whereas the United States and Romania have been deepening their economic relationship through increased bilateral trade and investment, and in 2017, Romania hosted the tenth annual United States Commercial Service Trade Winds Forum and Trade Mission, helping United States companies boost exports across Southeast Europe;

Whereas, in 2018, as Romania celebrated its Unification Centennial, Governors from across the United States issued Proclamations to congratulate Romanians and Romanian-Americans on that historic milestone, illustrating the close ties and friendship that exist between the United States and Romania;

Whereas, in 2019, Romanians all across the United States commemorated 30 years since Romania's liberation from the former communist regime, a powerful reminder of the fall of the Iron Curtain in 1989 and a celebration of the triumphant call of freedom, liberty, and dignity;

Whereas the Romanian people have made progress in their efforts to hold their institutions and leadership accountable in the continued fight against high-level corruption;

Whereas Romania resides in the strategically important and increasingly militarized Black Sea region, and has proven itself a critical security ally in the region, including by hosting the annual NATO Sea Shield exercise;

Whereas, during these times of unprecedented challenge caused by the COVID-19 pandemic crisis, the United States and Ro-

mania are strengthening their partnership, such as through United States assistance with targeted funds, strategic military airlift and medical emergency equipment, and Romanian support for the swift repatriation of United States nationals overseas;

Whereas, as a sign of solidarity and friendship between the people of Romania and the United States, Romania sent its first medical and expert support and advisory mission to Alabama, assigning 15 Romanian doctors, medical staff, and chemical and biological risk experts to exchange best practices and assist local COVID-19 efforts in care facilities, nursing homes, and hospitals across the State; and

Whereas 2020 marks the 140th anniversary of the establishment of diplomatic relations between the United States and Romania: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the 140th anniversary of the establishment of diplomatic relations between the United States and Romania;

(2) applauds the Government and the people of Romania for the significant strides they have made in governance, anti-corruption, rule of law, economic reforms, and their continuing pursuit of democratic, social, and economic progress;

(3) encourages the United States Government to use its leadership in NATO to advocate for an upgraded NATO presence in Romania, in order to better accommodate the evolving threat environment in and around the Black Sea region; and

(4) reaffirms the enduring alliance between the United States and Romania, based upon shared democratic values, security partnership, and increasing economic ties.

### SENATE RESOLUTION 629—DESIGNATING JUNE 2020 AS “GREAT OUTDOORS MONTH”

Mr. DAINES (for himself, Mr. PETERS, Mrs. SHAHEEN, Mr. KING, Mr. CRAMER, Ms. MCSALLY, Mr. GARDNER, and Ms. HIRONO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 629

Whereas hundreds of millions of individuals in the United States participate in outdoor recreation annually;

Whereas Congress enacted the Outdoor Recreation Jobs and Economic Impact Act of 2016 (Public Law 114-249; 130 Stat. 999) to assess and analyze the outdoor recreation economy of the United States and the effects attributable to the outdoor recreation economy on the overall economy of the United States;

Whereas the Outdoor Recreation Satellite Account updated in September 2019 by the Bureau of Economic Analysis of the Department of Commerce shows that outdoor recreation contributed more than \$427,000,000,000 of current-dollar gross domestic product to the economy of the United States in 2017, comprising approximately 2.2 percent of the current-dollar gross domestic product;

Whereas the Outdoor Recreation Satellite Account shows that, in 2017, the outdoor recreation sector experienced faster growth in real gross output, compensation, and employment than the overall economy of the United States, while also providing 5,200,000 jobs across the United States;

Whereas the Consolidated Appropriations Act, 2019 (Public Law 116-6; 133 Stat. 13) encouraged the Department of Commerce to continue its work with the Outdoor Recreation Satellite Account;