

(2) the term “institution of higher education” has the meaning given such term in title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

(3) the term “Secretary” means the Secretary of Education;

(4) the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(5) the term “cost of attendance” has the meaning given such term in section 472 of the Higher Education Act of 1965.

(6) the term “Non-public school” means a non-public elementary and secondary school that (A) is accredited, licensed, or otherwise operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section;

(7) the term “public school” means a public elementary or secondary school; and

(8) any other term used that is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have the meaning given the term in such section.

#### GENERAL PROVISION—THIS TITLE

SEC. 108. Not later than 30 days after the date of enactment of this Act, the Secretaries of Health and Human Services and Education shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such plans shall be updated and submitted to such Committees every 60 days until September 30, 2024: *Provided further*, That the spend plans shall be accompanied by a listing of each contract obligation incurred that exceeds \$5,000,000 which has not previously been reported, including the amount of each such obligation.

#### TITLE II

##### DEPARTMENT OF AGRICULTURE AGRICULTURAL PROGRAMS

###### OFFICE OF THE SECRETARY

For an additional amount for the “Office of the Secretary”, \$20,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus by providing support for agricultural producers, growers, and processors impacted by coronavirus, including producers, growers, and processors of specialty crops, non-specialty crops, dairy, livestock and poultry, including livestock and poultry depopulated due to insufficient processing access and growers who produce livestock or poultry under a contract for another entity: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### TITLE III

##### DEPARTMENT OF COMMERCE FISHERIES DISASTER ASSISTANCE

For an additional amount for “Fisheries Disaster Assistance”, \$500,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for activities authorized under section 12005 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136): *Provided*, That the formula prescribed by the Secretary of Commerce to allocate the amount provided under this heading in this Act shall be divided proportionally to States, Tribes, and territories and shall be the same as the formula used for funds appropriated under section 12005 of Public Law 116-136, but shall be calculated to also evenly weight the 5-year total annual

average domestic landings for each State, Tribe, and territory: *Provided further*, That the amount provided under this heading in this Act shall only be allocated to States of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, or the Gulf of Mexico, as well as to Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, Federally Recognized Tribes on the West Coast, and Federally Recognized Tribes in Alaska: *Provided further*, That no State, Tribe, or territory shall receive a total amount in a fiscal year that is from amounts provided under either section 12005 of Public Law 116-136 or amounts provided under this heading in this Act that exceeds that State, Tribe, or territory’s total annual average revenue from commercial fishing operations, aquaculture firms, the seafood supply chain, and charter fishing businesses: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### TITLE IV

##### GENERAL PROVISIONS—THIS ACT

SEC. 401. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 403. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2020.

SEC. 404. In this Act, the term “coronavirus” means SARS-CoV-2 or another coronavirus with pandemic potential.

SEC. 405. Each amount designated in this Act by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 406. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

##### BUDGETARY EFFECTS

SEC. 407. (a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall be estimated for purposes of section 251 of such Act.

(d) ENSURING NO WITHIN-SESSION SEQUESTRATION.—Solely for the purpose of calcu-

lating a breach within a category for fiscal year 2020 pursuant to section 251(a)(6) or section 254(g) of the Balanced Budget and Emergency Deficit Control Act of 1985, and notwithstanding any other provision of this division, the budgetary effects from this division shall be counted as amounts designated as being for an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

This division may be cited as the “Coronavirus Response Additional Supplemental Appropriations Act, 2020”.

#### ORDERS FOR WEDNESDAY, SEPTEMBER 9, 2020

Mr. LEE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, September 9; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use in the day; further, following leader remarks, the Senate proceed to executive session to resume consideration of the Ludwig nomination under the previous order; finally, following the cloture vote on the Jarbou nomination, the Senate recess until 2:15 p.m. for the weekly conference meetings.

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

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LEE. 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 6:28 p.m., adjourned until Wednesday, September 9, 2020, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF DEFENSE

JON CHRISTOPHER KREITZ, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE SHON J. MANASCO.

MATTHEW B. SHIPLEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE VERONICA DAIGLE, RESIGNED.

##### DEPARTMENT OF STATE

ANDREW JOHN LAWLER, OF CALIFORNIA, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, VICE KERRI-ANN JONES, RESIGNED.

RYAN MICHAEL TULLY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE), VICE YLEEM D. S. POBLETE, RESIGNED.

##### HARRY S TRUMAN SCHOLARSHIP FOUNDATION

ZACHARY T. HAINES, OF OHIO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2023, VICE INGRID A. GREGG, TERM EXPIRED.

##### THE JUDICIARY

BENJAMIN JOEL BEATON, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KENTUCKY, VICE JUSTIN REED WALKER, ELEVATED. HECTOR GONZALEZ, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE BRIAN M. COGAN, RETIRED.

RYAN THOMAS MCALLISTER, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE GARY L. SHARPE, RETIRED.

KATHRYN KIMBALL MIZELLE, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE VIRGINIA MARIA HERNANDEZ COVINGTON, RETIRED.

ZACHARY N. SOMERS, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE THOMAS CRAIG WHEELER, TERM EXPIRING.

DAVID CAREY WOLL, JR., OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE DORA L. IRIZARRY, RETIRED.

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, AND FOR APPOINTMENT AS A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

*To be vice admiral*

LISA M. FRANCHETTI

WITHDRAWALS

Executive Message transmitted by the President to the Senate on September 8, 2020 withdrawing from further Senate consideration the following nominations:

JENNIFER YUE BARBER, OF KENTUCKY, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR, WHICH WAS SENT TO THE SENATE ON JANUARY 6, 2020.

JENNIFER YUE BARBER, OF KENTUCKY, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HER TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WHICH WAS SENT TO THE SENATE ON JANUARY 6, 2020.

WILLIAM PERRY PENDLEY, OF WYOMING, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, VICE NEIL GREGORY KORNZE, WHICH WAS SENT TO THE SENATE ON JUNE 30, 2020.