

described in paragraph (2) or making a determination to grant or deny a petition submitted under paragraph (3), the Administrator shall, to the extent practicable, factor in—

(A) the best available data, including relevant publicly available and peer-reviewed scientific data;

(B) the availability of substitutes for use of the regulated substance that is the subject of the rulemaking or petition, as applicable, in a sector or subsector, taking into account technological achievability, commercial demands, safety, consumer costs, building codes, appliance efficiency standards, contractor training costs, and other relevant factors, including the quantities of regulated substances available from reclaiming, prior production, or prior import;

(C) overall economic costs and environmental impacts, as compared to historical trends; and

(D) the remaining phase-down period for regulated substances under the final rule issued under subsection (e)(3), if applicable.

(5) EVALUATION.—In carrying out this subsection, the Administrator shall—

(A) evaluate substitutes for regulated substances in a sector or subsector, taking into account technological achievability, commercial demands, safety, overall economic costs and environmental impacts, and other relevant factors; and

(B) make the evaluation under subparagraph (A) available to the public.

(6) EFFECTIVE DATE OF RULES.—No rule under this subsection may take effect before the date that is 1 year after the date on which the Administrator promulgates the applicable rule under this subsection.

(7) APPLICABILITY.—

(A) DEFINITION OF RETROFIT.—In this paragraph, the term “retrofit” means to upgrade existing equipment where the regulated substance is changed, which—

(i) includes the conversion of equipment to achieve system compatibility; and

(ii) may include changes in lubricants, gaskets, filters, driers, valves, o-rings, or equipment components for that purpose.

(B) APPLICABILITY OF RULES.—A rule promulgated under this subsection shall not apply to—

(i) an essential use under clause (i) or (iv) of subsection (e)(4)(B), including any use for which the production or consumption of the regulated substance is extended under clause (v)(II) of that subsection; or

(ii) except for a retrofit application, equipment in existence in a sector or subsector before the date of enactment of this Act.

(j) INTERNATIONAL COOPERATION.—

(1) IN GENERAL.—Subject to paragraph (2), no person subject to the requirements of this section shall trade or transfer a production allowance or, after January 1, 2033, export a regulated substance to a person in a foreign country that, as determined by the Administrator, has not enacted or otherwise established within a reasonable timeframe after the date of enactment of this Act the same or similar requirements or otherwise undertaken commitments regarding the production and consumption of regulated substances as are contained in this section.

(2) TRANSFERS.—Pursuant to paragraph (1), a person in the United States may engage in a trade or transfer of a production allowance—

(A) to a person in a foreign country if, at the time of the transfer, the Administrator revises the number of allowances for production under subsection (e)(2), as applicable, for the United States such that the aggregate national production of the regulated substance to be traded under the revised production limits is equal to the least of—

(i) the maximum production level permitted for the applicable regulated substance in the year of the transfer under this section, less the production allowances transferred;

(ii) the maximum production level permitted for the applicable regulated substances in the transfer year under applicable law, less the production allowances transferred; and

(iii) the average of the actual national production level of the applicable regulated substances for the 3-year period ending on the date of the transfer, less the production allowances transferred; or

(B) from a person in a foreign country if, at the time of the trade or transfer, the Administrator finds that the foreign country has revised the domestic production limits of the regulated substance in the same manner as provided with respect to transfers by a person in United States under this subsection.

(3) EFFECT OF TRANSFERS ON PRODUCTION LIMITS.—The Administrator may—

(A) reduce the production limits established under subsection (e)(2)(B) as required as a prerequisite to a transfer described in paragraph (2)(A); or

(B) increase the production limits established under subsection (e)(2)(B) to reflect production allowances acquired under a trade or transfer described in paragraph (2)(B).

(4) REGULATIONS.—The Administrator shall—

(A) not later than 1 year after the date of enactment of this Act, promulgate a final rule to carry out this subsection; and

(B) not less frequently than annually, review and, if necessary, revise the final rule promulgated pursuant to subparagraph (A).

(k) RELATIONSHIP TO OTHER LAW.—

(1) IMPLEMENTATION.—

(A) RULEMAKINGS.—The Administrator may promulgate such regulations as are necessary to carry out the functions of the Administrator under this section.

(B) DELEGATION.—The Administrator may delegate to any officer or employee of the Environmental Protection Agency such of the powers and duties of the Administrator under this section as the Administrator determines to be appropriate.

(C) CLEAN AIR ACT.—Sections 113, 114, 304, and 307 of the Clean Air Act (42 U.S.C. 7413, 7414, 7604, 7607) shall apply to this section and any rule, rulemaking, or regulation promulgated by the Administrator pursuant to this section as though this section were expressly included in each of those sections, as applicable, and the requirements of this section were part of that Act (42 U.S.C. 7401 et seq.).

(2) PREEMPTION.—

(A) IN GENERAL.—Subject to subparagraph (B), during the 5-year period beginning on the date of enactment of this Act, and with respect to an exclusive use for which a mandatory allocation of allowances is provided under subsection (e)(4)(B)(iv)(I), no State or political subdivision of a State may enforce a statute or administrative action restricting the management or use of a regulated substance within that exclusive use.

(B) EXTENSION.—

(i) IN GENERAL.—Subject to clause (ii), if, pursuant to subclause (I) of subsection (e)(4)(B)(v), the Administrator authorizes an additional period under subclause (II) of that subsection for the production or consumption of a regulated substance for an exclusive use described in subparagraph (A), no State or political subdivision of a State may enforce a statute or administrative action restricting the management or use of the regulated substance within that exclusive use for the duration of that additional period.

(ii) LIMITATION.—The period for which the limitation under clause (i) applies shall not exceed 5 years from the date on which the period described in subparagraph (A) ends.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. SANDERS. Mr. President, I have one request for committees 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 THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, September 10, 2020, at 10 a.m., in room 325 of the Russell Senate Office Building, to conduct a committee executive business meeting.

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to the provisions of Public Law 116-92, appoints the following individuals to serve as members of the Commission on Combating Synthetic Opioid Trafficking: The Honorable TOM COTTON of Arkansas; Mr. Victor L. Brown of Kentucky.

The Chair announces, on behalf of the Democratic Leader, pursuant to the provisions of Public Law 107-12, the appointment of the following individual to serve as a member of the Public Safety Officer Medal of Valor Review Board: Trevor Whipple of Vermont.

## NATIONAL LOBSTER DAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 688, submitted earlier today.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 688) designating September 25, 2020, as “National Lobster Day”.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 688) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

# REAPPOINTMENT OF MICHAEL M. LYNTON AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of H.J. Res. 87, which has been received from the House.

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

The clerk will report the joint resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (H.J. Res. 87) providing for the reappointment of Michael M. Lynton as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MCCONNELL. I further ask that the joint resolution be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The joint resolution (H.J. Res. 87) was ordered to a third reading, was read the third time, and passed.

# APPOINTMENT OF FRANKLIN D. RAINES AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of H.J. Res. 88, which has been received from the House.

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

The clerk will report the joint resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (H.J. Res. 88) providing for the appointment of Franklin D. Raines as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MCCONNELL. I further ask that the joint resolution be considered read three times and passed and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The joint resolution (H.J. Res. 88) was ordered to a third reading, was read the third time, and passed.

## ORDERS FOR MONDAY, SEPTEMBER 14, 2020

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, September 14; 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; further, that following leader remarks, the Senate proceed to executive session to resume consideration of the Scarsi nomination, under the previous order; finally, that notwithstanding rule XXII, the cloture motions filed during today's session ripen at 5:30 p.m.

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

## ORDER FOR ADJOURNMENT

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, following the remarks of Senator SANDERS.

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

The PRESIDING OFFICER. The Senator from Vermont.

## CORONAVIRUS

Mr. SANDERS. Mr. President, today as a result of the horrific pandemic and economic meltdown, the American working class is hurting in a way that they have not been hurting since the Great Depression of the 1930s. Tens of millions of our fellow citizens have lost their jobs. They have lost their incomes. They have lost their health insurance. They have depleted their life savings. They cannot afford to pay rent. They cannot afford to put food on the table. And they are scared to death that any day now they are going to get a knock on the door from a sheriff, evicting them from their homes and throwing them and their belongings out on the street.

This is the United States of America, the richest country in the history of the world. None of us—no man, woman, or child—should go hungry. None of us should have to live in fear of becoming homeless, and no one should be denied the healthcare that they need—especially during the worst public health crisis in 100 years. But that is precisely what is going on all over our country as we speak this evening.

Just the other day, National Public Radio, NPR, released a survey on the unprecedented economic suffering facing the American people. That should shock everyone in the U.S. Senate and in our Nation. And here is what that survey found: 46 percent of Americans—over 150 million people—are now experiencing serious financial problems.

Forty-one percent of Americans—over 134 million people—have used up all or most of their savings. Their savings accounts are now depleted. Thirty-three percent of American families have had someone in their household who has either lost a job, lost a business, or has been furloughed during the

pandemic. This is an unprecedented moment in American history, and the Senate needs to take unprecedented action to improve the lives of the American people.

Yet in the midst of all of this pain and suffering, what has the Republican-led Senate done over the last 5 months to address the economic concerns of the American people? The answer is nothing except pass a \$740 billion budget for the bloated Pentagon and take an extended vacation. That is not something that anybody in the Senate should be proud of.

The Senate is now back in session. Senate Republicans have introduced a so-called skinny relief bill that is totally inadequate in terms of addressing the crisis we are facing today. The Senate Republican bill provides nothing for rent, nothing for mortgages, nothing for food, nothing for hazard pay, nothing for healthcare, nothing for public transportation, and nothing to prevent the mass layoffs of teachers, nurses, firefighters, and construction workers that will take place in cities and States as cities and States struggle economically.

In other words, the same Republicans who had no problem voting for a trillion-dollar tax break for the top 1 percent large corporations 2 years ago are now telling 40 million Americans who are struggling to pay for housing that we cannot afford to help them pay their rent or mortgage. The same Republicans who just voted to provide \$740 billion for the Pentagon and the military industrial complex to wage endless wars are now telling 30 million workers who lost their jobs that we cannot afford to continue the \$600-a-week supplement they were receiving in unemployment benefits. The same Republicans who slipped \$135 billion tax breaks for multimillionaires and billionaires in the last coronavirus relief package are now telling 29 million Americans who do not have enough food to eat that we cannot afford to help them feed their families.

But if you are an executive in the coal industry, you are in luck. The Republican Senate bill provides your industry with \$161 million in corporate welfare. That is right. The Republican Senate bill provides no money for working families to feed their kids, no money to house the homeless, no money to insure the uninsured—no money for them—but it does provide \$161 million in corporate welfare for the coal industry during a climate emergency. That may make sense for the CEOs in the fossil fuel industry who are destroying the planet with their product, but it makes zero sense to me.

Further, under the Senate Republican bill, if you are a wealthy business owner who forces employees to work in an unsafe and unhealthy workplace, you are rewarded. The Republican bill will provide you with the immunity you need from lawsuits if your workers get sick or die from the coronavirus,