covered public accommodation law for any action or measure taken regarding coronavirus and that place of public accommodation, if such person—

(i) has determined that the significant risk of substantial harm to public health or the health of employees cannot be reduced or eliminated by reasonably modifying policies, practices, or procedures, or the provision of an auxiliary aid or service; or

(ii) has offered such a reasonable modification or auxiliary aid or service but such offer has been rejected by the individual protected by the covered law.

(B) REQUIRED WAIVER PROHIBITED.—For purposes of this subsection, no person who owns, leases (or leases to), or operates a place of public accommodation shall be required to waive any measure, requirement, or recommendation that has been adopted in accordance with a requirement or recommendation issued by the Federal Government or any State or local government with regard to coronavirus, in order to offer such a reasonable modification or auxiliary aids and services.

SEC. 242. LIABILITY FOR CONDUCTING TESTING AT WORKPLACE.

Notwithstanding any other provision of Federal, State, or local law, an employer, or other person who hires or contracts with other individuals to provide services, conducting testing for coronavirus at the workplace shall not be liable for any action or personal injury directly resulting from such testing, except for those personal injuries caused by the gross negligence or intentional misconduct of the employer or other person.

SEC. 243. JOINT EMPLOYMENT AND INDEPENDENT CONTRACTING.

Notwithstanding any other provision of Federal or State law, including any covered Federal employment law (as defined in section 241(a)), the Labor Management Relations Act, 1947 (29 U.S.C. 141 et seq.), the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), and the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), it shall not constitute evidence of a joint employment relationship or employment relationship for any employer to provide or require, for an employee of another employer or for an independent contractor, any of the following:

(1) Coronavirus-related policies, procedures, or training.

(2) Personal protective equipment or training for the use of such equipment.

(3) Cleaning or disinfecting services or the means for such cleaning or disinfecting.

(4) Workplace testing for coronavirus.

(5) Temporary assistance due to coronavirus, including financial assistance or other health and safety benefits.

SEC. 244. EXCLUSION OF CERTAIN NOTIFICATION REQUIREMENTS AS A RESULT OF THE COVID–19 PUBLIC HEALTH EMERGENCY.

(a) DEFINITIONS.—Section 2(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101(a)) is amended—

(1) in paragraph (2), by adding before the semicolon at the end the following: ''and the shutdown, if occurring during the covered period, is not a result of the COVID–19 national emergency'';

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(C) if occurring during the covered period, is not a result of the COVID–19 national emergency;'';

(3) in paragraph (7), by striking ''and'';

(4) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

''(9) the term 'covered period' means the period that—

''(A) begins on January 1, 2020; and

''(B) ends 90 days after the last date of the COVID–19 national emergency; and

''(10) the term 'COVID–19 national emergency' means 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).''.

(b) EXCLUSION FROM DEFINITION OF EMPLOYMENT LOSS.—Section 2(b) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101(b)) is amended by adding at the end the following:

''(3) Notwithstanding subsection (a)(6), during the covered period an employee may not be considered to have experienced an employment loss if the termination, layoff exceeding 6 months, or reduction in hours of work of more than 50 percent during each month of any 6-month period involved is a result of the COVID–19 national emergency.''.

Subtitle B—Products

SEC. 261. APPLICABILITY OF THE TARGETED LIABILITY PROTECTIONS FOR PANDEMIC AND EPIDEMIC PRODUCTS AND SECURITY COUNTERMEASURES WITH RESPECT TO COVID–19.

(a) IN GENERAL.—Section 319F–3(i)(1) of the Public Health Service Act (42 U.S.C. 247d–6d(i)(1)) is amended—

(1) in subparagraph (C), by striking ''; or'' and inserting a semicolon;

(2) in subparagraph (D), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(E) a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act), biological product (including a vaccine) (as such term is defined in section 351(i)), or device (as such term is defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act) that—

''(i) is the subject of a notice of use of enforcement discretion issued by the Secretary if such drug, biological product, or device is used—

''(I) when such notice is in effect;

''(II) within the scope of such notice; and

''(III) in compliance with other applicable requirements of the Federal Food, Drug, and Cosmetic Act that are not the subject of such notice;

''(ii) in the case of a device, is exempt from the requirement under section 510(k) of the Federal Food, Drug, and Cosmetic Act; or

''(iii) in the case of a drug—

''(I) meets the requirements for marketing under a final administrative order under section 505G of the Federal Food, Drug, and Cosmetic Act; or

''(II) is marketed in accordance with section 505G(a)(3) of such Act.''.

(b) CLARIFYING MEANS OF DISTRIBUTION.—Section 319F–3(a)(5) of the Public Health Service Act (42 U.S.C. 247d–6d(a)(5)) is amended by inserting ''by, or in partnership with, Federal, State, or local public health officials or the private sector'' after ''distribution'' the first place it appears.

(c) NO CHANGE TO ADMINISTRATIVE PROCEDURE ACT APPLICATION TO ENFORCEMENT DISCRETION EXERCISE.—Section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d) is amended by adding at the end the following:

''(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to require use of procedures described in section 553 of title 5, United States Code, for a notice of use of enforcement discretion for which such procedures are not otherwise required; or

''(2) to affect whether such notice constitutes final agency action within the meaning of section 704 of title 5, United States Code.''.

Subtitle C—General Provisions

SEC. 281. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such a provision or amendment to any person or circumstance is held to be unconstitutional, the remaining provisions of and amendments made by this title, as well as the application of such provision or amendment to any person other than the parties to the action holding the provision or amendment to be unconstitutional, or to any circumstances other than those presented in such action, shall not be affected thereby.

SA 2566. Mrs. HYDE–SMITH submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. EXTENDING MEDICARE TELEHEALTH FLEXIBILITIES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) IN GENERAL.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (4)(C)—

(A) in clause (i), in the matter preceding subclause (I), by striking ''and (7)'' and inserting ''(7), and (8)''; and

(B) in clause (ii)(X), by inserting ''or paragraph (8)(A)(i)'' before the period; and

(2) in paragraph (8)—

(A) in the paragraph heading by inserting ''AND FOR AN ADDITIONAL PERIOD AFTER'' after ''DURING '';

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting ''and the 5-year period beginning on the first day after the end of such emergency period'' after ''1135(g)(1)(B)'';

(ii) in clause (ii), by striking ''and'' at the end;

(iii) by redesignating clause (iii) as clause (iv); and

(iv) by inserting after clause (ii) the following new clause:

''(iii) the geographic requirements described in paragraph (4)(C)(i) shall not apply with respect to such a telehealth service; and'';

(C) in subparagraph (B)(i)—

(i) in the first sentence, by inserting ''and the 5-year period beginning on the first day after the end of such emergency period'' before the period; and

(ii) in the third sentence, by striking ''program instruction or otherwise'' and inserting ''interim final rule, program instruction, or otherwise''; and

(D) by adding at the end the following new subparagraph:

''(C) REQUIREMENT DURING ADDITIONAL PERIOD.—

''(i) IN GENERAL.—During the 5-year period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B), payment may only be made under this paragraph for a telehealth service described in subparagraph (A)(i) that is furnished to an eligible telehealth individual if such service is furnished by a qualified provider (as defined in clause (ii)).

''(ii) DEFINITION OF QUALIFIED PROVIDER.—For purposes of this subparagraph, the term 'qualified provider' means, with respect to a

telehealth service described in subparagraph (A)(i) that is furnished to an eligible telehealth individual, a Federally qualified health center or rural health clinic that furnished to such individual, during the 3-year period ending on the date the telehealth service was furnished, an item or service in person for which—

''(I) payment was made under this title; or

''(II) such payment would have been made if such individual were entitled to, or enrolled for, benefits under this title at the time such item or service was furnished.''.

(b) EFFECTIVE DATE.—The amendments made by this section (other than the amendment made by subsection (a)(2)(D)) shall take effect as if included in the enactment of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

AUTHORITY FOR COMMITTEES TO MEET

Mr. PORTMAN. Mr. President, I have six requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, August 4, 2020, at 9:00 a.m., in open session to consider the nominations of Honorable John E. Whitley to be Director of Cost Assessment and Program Evaluation, Department of Defense; Honorable Shon J. Manasco to be Under Secretary of the Air Force; Ms. Michele A. Pearce to be General Counsel of the Department of the Army; and Mr. Liam P. Hardy to be a Judge of the United States Court of Appeals for the Armed Forces.

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, Augusts 4, 2020, at 2:30 p.m., in open session to receive testimony on the findings and recommendations of the Cyberspace Solarium Commission.

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, August 4, 2020, at a time to be determined, in Executive Session to consider pending military nominations.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, August 4, 2020, at 10:00 a.m. to hold a full committee hearing titled ''Venezuela in Maduro's Grasp: Assessing the Deteriorating Security and Humanitarian Situation.''

SELECT COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, August 4, 2020, form 2:00 p.m. to 4:00 p.m., to hold a closed business meeting immediately followed by a closed hearing.

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON THE CONSTITUTION

The Committee on the Judiciary is authorized to meet during the session of the Senate, on August 4, 2020, at 2:30 p.m., to conduct a hearing entitled ''The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence.''

PRIVILEGES OF THE FLOOR

Mr. CASSIDY. Mr. President, I ask unanimous consent that Matthew Fegley, a fellow in my office, be granted floor privileges for the remainder of the Congress.

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

Mrs. CAPITO. Mr. President, I ask unanimous consent that Emily Sammons, an intern in my office, be granted floor privileges through the remainder of the week.

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

REQUIRING THE SECRETARY OF COMMERCE, ACTING THROUGH THE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, TO HELP FACILITATE THE ADOPTION OF COMPOSITE TECHNOLOGY IN INFRASTRUCTURE IN THE UNITED STATES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 240, S. 384.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 384) to require the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, to help facilitate the adoption of composite technology in infrastructure in the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. FACILITATING THE ADOPTION OF COMPOSITE TECHNOLOGY IN INFRASTRUCTURE.

(a) RESEARCH.—Subject to the availability of appropriations, the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, shall implement the recommendations contained in the December 2017 report entitled ''Road Mapping Workshop Report on Overcoming Barriers to Adoption of Composites in Sustainable Infrastructure'', as appropriate, to help facilitate the adoption of composite technology in infrastructure in the United States. In implementing such recommendations, the Secretary, acting through the Director shall, with respect to the use of composite technology in infrastructure—

(1) not later than 1 year after the date of the enactment of this Act, develop a design for a data clearinghouse to identify, gather, validate, and disseminate existing design criteria, tools, guidelines, and standards in a timely manner;

(2) not later than 18 months after the date of the enactment of this Act, establish the data clearinghouse described in paragraph (1);

(3) develop methods and resources required for testing and evaluating safe and appropriate uses of composite materials for infrastructure, including—

(A) conditioning protocols, procedures and models;

(B) screening and acceptance tools; and

(C) minimum allowable design data sets that can be converted into design tools; and

(4) work with other Federal agencies, as appropriate, to identify environmental impacts and recyclability of composite materials.

(b) STANDARDS COORDINATION.—The Secretary, acting through the Director, shall assure that the appropriate Institute staff consult regularly with standards developers, members of the composites industry, institutions of higher education, and other stakeholders in order to facilitate the adoption of standards for use of composite materials in infrastructure that are based on the research and testing results and other information developed by the Institute.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—Subject to the availability of appropriations, commencing not later than 1 year after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall, in consultation with the Industry-University Cooperative Research Centers Program of the National Science Foundation, conduct a pilot program to assess the feasibility and advisability of adopting composite technology in sustainable infrastructure.

(2) DURATION.—The Director shall carry out the pilot program during the 4-year period beginning on the date of the commencement of the pilot program.

(3) REPORTS.—

(A) PRELIMINARY REPORT.—Not later than the date that is 2 years after the date of the commencement of the pilot program, the Director shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the preliminary findings of the Director with respect to the pilot program.

(B) FINAL REPORT.—Not later than the date that is 90 days after the date of the completion of the pilot program, the Director shall submit to the committees referred to in subparagraph (A) a report on the findings of the Director with respect to the pilot program.

Mr. MCCONNELL. I ask unanimous consent that the committee-reported amendment be withdrawn, the Capito substitute amendment at the desk be agreed to, and the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 2567) in the nature of a substitute was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FACILITATING THE ADOPTION OF COMPOSITE TECHNOLOGY IN INFRASTRUCTURE.

(a) RESEARCH.—Subject to the availability of appropriations, the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, shall implement the recommendations contained in the December 2017 report entitled ''Road Mapping Workshop Report on