



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 116<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 166

WASHINGTON, TUESDAY, MAY 12, 2020

No. 89

## Senate

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the fountain of wisdom, we cherish Your presence and honor Your Name.

Give our lawmakers the wisdom to live with honor, as they remember their accountability to history and You. Lord, remind them that You are glorified when they walk on the path of integrity, striving to please You in all they say and do. May their lives bring light to darkness, unity to division, and order to chaos. Lord, grant that they will become living letters read by those who desire to believe that You continue to rule in our world.

We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. HYDE-SMITH). Under the previous order, the leadership time is reserved.

The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to address the Senate for 1 minute in morning business.

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

### CORONAVIRUS

Mr. GRASSLEY. COVID-19, as we all know, has thrown a wrench into Amer-

ica's corners of commerce and manufacturing, in addition to threatening lives and the loss of lives. The unprecedented effort to stop the spread has shut down life as we know it, closing schools, movie theaters, gyms, salons, and restaurants in a hysterical approach to it.

I always say we have had pandemics before, but never have we shut down the government, shut down Congress the way we have. Our moves have disrupted our food supply chain and pulled the rug out from underneath our economy. Yet, across my home State, Iowa businesses and industries stepped up to the plate. Ethanol plants, local distilleries, and others teamed up to produce hand sanitizers for hospitals, nursing homes, and local law enforcement. Others retooled their factories and redirected their workforce to sew masks and produce face shields and other supplies to replenish personal protective equipment for our frontline workers. Across Iowa, businesses have shown there is nothing halfway about the Iowa Way.

I yield the floor.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### CORONAVIRUS

Mr. McCONNELL. Madam President, our healthcare sector continues to battle the coronavirus at every level. Doctors, nurses, hospital workers, researchers, and public health leaders are working constantly to protect Americans and fight this invader.

Unfortunately, the last 2 months' stoppage of much of our national life was never going to permanently extinguish the virus. That task will be ongoing. The stated purpose of this effort was to prevent a rapid spike that could have completely overwhelmed the med-

ical capacities of many areas. The patriotic sacrifices of the American people have worked. We have bought our healthcare system that breathing room we needed.

As we cautiously move forward, major precautions will remain in place. Some routines will not go back to normal for a long time. But as a nation, we will need to regroup and find a more sustainable middle ground between total lockdown and total normalcy. Let me say that again. We need to find a middle ground between total lockdown and total normalcy.

While we keep battling the virus through testing, tracing, isolation, treatment, and hopefully soon, a vaccine, we need to smartly and safely begin to reopen our country. If Americans want to go back to work and back to school in the fall, we will need to reopen the country. No doubt, there will be many discussions here in Congress about more ways we can help make that happen.

Already, we are hearing that House Democrats are cobbling together another big laundry list of pet priorities. Even the media is describing it as a partisan wish list with no chance of becoming law. That is exactly the wrong approach. It is the wrong approach when a senior Democrat calls this pandemic "a tremendous opportunity to restructure things to fit our vision." It is the wrong approach when former Vice President Biden calls this tragedy an "incredible opportunity . . . to fundamentally transform the country."

The American people don't need a far-left transformation. They just need a path back to the historically prosperous and optimistic moment that they had built for themselves until about 12 weeks ago. The American people don't need a far-left transformation. They just need a path back to the historically prosperous and optimistic moment they had built for themselves until about 12 weeks ago.

American workers don't need Washington to inflict some far-left, extreme

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S2357

makeover on our country. They need us to get rid of obstacles that might stand in their way. One such obstacle is becoming obvious.

A second epidemic of frivolous lawsuits could follow the actual pandemic and crush our recovery before it begins. Already, more than two-thirds of independent business owners say they are specifically worried about a legal liability minefield getting in the way of reopening.

Already, lawyers have begun filing hundreds of COVID-related complaints in courts all across our country. This is exactly the kind of hostile environment that could take our reopening and recovery from challenging to downright impossible. So the Senate is going to act. Senate Republicans are preparing a major package of COVID-related liability reforms to foster our economic recovery. This package, which Senator CORNYN and I are spearheading, will extend significant new protections to the people who have been on the frontlines of this response and those who will be on the frontlines of our reopening.

First and foremost, we are going to protect the healthcare workers who have been locked in combat with this mysterious new disease. We are not going to let healthcare heroes emerge from this crisis facing a tidal wave of medical malpractice lawsuits so that trial lawyers can line their pockets.

We aren't going to federalize the entirety of medical malpractice law, but we are going to raise the liability threshold for COVID-related malpractice lawsuits. This will give our doctors, nurses, and other healthcare providers a lot more security as they clock in every day and risk themselves to take care of strangers.

Second, we are including new legal protections for the businesses, nonprofits, and government agencies that have kept serving throughout the crisis and for those that will need to lead the reopening.

We are facing the worst layoffs since the Great Depression and a storm of uncertainty for Main Street businesses. Americans want to get back to work, and we need to do everything in our power to help that happen.

Also, K-12 schools, colleges, and universities right now are completely uncertain about the fall. If we want schools to reopen this fall, we will have to create the conditions to make that possible. If we want schools to reopen this fall, we have to create the conditions to make that possible.

If we want even an outside shot at the kind of brisk rehiring that American workers deserve, we have to make sure opportunistic trial lawyers are not lurking on the sidewalk outside every small business in America, waiting to slap them with a lawsuit the instant they turn the lights back on.

Our legislation is going to create a legal safe harbor—safe harbor—for businesses, nonprofits, governments, and workers and schools that are fol-

lowing public health guidelines to the best of their ability. To be clear now, we are not talking about immunity from lawsuits. There will be accountability for actual gross negligence and intentional misconduct. That will continue. We aren't going to provide immunity, but we are going to provide some certainty. If we want American workers to clock back in, we need employers to know that if they follow the guidelines, they will not be left to drown in opportunistic litigation. We are going to make sure it is the trial lawyers and not struggling job creators who will need to clear a very high legal burden.

In addition, I hope our bill will find ways to expand existing protections for the manufacturers of therapeutics, diagnostics, and potential vaccines—things we are urging the private sector to produce as fast as possible. And I hope we will be able to create new protections for other medical equipment manufacturers, as well, like the policies we put in the CARES Act to increase the supply of masks.

So it is all well and good to give rhetorical tributes here on the floor to healthcare professionals, essential workers, key industries, small businesses, charities, and nonprofits. Rhetoric is well and good. Words matter, but actions matter more. Americans on the frontlines do not just need Senators to talk about how important they are. They need action. They need us to provide the same kinds of commonsense legal protections that Congress has enacted a number of times previously in difficult or unusual periods.

American taxpayers deserve these protections as well. The men and women of this country just saw Congress commit historic amounts of their own money to sweeping recovery legislation so that we could help healthcare facilities and small businesses survive the crisis. We are not going to stand idly by while a small group of wealthy lawyers vacuum up this relief money and redirect it into their own pockets.

Strong legal protections are the right move for doctors, nurses, hospitals, schools, and universities; for workers who want their jobs back, for small business owners who are struggling to stay open, and for nonprofits that have helped the vulnerable; and for taxpayers, who want their money to finance a real national rescue and not the biggest trial lawyer bonanza in American history.

Senate Republicans are going to continue to develop this legislation. It is going to be a redline for us in any future coronavirus legislation. The administration has already stated its support for action on this issue as well.

American heroes across our country deserve these basic protections. This Senate majority will make sure they get them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### CORONAVIRUS

Mr. SCHUMER. Madam President, no challenge in our lifetime resembles the depth of our current challenge. We have faced diseases, recessions, and natural disasters, but at no time in my lifetime has a public health crisis on this scale been paired with such an extensive economic disaster.

Finally—finally—we are beginning to see signs that the spread of this evil disease has abated in parts of the country—not over but at least the curve is going down. My home State of New York is just beginning to turn the corner, but, unfortunately, there are many parts of the country that have not yet reached their peak.

The unemployment rolls are as long as they have been since the Great Depression. Working Americans are struggling to pay rent and put food on the table, and many have no idea when the next paycheck may arrive.

It breaks your heart to see people waiting for hours in their cars to line up at food banks. When they are interviewed by the press, they are people who never went to a food bank before. That is how deep and troubling this crisis is.

So we in Congress have an obligation to do the Nation's business during this time of crisis, to be focusing on this crisis, to help the millions of American workers and businesses pleading—pleading—for assistance.

The Constitution instructs us to provide for the common welfare, but at this critical juncture in our Nation's history, the Republican leadership, led by Leader MCCONNELL, is ducking their responsibility, plain and simple. Leader MCCONNELL has yet to schedule any legislative business for the floor of the Senate this month having to do with COVID.

It has taken sustained pressure from Senate Democrats to force our Republican colleagues to conduct even the routine business of holding hearings on the coronavirus. We have had a few hearings now, but not many. Where is the SBA Administrator to talk about the problems in PPP? Where is Secretary Scalia to talk about the problems in unemployment insurance? Where are the OSHA executives to talk about how we protect workers from this pandemic, particularly when they are required to go to work? They are not around.

Even the hearings we are having are slow. They are sort of eked out like

toothpaste from a tube. The word is we are hearing from Mnuchin and Powell on the 19th. That is close to 2 months after we passed COVID 3. That is not oversight. That is not Congress's job—at any time. It is made even worse because we are in a crisis.

Then, last night, amazingly, the Republican leader explained that Republicans have “not yet felt the urgency of acting immediately.” Let me repeat that. With millions of Americans sick and tens of thousands dying, with depression levels of unemployment, the Republican leader, Senator McCONNELL, said that Republicans have “not yet felt the urgency of acting immediately.”

We live in a divided nation, but one thing that pretty much everyone agrees on is that there is a great deal of urgency right now.

Leader McCONNELL, there is nothing more urgent to a family that is struggling to feed their children and keep a roof over their heads. Leader McCONNELL, there is nothing more urgent to a small business owner who is inches away from closing the doors of his life's work. The Republican leadership needs to wake up—wake up—to the dire economic reality tens of millions of Americans are facing.

We must pass big, bold legislation to confront the crisis before us. That is just what the House of Representatives is working on right now. We don't believe that our two parties will agree on everything we must do, but at the very least—at the very least—we should agree there is an urgency to provide relief to our citizens who are suffering and struggling.

President Hoover lacked the urgency to get the Federal Government involved at the outset of the Great Depression. Every history book teaches us that his error prolonged and likely deepened the suffering of American workers. When Republican leader looks at unemployment numbers and say that we don't need to act immediately, that government has done enough already, they are the latter-day Herbert Hoovers, and I fear it could lead to similar results, a deeper and longer recession, and—God forbid, but it is not out of the question—a second Great Depression because of the inaction and incompetence of the President, being followed obediently, wrongly by the Republican Senators.

The lack of urgency in the Republican Party extends down Pennsylvania Avenue to the Oval Office. From almost the very beginning of this crisis, President Trump has downplayed its severity and tried to wish it out of existence.

The President said coronavirus might disappear “miraculously”—his word. He said it was a hoax. He said the warm weather might take care of it. He pitched quack medicines and speculated that a vaccine could be ready in 2 months. Two months ago, the President said that “anybody who wants a test can get a test,” which is not even close to being true.

The President's words are reckless—constant belittling of the crisis, ignoring the crisis, burying the truth, and burying his head in the sand—and it has prolonged and made the crisis worse, and the American people know it.

That is why he lashes out—the President does—at reporters who ask him fair questions. That is why. He knows he is to blame for a good part of the depth and prolongation of this crisis. He knows that. Yet he can't bring himself to face the truth. He can't bring himself to tell the American people the truth. Pitching quack medicines, telling people it is going to go away, saying yesterday “that we have met the moment and we have prevailed.” What planet is he on?

More than 30 million are unemployed, and “we have prevailed”? There are 1.3 million infected and 80,000 American fatalities, and those numbers are still growing. And “we have prevailed”?

The President's comments show a stunning disregard for the truth, and it hurts every American. I don't care what your politics is. No one should tolerate a President who ignores the truth, says whatever pops into his head, whether it is true or false or dangerous, and then moves on his merry way to speak the next untruth and talk about the next quack cure.

The President's comments show a stunning disregard for the truth. It may have been in the Rose Garden and not on the deck of a battleship, but President Trump saying “We have prevailed” is akin to declaring “mission accomplished” long before the battles are over and the war is won.

Later on, the President, as usual, tries to correct what he said—or his advisers do. He said he only meant testing, that we have prevailed on testing. But that is false too. Even the corrections are false. The United States is testing about 300,000 people a day. Most experts believe the number is inadequate to stop this outbreak and ensure that when we reopen, we do so safely. We have prevailed on testing? Not remotely.

Here is what is so ironic about the President hiding his head in the sand and not tackling the testing issue in a real way. He is desperate that we get back to work, but the only way to get back to work is when we have enough tests—not just for those who are very ill but for anyone who wants it. You know, the White House—they all test. Anyone who walks in the White House is tested. Why isn't that good enough for all the American people?

Why is it that even in States that have opened up, like Georgia, the stores are still empty? Because people are worried, justifiably. The way to remove that worry or at least greatly reduce it is to make sure everyone can be tested.

When New Rochelle became the first quarantined city, I called the mayor and said: What do you need to get rid

of this quarantine? He said he needed enough testing so that he could test every person in New Rochelle, and those who tested positive, he would say they have to quarantine and stay home, and those who didn't could go to work and shop in the stores and get our community going.

Most of the countries—I think just about every one of the countries that has dealt successfully with the coronavirus has had far more testing at the right times and the right places than we have.

Maybe Dr. Fauci can set things straight this morning. Dr. Fauci and a few other administration officials are testifying before the HELP Committee remotely. It will be one of the first times that Fauci and the others have appeared publicly without the President lurking over their shoulders, modifying their answers, or directly contradicting their advice.

Dr. Fauci, please don't pull any punches, particularly when you are asked questions. We know the White House may have to approve the statement you make, and they will mute it. It was muted this morning and very technical. But you don't have to do that when the questions are asked. Don't pull punches. Tell the American people the truth. Dr. Fauci, you have an obligation to tell the American people the truth because only that will save lives and reduce the economic length of this crisis. And, Dr. Fauci, maybe if you tell the truth in this opportunity—a hearing without the President looking over your shoulder—maybe your testimony, Dr. Fauci—I hope your testimony, Dr. Fauci, reaches not only the American people but a President who is ready to throw caution to the wind in order to reopen the country. Please, Dr. Fauci, don't pull punches.

#### TRUMP ADMINISTRATION

Mr. SCHUMER. One final matter today. Today, the Supreme Court will hear oral arguments in a case that will determine whether the President can block access to his tax returns and other financial documents.

You may not think this is related to COVID, but in a certain sense, it is. In a sense, the case about the President's tax returns has something in common with the President's response to coronavirus: President Trump wants to hide the truth. He wants to hide the truth about coronavirus and the depth of the problem and how we deal with it. He wants to hide the truth and not release his tax returns.

For 40 years, every President has disclosed his personal financial information to avoid even the perception of impropriety or self-dealing, but this President has used every avenue to deny such transparency. What is President Trump hiding in his taxes? The President is not an ordinary citizen anymore; he is President of the United States. The American people have a

right to see how he has dealt with his taxes. President Trump has an obligation to show them. Why has President Trump fought so hard to deny the American people this information?

If this Court wants to prove, at least in one step, that they are not highly political and don't always side with President Trump, I hope they will step up to the plate and rule that the President does not have the unilateral power to shield his tax returns from the American people. On this issue, like so many others, the American people deserve the truth—not what the President wants us to believe but the truth.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BLACKBURN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CORONAVIRUS

Mr. DURBIN. Madam President, there was a meeting last week—a telephone conference call—of the leaders of a dozen major nations around the world. It was a meeting to discuss something we are all thinking about, the answer to the question everyone in America asks every day: How will this end? When will this end? In this telephone conference, leaders from other nations talked about the ending that most of us envision—the discovery of a safe and effective vaccine that can protect people around the world from the scourge of this coronavirus.

I am not sure when that vaccine will be discovered—the sooner the better—but the big question we need to ask ourselves at this point is, Where will it be discovered, and what benefit will it provide for the United States?

You see, there was one major nation that boycotted this international telephone conference about discovering a vaccine. It was the United States. President Trump decided not to participate with the leaders of nations from around the world in this global conversation about finding a safe and effective vaccine to fight coronavirus. I am not sure what his motive was. But we know that at least 94 other vaccines are being explored and worked on in nations around the world—in England, for example, and in Germany and so many other countries. They are looking for the same safe and effective vaccine as we in the United States are looking for.

I have great faith and confidence in the men and women in medical research in the United States and the production facilities in our country, but I am not so proud or so vain as to believe that no other country could find that safe and effective vaccine.

And if they did—and if they did—would we hesitate for a moment to turn to a country and say that the United States wants to be part of producing that vaccine and receiving that vaccine for the people who live here?

Why would the President of the United States decide we are going to boycott that conference, stay away from it? Oh, I am sure he has a dozen reasons, but they don't seem very convincing to me. We should be at the table wherever there is a serious, credible effort to discover a vaccine. The United States should be participating.

They were trying to raise \$8 billion. That is a lot of money, but remember, we are dealing with an effort to rescue our economy from coronavirus, which is now in the range of \$2.8 trillion. They are asking the participants to put in money. Norway said it would pledge \$1 billion—Norway. The European Union said it would pledge \$1 billion toward this global vaccine effort. The United States should have been at that table. We should be all in for any credible effort to find this vaccine as quickly as possible. I have introduced a resolution calling on the administration to reverse its position and to join in this effort.

I want to commend Bill and Melinda Gates, who participated in that telephone conference and pledged millions of dollars of their own funds on behalf of the United States. Thank you to the Gates family for caring.

Now, Mr. President, you should join them.

This morning, the Republican leader came to the floor to talk about the problems and challenges that we face and the fact that there is another bill that is going to be offered publicly this week by Speaker NANCY PELOSI—the next in a succession of legislation that we have considered over the last several weeks.

We have seen dramatic investments in unemployment insurance for a record number of unemployed people in this country. We have seen dramatic investments in the small businesses of America, to give them a fighting chance to reopen and to prosper in the future. I have joined in all of these on a bipartisan basis, and I will continue to.

I don't know the specifics of Speaker PELOSI's proposal. Senator MCCONNELL came to the floor and warned us not to think big and not to think about transformational things. Then, of course, he went back to his time-honored course about the question of liability.

Senator MCCONNELL has come to the floor repeatedly—repeatedly—and said that before he would consider another COVID-19 rescue bill, he would need to see what he calls a redline honored when it comes to immunity from lawsuits.

What is being proposed by Speaker PELOSI when it comes to State and local governments is really an affirmation of what has been said by every one of us when it comes to our first re-

sponders, the police, the firefighters, the paramedics, the healthcare workers, and the teachers. What she says in the bill is that they have been hit and been hit hard at the State and local government levels by this COVID-19. She is proposing, as I understand it, a substantial commitment to help those units of government that have truly been hurt by this coronavirus. What she is asking for, really, is whether or not all of our speeches about healthcare workers, police, first responders, firefighters, and teachers are really credible and whether, in fact, we will come up with the resources that are needed.

Senator MCCONNELL has said that he will not support that legislation unless—as he calls it—his redline of liability immunity is honored. What he is saying is that he refuses to fund our police, firefighters, paramedics, and teachers unless we provide guaranteed business immunity for corporations. This is, sadly, an invitation for irresponsible corporations and businesses to cut corners when it comes to protecting workers and those customers and such who would be threatened by coronavirus.

The McConnell redline threat would result in more people being infected by the coronavirus and more people getting sick. That is not what we want. There is a better way. We should be talking about how to do this properly.

This afternoon there will be a hearing before the Senate Judiciary Committee. One of the witnesses being called by the Republicans is a man named Kevin Smartt. He is the chief executive officer and president of Kwik Chek food stores in Bonham, TX. He is testifying on behalf of the National Association of Convenience Stores on this question of liability.

I read his statement this morning in preparation for the hearing, and I commend it to my colleagues because I want them to listen carefully to what Mr. Smartt says he believes businesses need. Here is what he says. He talks about his own company Kwik Chek.

Kwik Chek's first priority is the safety of our employees and customers. Beginning in early March, we adjusted our daily protocols to mitigate the spread of the virus. This was a challenge—

Listen to what Mr. Smartt says—because the guidance provided by the CDC, the Occupational Safety and Health Administration, as well as State and local governments, often conflicted with one another in addition to being vague and difficult to follow. Yet despite many uncertainties, including the constantly fluctuating public health guidelines, we began to adjust to the pandemic.

Mr. Smartt is not saying that businesses don't have a responsibility here. He is accepting that responsibility to create a safe environment for workers and customers, but he is saying to us: When are you going to establish the standards? Why do you keep changing the standards?

Here we are with Senator MCCONNELL threatening to derail the next rescue

bill for police, firefighters, and teachers across America, unless there is guaranteed immunity from lawsuits, and here is one of the leading companies, the No. 1 primary witness of the Republicans in the Senate Judiciary Committee hearing, saying to the Federal and governments: Establish standards, reasonable standards, for us to live up to when it comes to conducting business, and we will do it.

I think that is a reasonable request by his business. Why aren't we doing it? Why hasn't OSHA established standards for the safety of workers?

One of our other witnesses here is this gentleman who is the head of the United Food and Commercial Workers, Marc Perrone. I have a special fondness for this union because when I was a college kid, I spent 12 months working in a slaughterhouse in East St. Louis, IL, and it was this union that I belonged to back in those days.

It was tough, dirty, and dangerous work. I look to it as an important chapter in my life, when I saw how real people go to work every day and many times risk their safety and their health in doing it.

Marc Perrone tells us there are literally thousands of his meat processing workers who have been affected by this virus and 95 of his members who have died as a result of it. What he is looking for—what we are looking for—is for those companies to establish standards of safety for their workers so that they can go back to work in this important business.

Some are doing just that. I commend them. Some are working with the union to find safe ways to test their workers and to bring them back to a job site that is safe for them to work in. But they don't have a national standard to live up to. We haven't established a national standard, as we should. Whether through OSHA or through CDC, we ought to establish standards for businesses across this country to live up to. I believe many—Mr. Smartt with Kwik Chek and Marc Perrone with the United Food and Commercial Workers—would applaud that. They would say: At least we know what social distancing standards are to be used in the workplace. At least we know what protective equipment is required in the workplace to protect our employees. At least we know going into this exactly what the standards are that we need to live up to.

Senator MCCONNELL's approach is immunity from lawsuits; don't establish any standards and don't hold anybody to any standards at all. That is wrong. The net result of that is that more people would be in danger, more people would be infected, and more people would die. That is not the right approach.

What we need to do is to make certain that when this is all said and done, we have a smart approach to this; that a business that is conscientious, cares for its customers, and cares for its workers has standards to

live by and that they can meet reasonable standards that have been thought through from a public health viewpoint.

It is no wonder that there is uncertainty when you look at the situation today. The Centers for Disease Control suggests voluntary standards, suggestions. The White House accepts some, publishes some, scoffs at others, and ignores others. There is just no clear message to businesses and people across America on what the standards of safety will be.

So I would say that this hearing this afternoon is important to hear from Mr. Smartt and his willingness to look for standards that he can live by, and to hear from Marc Perrone about the dangers to his workers across the workplace. And don't believe for a minute that this caravan of lawsuits threat that we hear over and over tells the whole story.

When you take a look at the lawsuits that have been filed, it is not just the so-called caravan of trial lawyers that are coming in and jumping on this. There are businesses suing businesses. There are lots of lawsuits that have little or nothing to do with personal injury. There are also lawsuits involving workers' compensation.

Senator MCCONNELL's suggestion is that we overturn the State laws that give workers the right to recover in the workplace if their injuries and or their health is impaired because of the COVID-19 virus. What a terrible outcome that would be to walk away from decades of established protection for workers in every State in the Union, for Senator MCCONNELL's so-called red-line threat when it comes to the COVID virus No. 4 bill that Speaker PELOSI is proposing.

There is a reasonable answer here. We can say to these businesses across America: Join us in the fight. Let's stand together. You protect your workers, you protect your customers, and we will stand by you. We will establish a reasonable standard of conduct for you, which will protect you from frivolous lawsuits. But to take the approach by Senator MCCONNELL, saying that we just are going to guarantee immunity from lawsuits, is exactly the wrong thing to do. We need a standard of safety that businesses can be proud of, that workers can respect, and that customers can count on so that they can go into places, do their business, buy the products, and know that there is a standard of good health that is being established for everyone.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## PAYCHECK PROTECTION PROGRAM

Mr. CORNYN. Madam President, my home State of Texas is a great place to do business. We keep taxes, government spending, and regulations at a rational minimum in order to give people and businesses the freedom to pursue their dreams and prosper. Texas is consistently ranked on the list of the "Best States for Business," the "Best States to Start a Business," and the "Best States for Female Entrepreneurs."

According to the Small Business Administration, there are more than 2.6 million small businesses throughout the State, accounting for 99.8 percent of all Texas businesses. Those businesses employ nearly half of our State's workforce and account for the massive portion of our Texas economy.

To say that the small businesses are an economic force in Texas would only paint half the picture. In big cities and in small towns alike, these businesses play a critical role in our communities—the locally owned restaurants and bars we visit, the gyms that are part of our regular routine, the dry cleaners, the pharmacies and the hardware stores we stop at when we run errands. But our small businesses aren't just employers or generators of sales tax. They are owned by our friends and our neighbors and are part of the very fabric of our community.

Right now, they are under severe stress and in real jeopardy. The coronavirus has kept Texans at home and put our small businesses into serious financial trouble. When stay-at-home orders were put in place, many were forced to close their doors overnight. Over the last several weeks, like many of my colleagues, I have held innumerable video conferences with chambers of commerce, small business owners, and others who have told me about the difficult decisions they have been forced to make in the wake of this virus.

Without any demand, without an opportunity to sell their services or the food or other material they provide, they had to lay off employees or reduce their pay, and some were more concerned that they couldn't survive more than a few weeks because they still had to pay the rent and their overhead.

Those struggles are familiar for businesses across the country, and that is why we, together—literally, unanimously, in the Senate—created the Paycheck Protection Program. This new loan program was designed to help America's small businesses and their employees manage these uncharted waters by providing 8 weeks of cash flow assistance to cover payroll and other business-related expenses.

As we now know, it was so popular and so needed that the initial \$350 billion we funded ran out in less than 2 weeks. From that batch of funding bill, Texas received more loans than any other State. Nearly 135,000 small businesses benefited from the Paycheck Protection Program—a sum total of

28.5 billion. That is just from the first \$350 billion we appropriated. It became obvious that there was more demand than supply, and so we had to then replenish the program with an initial \$320 billion. So far, \$670 billion has gone into the Paycheck Protection Program. These are astronomical numbers, but, obviously, the need was serious, and this appears to be meeting a very real need to keep these businesses afloat, along with their employees.

Since our small businesses have gotten these funds, there is no shortage of stories about the positive impact they have had in my State, and I am sure each of us can tell similar stories.

One of the recipients of a PPP loan is Sevy's Grill, which has been a favorite in Dallas for more than two decades. Like other restaurants throughout Texas, the stay-at-home order put them in a very tough financial spot, and the restaurant closed in March without an end in sight. Then a lifeline came in the form of the Paycheck Protection Program.

A Facebook post from the restaurant read: "We are blessed to be a part of the Paycheck Protection Program to help fund our comeback."

They reopened at the end of April with a "Valet-to-Go" program, just in time to celebrate their 23rd anniversary last Friday and Mother's Day over the weekend.

There is also another company called JuiceLand, an Austin-based company with locations in Dallas and Houston as well. Matt Shook is the founder and CEO. He says they were preparing for a busy spring, but instead of having their nearly three dozen locations full of customers, he had to close 25 stores and lay off 300 employees. He said: "Every day it's like being at a poker table and getting bad hands every hand."

But Matt was then dealt with a few good cards. JuiceLand received its Paycheck Protection Program loan. He began to reopen the stores and to hire back his employees. He said that this loan is going to be the difference in keeping his company afloat.

The businesses that have received these loans were in danger of drowning until Congress, working together in a bipartisan way, threw them a lifeline. But now they are facing another risk that could bring a second wave of devastation and danger. Across the country, we are starting to see coronavirus-related litigation filed by the hundreds of cases—patients or their families suing doctors, students suing universities, employees and customers suing businesses—and this is just the beginning. As more States begin to restart their economies, we can expect a tidal wave of lawsuits to follow.

And while there is and should absolutely be legal recourse for those with legitimate claims, there are serious concerns about the number of frivolous claims and nuisance lawsuits we are expecting to see.

Imagine you are the owner of a small restaurant. Once stay-at-home orders

were put in place, you did it the way you were asked, and you tried to keep your business going and your employees on payroll. You received a PPP loan, which helped you and your workforce survive until you could reopen your doors. And once that happened, you took every precaution and followed every guideline to protect your employees and your customers.

You did your best to follow all government guidelines and regulations to a T. You stayed in close communication with your employees about their health and required anyone who was not feeling well to stay home. Your employees wore masks and gloves and had their temperatures checked at the start of each shift. You did your best to clean high-touch surfaces, maintained social distancing in the restaurant, and had hand sanitizer available for customers and employees. But then you find out you are being sued because someone claims that they contracted the virus at your place of business and they claimed that it happened because of your negligence and either you knew or you should have known. The legal nightmare you are about to enter could have your business filing for bankruptcy by the end of the year, even if the claim proved to be without merit.

The expense and the time and the effort that we want people putting back into the business to help rebuild our economy—they are going to have to use that to defend a nuisance lawsuit and perhaps pay money just so they don't have to continue to pay a lawyer to defend them in court.

Without action in this Congress, this is going to be a familiar story for small business owners, doctors, nurses, first responders—anyone and everyone who could potentially be blamed for another person contracting the virus.

We are all familiar with those who are ready to jump at the opportunity to file a suit over this and similar matters, whether or not their case has legs. You can imagine the TV ads and the highway billboards we will see encouraging you to call some 1-800 number if you have been impacted by the coronavirus, only to be connected with a lawyer to file a lawsuit—again, regardless of merit.

Let me be clear. As a recovering lawyer myself, I don't think all lawyers are bad, but we do know there are venal people who will take advantage of the opportunity.

Again, let me just say I have no doubt there have been and will be legitimate lawsuits targeting bad actors. If there is willful or reckless disregard for the person affected, they should have every right to sue and be made whole. But we need to take action against these frivolous lawsuits tying up our courts, bankrupting our businesses, and discouraging our economy from reopening.

This is not without some precedent. In the past, Congress has provided similar protections for businesses and workers who followed guidelines and

acted in good faith. For example, there was the Volunteer Protection Act of 1997, which provided legal protection for volunteers who worked at nonprofits. There was the Y2K Act of 1999, which gave protections to businesses if they followed government guidelines in good faith with regard to Y2K computer glitches. There was the Coverdell Teacher Protection Act of 2001, which gave protection to teachers and educators.

It is simply time for Congress to once again exercise our constitutional authority to provide reasonable liability protections for employers and workers who are operating in good faith and following government and public health guidelines.

There is no effort to allow bad behavior or protect those who are grossly negligent, period. In fact, if you think about it, providing a safe harbor for those businesses that follow public health and government guidelines will actually encourage them to do so, which will actually further protect the public and their employees.

The types of liability limitations my colleagues and I are interested in providing would simply prevent frivolous and nuisance lawsuits from harassing our frontline healthcare workers and small businesses which were acting reasonably and complying in good faith with health guidelines.

If you are a business owner debating whether to reopen once you are able, this lawsuit frenzy could be the deciding factor. You may just decide to throw in the towel, and we all would be losers, not the least of whom would be the employees who get their jobs from that employer.

Would you risk a potential lawsuit that would tie you up in courts for months, if not years, on end and bankrupt your business even though you are prepared to follow health guidance? Well, I think many will not be inclined to open up under those circumstances.

Without limiting liability for our small business owners and workers, our economic recovery will be stunted as a result of the fear of the negative impact of these frivolous lawsuits. That is the situation we need to address and prevent.

Congress has taken unprecedented steps to strengthen our Nation's response to the coronavirus and minimize the economic fallout, and we have done that together. The tidal wave of lawsuits that could come and will come unless we act to limit that liability will undo every bit of progress we tried to make. We can't allow our doctors and nurses and first responders and small businesses to survive the pandemic, only to find themselves battling a second crisis in the courtroom, an existential crisis.

In order to strengthen our response to this pandemic, we must protect those who are doing everything in their power to keep us safe while following the guidelines their government provides them, and we need to keep them

from having to suffer and perhaps not survive this second pandemic that will be caused by opportunistic litigation.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. LOEFFLER). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mrs. FISCHER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Brian D. Montgomery, of Texas, to be Deputy Secretary of Housing and Urban Development.

The PRESIDING OFFICER. The Senator from Nebraska.

#### CORONAVIRUS

Mrs. FISCHER. Madam President, I rise today to speak about the unprecedented crisis our Nation is facing. In a matter of just a few months, COVID-19 has completely changed our daily lives. This virus has forced us to close schools, shut down restaurants, cancel major events, and temporarily shutter businesses across our economy.

The sacrifices have been necessary for the sake of public health, to help "flatten the curve" so our medical facilities don't become overwhelmed, but they have also been disruptive, frustrating, and in some cases, scary.

Despite the emotional and economic toll this crisis has taken, we have seen countless acts of compassion, generosity, and selflessness all across the country. Americans have stepped up to help each other to fight this new threat.

I want to make sure the American people know that since the very beginning of this crisis, Nebraskans have been on the frontlines.

When 13 Americans were evacuated from a cruise ship in Japan in late February, they were taken to the National Quarantine Unit at the University of Nebraska Medical Center in Omaha. As the Nation's only Federal quarantine unit, they were also trusted to care for Americans recovering from Ebola in 2014.

Beyond treating those exposed to or infected with coronavirus, UNMC is also working to test new treatments for this virus. In late February, the Na-

tional Institutes of Health announced that the country's first clinical trial for coronavirus therapy had begun at UNMC.

Our world-class medical center has been active from the very beginning of this crisis.

The Nebraska National Guard—our citizen soldiers—has also played an important role in our response. They have been deployed as distributors at food banks, as healthcare workers assisting with testing, and as drivers bringing ventilators to where they are most needed.

One of the first State Department evacuation flights out of China brought 57 Americans to Nebraska, where they were quarantined at Camp Ashland, a Nebraska National Guard training site.

It is easy to forget that these first evacuations happened just back in February. Since that time, we have relied on our amazing healthcare workers and first responders. These heroes have been working around the clock to keep all of us safe. They get up every day to fight this virus in hospitals and in clinics across this country. I can't imagine how hard it must be for them to see the effects of this new sickness day in and day out. Yet I know we are in good hands.

We have also relied on our food heroes, many from my home State, where one in four jobs is tied to production agriculture. If you raise cattle or grow soybeans, you can't stay inside and work from your couch. If you package beef or pork, you can't work from a laptop. Americans should be incredibly grateful for our essential workers throughout the food supply chain. They are working so that we can continue to put healthy, safe food on our tables.

Nebraskans and all Americans are making daily sacrifices to slow the spread of this virus. We have drastically reduced our contact with others, knowing that short-term sacrifice will lead to long-term public health. But despite our best efforts, over 8,000 Nebraskans have contracted the virus, and 96 have died since COVID-19 arrived in the United States. These people were loved by their families and by their communities. I grieve for their loved ones. These tragic losses underscore the seriousness of this virus. They demonstrate to all of us that we need to keep up the fight.

The changes we have made in our national life, while necessary, have been difficult. They have come at the cost of the economic security of many people in the heartland of this Nation. We are seeing record numbers of unemployment claims, and many people who have never faced unemployment before now find themselves out of work. More Nebraskans are now dealing with food insecurity due to unemployment and the effects of COVID-19.

I have been inspired by the work nonprofits across my State are doing to address this.

The local chapter of the Salvation Army in Hastings has started a mobile

food unit, which they drive from neighborhood to neighborhood, and they serve hot meals.

The Central Nebraska Community Action Partnership has begun to box up food and leave it on people's doorsteps. This has allowed them to reduce person-to-person contact while helping those who are in need.

The Food Bank of Lincoln, which serves Southeast Nebraska by acting as a distribution center for food pantries in 16 counties, has seen a huge surge in demand. They have been able to keep up with this demand in large part thanks to the innovation of a partnership of Lincoln business, philanthropy, and government leaders, who together formed the Lincoln COVID-19 Response Fund.

These are major problems, and there is no easy fix. Even so, it is our job in Congress to respond to this national crisis and do what we can to provide relief. That is why I was proud to support the CARES Act, the relief package this body passed unanimously at the end of March.

A big part of this legislation was the Paycheck Protection Program, which was designed to help America's small businesses keep their employees on payroll by offering forgivable loans.

Upon the creation of this program to provide relief, Nebraskans hit the ground running. By mid-April, the Paycheck Protection Program had provided nearly 25,000 loans worth just under \$3 billion to Nebraska's small businesses. This funding was enough to cover more than three-fourths of Nebraska's eligible payrolls—the highest percentage in the Nation.

I think it is important to note that none of this would have been possible without Nebraska's community banks and our credit unions. While some national banks hesitated, Nebraska's local institutions stepped up to provide these loans and make sure small businesses in their communities received assistance.

To our community banks and credit unions, Nebraskans applying for these loans are not just statistics halfway around the country. The people hurting are their friends, their families, and their neighbors. The people who need their help live just down the street.

One of these banks is Union Bank & Trust in Lincoln. This family-owned bank is not in the top 200 banks by assets nationally, but after the first 72 hours of the Paycheck Protection Program, they ranked second in the Nation for the number of loans approved. Like many other lending institutions, Union Bank & Trust accomplished this while adjusting to working from home for the first time. Their remarkable efforts and those of another Nebraska institution, Pinnacle Bank, were covered in a recent Washington Post story for leading the way nationally with this program.

It is good to see the Paycheck Protection Program working well in my State. I am pleased that Congress came



together to further fund this program so that more small businesses can receive assistance. The drive to support one another, help out, and deliver relief to others is something we are seeing all across my State.

Along with grief, we have seen resilience. Along with sadness, we have seen hope.

I read a story about young children in Omaha who wanted to visit their grandfather. They couldn't go into his nursing home, so they connected a microphone to a speaker inside so that they could talk to him and sing to him.

I have seen schools that stopped holding in-person classes weeks ago still serving their students.

On top of instituting remote learning, many are also offering free meals.

In Gering, teachers organized an impromptu drive-by parade through their students' neighborhoods.

In Hastings, Longfellow Elementary School has converted old newspaper vending machines into learning material dispensers. Students walk up to the dispenser for their grade level, and they take out their weekly learning packet, just as you would a newspaper.

In short, I have seen neighbors helping neighbors. I have seen Nebraskans helping Nebraskans.

Much remains uncertain about our future. We don't know how many more lives will be lost, how long we are going to have to wait for a vaccine, or how long it will take for Main Street to fully open for business once again. I think we may have a long and tough road ahead of us, but I take great pride in the way Nebraska has responded to these difficult circumstances.

The inspiring stories of kindness and humanity in my State don't come as a surprise to me.

I have seen our people respond to other disasters, including the widespread flooding that we faced just last year. I have seen Nebraskans respond the same way to COVID-19 as we did to that flood—by putting others first. It is just who we are.

Nebraskans will continue to adapt, to help others, and to lead the way in addressing and responding to this crisis. We will get through this, and we will come out stronger than ever before.

#### NOMINATION OF BRIAN D. MONTGOMERY

Mr. BROWN. Mr. President, today I will vote to oppose the nomination of Mr. Brian Montgomery to serve as Deputy Secretary for the Department of Housing and Urban Development. My vote today is not because I believe Mr. Montgomery is incapable of doing the job. Across multiple administrations, Mr. Montgomery has shown himself to be a dedicated public servant with an impressive understanding of the programs and policies he would oversee if confirmed. During prior administrations, Mr. Montgomery demonstrated his commitment to HUD's mission and helped respond to the early days of the financial crisis. And over the past year, Mr. Montgomery has done important work strengthening HUD's reverse mortgage program.

But I will vote against Mr. Montgomery's nomination today because, like too many people in this administration, over the last 2 years he has helped advance policies that will have devastating effects for millions of families. In addition to his role as Federal Housing Commissioner and Assistant Secretary for Housing, Mr. Montgomery began performing the duties of the Deputy Secretary at HUD nearly a year and a half ago. Since that time, he was involved in the decision to advance a revised disparate impact rule that the U.S. Commission on Civil Rights wrote that it was very concerned would "impose substantial new obstacles for victims of discrimination" and "undermine the protections of the Fair Housing Act, thereby substantially undermining necessary civil rights protection in an area about which the Commission and its state advisory committees continue to receive compelling evidence of need for meaningful federal corrective action."

Mr. Montgomery also helped advance HUD's Housing Finance Reform Report, which would increase the cost of an FHA-backed loan for those who can least afford it, restructure FHA in a way that could undermine HUD funding, and restrict consumers' choice between an FHA and Fannie Mae or Freddie Mac-backed loan. But when confronted with questions about these issues that are critical to low- and moderate-income families, Mr. Montgomery offered little explanation.

Throughout Mr. Montgomery's time performing the duties of the Deputy Secretary—the No. 2 person at HUD—HUD's budget requests have repeatedly zeroed out critical housing and community development accounts, like the community developmental block grant, HOME investment partnerships, and public housing capital funds, while proposing to raise rents for the lowest income renters. When asked to justify these disastrous proposals, Mr. Montgomery again offered no explanation.

Our Nation is facing an affordable housing crisis and a crisis of equity across our housing system. Before COVID-19 hit, there was a nearly 30-point gap between the Black and White home ownership rates, and more than one in four renters paid more than half of their income for housing. With COVID-19's economic devastation disproportionately burdening the lowest income households and communities of color, these challenges will only grow.

We need leaders at HUD who will fight for our housing and community development programs and the families who depend on them. We need leaders at HUD who will push for progress and equality in our Nation's housing system, regardless of race, disability, or family status. We need leaders at HUD who will advance proposals that support, not further burden, the lowest income families. Mr. Montgomery has not shown us a record of fighting for those priorities, and that is why I cannot support his nomination today.

Mrs. FISCHER. I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the Montgomery nomination?

Mrs. FISCHER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Nebraska (Mr. SASSE).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. MARKEY), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER (Mr. CRUZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 32, as follows:

#### [Rollcall Vote No. 86 Ex.]

##### YEAS—61

Barrasso	Graham	Perdue
Blackburn	Grassley	Portman
Blunt	Hawley	Risch
Boozman	Hoeven	Roberts
Braun	Hyde-Smith	Romney
Burr	Inhofe	Rounds
Capito	Johnson	Rubio
Carper	Jones	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Collins	King	Shelby
Coons	Lankford	Sinema
Cornyn	Lee	Sullivan
Cotton	Loeffler	Sullivan
Cramer	Manchin	Tester
Crapo	McConnell	Thune
Cruz	McSally	Tillis
Daines	Menendez	Toomey
Enzi	Moran	Warner
Ernst	Murkowski	Wicker
Fischer	Murphy	Young
Gardner	Paul	

##### NAYS—32

Baldwin	Feinstein	Rosen
Bennet	Gillibrand	Schatz
Blumenthal	Harris	Schumer
Booker	Hassan	Shaheen
Brown	Heinrich	Smith
Cantwell	Hirono	Stabenow
Cardin	Kaine	Udall
Casey	Klobuchar	Van Hollen
Cortez Masto	Merkley	Warren
Duckworth	Peters	Wyden
Durbin	Reed	

##### NOT VOTING—7

Alexander	Murray	Whitehouse
Leahy	Sanders	
Markey	Sasse	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.



## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:01 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

## EXECUTIVE CALENDAR—Continued

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Troy D. Edgar, of California, to be Chief Financial Officer, Department of Homeland Security.

Mitch McConnell, Jerry Moran, James Lankford, John Barrasso, James E. Risch, Steve Daines, David Perdue, Tom Cotton, Kevin Cramer, Cory Gardner, Shelley Moore Capito, Marsha Blackburn, John Cornyn, Tim Scott, Thom Tillis, Roger F. Wicker, Mike Crapo.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Troy D. Edgar, of California, to be Chief Financial Officer, Department of Homeland Security, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Nebraska (Mr. SASSE).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. MARKEY), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 62, nays 31, as follows:

[Rollcall Vote No. 87 Ex.]

## YEAS—62

Barrasso	Burr	Cornyn
Blackburn	Capito	Cotton
Blunt	Carper	Cramer
Boozman	Cassidy	Crapo
Braun	Collins	Cruz

Daines	Kennedy	Romney
Duckworth	King	Rounds
Enzi	Lankford	Rubio
Ernst	Lee	Scott (FL)
Fischer	Loeffler	Scott (SC)
Gardner	Manchin	Shelby
Graham	McConnell	Sinema
Grassley	McSally	Sullivan
Hassan	Moran	Tester
Hawley	Murkowski	Thune
Hoeven	Paul	Tillis
Hyde-Smith	Perdue	Toomey
Inhofe	Peters	Warner
Johnson	Portman	Wicker
Jones	Risch	Young
Kaine	Roberts	

## NAYS—31

Baldwin	Feinstein	Schatz
Bennet	Gillibrand	Schumer
Blumenthal	Harris	Shaheen
Booker	Heinrich	Smith
Brown	Hirono	Stabenow
Cantwell	Klobuchar	Udall
Cardin	Menendez	Van Hollen
Casey	Merkley	Warren
Coons	Murphy	Wyden
Cortez Masto	Reed	
Durbin	Rosen	

## NOT VOTING—7

Alexander	Murray	Whitehouse
Leahy	Sanders	
Markey	Sasse	

The PRESIDING OFFICER. The yeas are 62, the nays are 31.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Troy D. Edgar, of California, to be Chief Financial Officer, Department of Homeland Security.

The PRESIDING OFFICER. The Senator from South Dakota.

## ORDER OF BUSINESS

Mr. THUNE. Madam President, I ask unanimous consent that notwithstanding the provisions of rule XXII, the postcloture time on the Edgar nomination expire at 4:30 p.m. today. I further ask that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

## CORONAVIRUS

Mr. THUNE. Madam President, we are back for our second week in the Senate after spending some time working remotely to help flatten the coronavirus curve. We are getting used to the temporary new normal—social distancing during hearings, floor votes, and meetings; masks; a lot of conference calls and Skype calls instead of in-person meetings; lots of hand washing and hand sanitizer; and as many staff working remotely as possible. We are committed to doing the essential work of the American people, and they are depending on us to do it in the safest way possible.

Responding to the coronavirus continues to be at the top of the agenda. Last week, we held a number of coronavirus-related hearings, including a hearing on coronavirus testing and a

hearing on the impact the pandemic has had on the airline industry.

When people think about what the Senate does, they tend to think about voting on bills and debating on the floor, but the truth is, committee work is some of the most important work we do here in Washington. Committees are where we review nominees' qualifications, hear from experts in various fields, develop legislation, and conduct essential oversight of government programs. The work we do in coronavirus-related committee hearings will inform any future coronavirus legislation we might consider.

This week, the Senate Banking Committee will be voting on the nomination of Brian D. Miller to be Inspector General for Pandemic Recovery at the Treasury Department. If he is confirmed by the full Senate, Mr. Miller will be an essential part of ensuring that the trillions we have provided for coronavirus relief are spent properly. The Banking Committee will also be holding an oversight hearing with key Federal financial regulators to learn about the steps they have taken to ensure the safety and soundness of our financial sector during this challenging time.

The Senate Judiciary Committee will be examining the issue of liability during the COVID pandemic and discussing ways to prevent frivolous lawsuits from damaging our economy once we reopen.

The Senate Commerce Committee, of which I am a member, will be holding a hearing looking at efforts to maintain and expand reliable high-speed broadband access during this time when so many Americans are relying on their internet for work, school, and connections with friends and family.

The Senate Health, Education, Labor, and Pensions Committee will be hearing directly from the leaders of our fight against the coronavirus—Drs. Fauci, Redfield, and Hahn, and Admiral Giroir. Senators will be talking to these experts about what we need to do to safely reopen our economy and our schools.

Another big part of our coronavirus response right now is monitoring the implementation of the funds we have already provided. We have delivered a tremendous amount of money to respond to the pandemic—equal to almost 50 percent of the entire Federal budget for 2020—and it is important that any future funding be carefully targeted.

We are facing extraordinary circumstances, and they call for an extraordinary, bold response from Washington, but it is important to remember that every dollar of the trillions we provided for the pandemic is borrowed money, and our children and grandchildren are going to be paying for that borrowing. That doesn't mean we are not going to provide more money if necessary, but it does mean we need to make sure we are spending money wisely and well and only appropriating

what is really needed. That means monitoring the implementation of the funds we have already provided, which haven't been fully spent yet. Once we see how and where those funds are getting spent, we will have a better sense of where we have spent sufficiently and where more money may be necessary.

It is also important that we make sure those funds are being spent in the most effective and efficient way possible. Again, these are all dollars that our children and grandchildren will have to pay for. We want to make sure we are not wasting any of that money.

Finally, while coronavirus will, of course, continue to be at the top of our agenda, there are other important things we have to do to keep the government running and to protect the Nation.

This week, we will take up legislation to renew and reform several key provisions of the Foreign Intelligence Surveillance Act, which the Democratic-controlled House allowed to lapse despite unanimous support for an extension here in the Senate.

Our law enforcement officers are working every day to protect Americans from terrorist threats. It is essential that we make sure they have the tools they need to do their jobs, while also providing critical protections for civil liberties.

We are also taking up two nominations this week for senior administration posts: Brian D. Montgomery to be Deputy Secretary of Housing and Urban Development and Troy Edgar to be the Chief Financial Officer of the Department of Homeland Security.

The American people are relying on us right now, and we have a responsibility to deliver for them. We will continue to do everything we can to support our Nation's families and businesses as the country fights its way through this crisis and emerges on the other side.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAMER). Without objection, it is so ordered.

FISA

Mr. LEE. Mr. President, the Constitution of the United States contains a number of constitutional protections for the citizens of our great Republic. Among the many provisions that it contains, in addition to the structural safeguards of federalism and the separation of powers, separating out power along two axes—one vertical, which we call federalism, and the other horizontal, which we call the separation of powers—the Constitution also includes a number of substantive restrictions. These are things that the government may not do, and there are penalties at-

tached to the government's doing those things.

Among those many protections can be found the provisions of the Bill of Rights, including the Fourth Amendment of the U.S. Constitution. The Fourth Amendment reminds us that it is our right—a fundamental, inalienable right—as citizens in a free republic, to be free from unreasonable searches and seizures, and that any warrants issued under government authority have to be backed by probable cause, and any probable cause-based warrant has to include with particularity a description of the places and persons to be searched and to be seized.

This is a tradition that reaches not just back a couple of centuries, but it reaches back much farther than that and has its origins not only in our own country but in our mother country, in the United Kingdom. By the time John Wilkes was serving in Parliament in the 1760s, there had been a long-established tradition and understanding. In fact, there had been a series of laws enacted to make sure that warrants were not abused and to make sure the rights of the English subjects would not be infringed. Among other things, there was an understanding and a set of laws in place that would make clear that those conducting searches and seizures would be subject to a warrant requirement. In other words, they would lose any immunity that they would otherwise have as government officials if they didn't obtain a warrant and if that warrant were not valid.

In 1763, the home of John Wilkes was searched aggressively. John Wilkes, while serving as a Member of Parliament, had become critical of the administration of King George, and he had participated in the publication of a weekly circular known as the North Briton. Although the North Briton was not one likely to engage in excessive, fawning praise of the reigning monarch, it wasn't until the publication of North Briton No. 45 in 1763 that the administration of King George decided to go after John Wilkes. His home was searched, and it was searched pursuant to a general warrant.

A general warrant was something that basically said, in that instance: Find out who had anything to do with the authorship and publication of North Briton No. 45. You see, North Briton No. 45 accused, among other things, King George and those who served in his government of laying aggressive taxes on the people—taxes that they knew couldn't adequately be enforced or collected without intrusive measures that would involve kicking open people's doors, rummaging through their drawers, and doing things that couldn't be justified for the use of a warrant laid out with particularity.

John Wilkes, in that circumstance, was arrested within a matter of a few weeks. He won his freedom, albeit on something of a technicality at the moment. He asserted parliamentary privi-

lege and was released. Eventually, after becoming subjected to multiple searches using general warrants, Wilkes sued Lord Halifax and those who participated in the searches and seizures in question. He was able to obtain a large award, a large judgment consisting of money damages.

John Wilkes, at the time, became famous, really, on both sides of the Atlantic. The name of John Wilkes was celebrated in taverns, saloons, and other public places in England and in the nascent United States of America, the colonies in North America that would later become the world's greatest Republic. John Wilkes' example was something that helped to solidify a long-standing legal tradition, one that would in time make its way into our Constitution through the Fourth Amendment.

We have to remember that government is simply force. It is the organized collective official use of force. When John Wilkes and those who worked with him on the North Briton, culminating in North Briton No. 45, criticized the King too much, questioned excessively, in their judgment, the collection and imposition of taxes, the administration of King George decided they had gone too far and that it was time for John Wilkes to pay a price.

Fortunately for John Wilkes and for people on both sides of the Atlantic, John Wilkes emerged victoriously. Today, we don't have general warrants, at least nothing masquerading under that title in the United States. The fact that we have a First Amendment is a test to his vigorous defense of the rights of English subjects.

What we do have is something that ought to concern every American. We have the Foreign Intelligence Surveillance Act, which we know has been abused, and we have known for a long time is ripe for opportunities for abuse among government officials.

In fact, what we have seen is that the current President of the United States has, himself, become the target of abuse under FISA. Back in 2016 when this started being abused and when we saw the emergence of things like Operation Crossfire Hurricane, you had the campaign of a man who would become the 45th President of the United States targeted and singled out, quite unfairly, using these practices—these procedures that were designed originally for use in detecting and thwarting the efforts of agents of foreign powers.

As the name of the law implies, the Foreign Intelligence Surveillance Act is not something that is intended to go after American citizens. It is certainly not something that is intended to be used as a tool for bullying a Presidential candidate. Now that it has been used to bully and incorrectly surveil the 45th President of the United States, we need to do something about it. That is what the Lee-Leahy amendment does.

First, for a bit of background on this particular law, we have three provisions of the Foreign Intelligence Surveillance Act that expired on March 15, 2020, just a few weeks ago. We have one provision known as section 215, another provision known as lone wolf, and another provision known as roving wiretaps.

On March 16, the Senate passed a bill to reauthorize those provisions through May 30, 2020, which would give us a few weeks to debate and discuss reforms that need to happen under FISA. In order to pass this bill, the Senate entered into a unanimous consent agreement for votes on three amendments to the Pelosi-Nadler-Schiff bill passed by the House of Representatives a few weeks ago. One of those amendments is the one that I referred to a moment ago, the Lee-Leahy amendment, introduced by myself and Senator LEAHY from Vermont.

Unfortunately, however, the House of Representatives never passed that short-term extension measure, so that the three authorities that I mentioned—lone wolf, roving wiretaps, and 215—have been expired now for almost 2 months.

Now, this is not for lack of trying on the part of us—the part of those of us who really want to see meaningful FISA reform. In fact, just a few days before these authorities were set to expire, I came down here to the Senate floor and I asked a series of unanimous consent requests to consider the House-passed reauthorization bill with a handful of relevant and, I believe, very necessary amendments. Unfortunately, my friend, a distinguished colleague, Senator BURR, objected.

The Department of Justice Inspector General Horowitz's December report on Crossfire Hurricane proved what many of us reformers have been saying now for years. In my case, I have been working on this and trying to call out the dangers inherent in provisions of FISA now for a decade. But what the Horowitz report in December demonstrated was that FISA really is ripe for opportunities for abuse. Inspector General Horowitz not only found evidence that the FISA process was abused to target President Trump's campaign. He found evidence that basic procedures meant to protect the rights of U.S. persons—that is to say, U.S. citizens and lawful permanent residents of the United States—were not being followed.

And so, just as we see that John Wilkes, through his publication of *North Briton* No. 45, solidified a pre-existing set of rights available to all English subjects, we now see that President No. 45, Donald John Trump, has the opportunity to strengthen this right protected in our Fourth Amendment, harkening back to the example of John Wilkes in the publication of *North Briton* No. 45.

My amendment with Senator LEAHY would make reforms to applications for surveillance across the Foreign Intel-

ligence Surveillance Act, including both section 215, the authority that recently expired, and under title I, which happens to be the authority that was abused in order to surveil President Trump's campaign.

First, the amendment would strengthen the role of the friend-of-the-court provisions—the amicus curiae provisions that we adopted in 2015 in connection with the USA FREEDOM Act, which was introduced by Senator LEAHY and myself back then. It would strength these amicus curiae or friend-of-the-court provisions and make them applicable in circumstances in which there are sensitivities inherently in play.

Now, these amici curiae, or friends of the court, are people who, as contemplated under the proposed legislation, would primarily be experts and would have at least some knowledge or expertise of FISA and of privacy, civil liberties, secure communications, and other fields that are important to the FISA Court. They would also be people who would have clearance to review matters of concern from a national security standpoint.

These amici are essential because, you see, the FISA Court is a secret court which, by its very design, operates on an ex parte basis, meaning without the presence of opposing counsel. You have government counsel and the judges themselves, and that is it.

The friend-of-the-court provisions, the amici curiae I am describing, provide the opportunity for the FISA Court to hear from a fresh perspective—a neutral, trusted perspective—one that comes with some expertise in national security clearance but without presenting the threat to upending the national security investigations entrusted to the FISA Court.

So that is why the amici are so necessary and so important. In the absence of opposing counsel, we have to strengthen the provisions that provide for these amici to ensure that there is some advocate somewhere in front of the court who is in a position to say: Wait a minute. What happens if we do this? Wait a minute. Is this really what the law authorizes? Wait a minute. Isn't there a constitutional concern implicated here, especially where they are dealing with the rights of American citizens.

The December 2019 inspector general report on the surveillance of President Trump's campaign staffer Carter Page demonstrates the significant need for an outside expert legal advocate, especially when a FISA application involves a sensitive investigative matter, like the surveillance of a candidate for public office or an elected official or that official's staff.

If the Lee-Leahy amendment were in statute, it would have required the FISA Court to appoint an amicus in the Carter Page case. If an amicus had been appointed in that case, would she have raised some of the issues that we now see regarding the credibility of the

Steele dossier? Well, it is quite possible. In fact, I think it is quite likely. I think it is almost unimaginable that had there been an amicus curiae present in the FISA Court at that moment, somebody—likely, the amicus—would have said: Wait a minute. We have got a problem. Wait a minute. You have got evidence that is unreliable. Wait a minute. You have got huge credibility problems with the evidence that is backing up what you are asking for.

Our amendment would require the FISA Court to appoint an amicus when an application involves “sensitive investigative matter,” such as the surveillance of candidates and elected officials or their staff, political organizations, religious organizations, prominent individuals within those organizations, and domestic news media.

One of the arguments made by those who oppose FISA reform is that the appointment of an amicus would somehow slow down the surveillance and the FISA order application process, which, so the argument goes, could then harm our national security in those instances where there could be an imminent attack. Anytime this argument is made, it is important for the American people to listen and listen carefully. It is an important argument. It is not one that we want to treat lightly. At the same time, we have to remember the immense harm that has been inflicted, not only on our own society but elsewhere, when people simply suggest: Don't worry about this; it is a matter of national security. Don't worry about it; we have the experts covering it. Don't worry about it; your liberty is not to concern you.

We know the risk. We know that we have to ask the difficult questions, and that is what we are doing here.

In any event, the argument doesn't work here. The argument falls apart under its own weight here, you see, because our amendment allows for the FISA Court to have flexibility. In fact, the FISA Court, under the amendment, may decline to appoint an amicus if the court concludes it would be inappropriate to do so under the circumstances. All it has to do is make that finding.

Is this too great an intrusion on the ability of the U.S. Government to collect information on U.S. citizens? I think not, especially as here we are dealing with this sensitive investigative matter, one involving an elected official or a candidate for elected office or religious officials or media organizations.

We know in our hearts that these are areas where our foreign intelligence surveillance authority ought to give way, ought to at least recognize the rights of individual Americans.

Our amendment also provides the amicus with more access to information regarding applications and requires the government to make available the supporting documentation underlying assertions made in applications if requested by the amicus or by the FISA Court itself.

Now, this information is, to be sure, required by the FBI's internal operating procedures, including its so-called Woods procedures, to be maintained in a series of documents known collectively as the Woods files.

But the FBI's failure to correctly maintain the supporting documentation or, in some cases, even to assemble it in the first place—the documentation underlying these FISA applications to surveil U.S. persons, that is—was itself the subject of the inspector general's most recent memorandum to FBI Director Christopher Wray. That memorandum proved, among other things, that the government's failure to provide all of the evidence, especially evidence that undermined the government's case before the FISA Court, when considering the application to surveil Trump campaign adviser Carter Page, was not an isolated accident. Quite to the contrary, after sampling 29 FBI applications for FISA surveillance of U.S. persons, the inspector general, Mr. Horowitz, found an average of 20 errors per application, with most applications having either missing or inadequate Woods files, leading the inspector general to conclude: "We do not have confidence that the FBI has executed its Woods procedures in compliance with FBI policy."

This is absolutely unacceptable in any free republic, but especially in ours, with the existence of the Fourth Amendment.

We are not talking about the failure to create or maintain some obsolete piece of paperwork just for the sake of having it. No, no, no, this is much more than that. And we are not talking here about exculpatory evidence being withheld as to suspected foreign terrorists. These are applications to surveil U.S. citizens and lawful permanent residents, who themselves have constitutional rights and also have an expectation that their government will not secretly spy on them, in violation of that which is rightfully theirs under the Constitution of the United States.

So you can't look at this and credibly, reliably, say: It is OK. Let the FBI take care of it. The FBI is working on it.

We have been hearing that for years. I have been hearing that for 10 years—the entire decade that I have been at this business. And what has happened? Well, what has happened is that we have seen time and again that there have been abuses of the very sort that many of us have been predicting for a long time would inevitably and repeatedly arise in the absence of reform.

This doesn't require us to undertake a dismal view of humanity. No, it is not that at all. It is simply that gov-

ernment is best understood as the organized, official collective use of force, officially sanctioned as part of a government. And, as James Madison explained in Federalist 51, if men were angels we wouldn't need government. If we had access to angels to run our government, we wouldn't need rules about government.

But we are not angels, and we don't have access to them. So, instead, we have to rely on humans. Humans are flawed. They make mistakes, and they also sometimes decide for nefarious or political or other reasons to flout the law—hence the need for the night watchman, hence the need for rules that restricts their ability to do that.

So I find it entirely unsatisfactory when people say: Just let the FBI deal with this, because, first of all, they haven't dealt with it. They haven't dealt with it even as abuses have become more and more known under various provisions of FISA and even as we are still coming to terms with language that was adopted nearly two decades ago that itself was overly broad at the time and has been abused since then.

No, we are not going to just trust that an organization that is able to operate entirely in secret, with the benefit of protection of national security laws, with the benefit of over-classification of documents—we are not simply going to assume lightly that they are going to fix it, because they haven't and because they won't and because they don't want to.

I understand why they might not want to. All of us can appreciate that when we do a job, if somebody else adds requirements to that job, we might be naturally resistant to it. But that doesn't mean that we don't need to do it here. That doesn't mean that our oath to uphold, protect, and defend the Constitution of the United States doesn't compel us to do so here.

We know that the FBI is not going to fix it because the FBI has in the past adopted procedures designed to prevent this kind of manipulation, this kind of chicanery from arising, including, most notably, the Woods procedures. Yet we know that the Woods procedures have been openly flouted.

So can we walk away from this and pretend that the 45th President of the United States didn't have his own rights abused, his own campaign surveilled abusively by the FBI itself? No, we can't. And I don't know anyone—Democrat or Republican, liberal or conservative or libertarian or something else—who could look at that and say: Yes, that makes a lot of sense. It makes a lot of sense that we should just leave unfettered, unreviewable discretion in the hands of those who are able to operate entirely in secret.

The Lee-Leahy amendment would require that the government turn over to the FISA Court any and all material information in its position, including information that might undermine its case as part of the FISA application.

As I said earlier, this information would be made available to the amicus curiae upon request.

As an added protection, our amendment would require any Federal officer filing an application for electronic surveillance or physical search under FISA to certify that the officer has collected and reviewed, for accuracy and for completeness, supporting documentation for each factual assertion contained in the application.

If we are going to require people to go to the FISA Court at all to get an order, if we are going to call it a court, ought we not require that such evidence be assembled and at least be made available to those whose job it is to make sure that the job is actually being done?

The Lee-Leahy amendment also requires these officers to certify in each application that they have employed accuracy procedures put in place by the Attorney General and the FISA Court to confirm this certification before issuing an order.

Finally, the Lee-Leahy amendment requires the Department of Justice inspector general to file an annual report regarding the accuracy of FISA applications and the Department of Justice's compliance with its requirements to disclose any and all material evidence that might undermine their case.

Now, while I have a lot of ideas for reform, many of which are included in the USA FREEDOM Reauthorization Act that Senator LEAHY and I introduced a couple of months ago, we were limited in this circumstance for our purposes to just one amendment to the Pelosi-Nadler-Schiff bill. That is this amendment, the one that I have been describing, the Lee-Leahy amendment.

We believe that our amendment is a very measured approach to enacting those reforms that we believe to be most essential to protecting the rights and the privacy of Americans from a system that, by its very nature and, in some instances, by design, is ripe with opportunities for abuse. It is not perfect, but it will go a long way, if we pass it, toward forestalling this kind of abuse.

We have to remember that although we live in the greatest Republic ever known to human beings and although our rights are, by and large, respected in this country, we are by no means immune to the type of abuse that can take hold in any system of government, especially a system of government with a whole lot of resources at its disposal to gather information, including efforts to gather information on that government's own citizenry.

If we remember, about 45 years ago, there was a committee put together, headed by a Senator from Idaho named Frank Church, that looked at abuses of telephone surveillance by the government and concluded that in basically every administration dating back to the rise of the common usage of the telephone, our intelligence-gathering

resources within the United States had been utilized to engage in what was essentially political espionage.

Since the late 1970s when the Church Committee issued its report, we have had exponential growth in the ability of government and the ability of everyone else, for that matter, to obtain and process data and information. In most ways, it has been a real blessing. It is a great thing.

It is also important for us to keep in mind the extent to which our papers and effects are no longer found exclusively within physical file cabinet files within someone's home or office. In many instances, they can be found elsewhere in electronic form.

Our security and our liberty need not and ought never to be viewed as irreconcilably at odds with each other. Many civil liberties and privacy experts joined together in an effort known as the PCLOB a few years ago—the Privacy and Civil Liberties Oversight Board—and concluded a few years ago that our privacy and our liberty are not at odds with each other. In fact, our privacy is part of our liberty. We are not truly free unless our personal effects and our private information can belong to us and not simply be open game for the government.

It is sad and tragic that in order for this to come to light, it took an assault on freedom so bold and so shameless as to loop in the President of the United States. With this and other revelations that have come to light in recent days and weeks and months and over the last few years, we can't forget that these entities are still run by human beings with their own political views, with their own agendas. And in some cases, unfortunately—rare cases, I hope—people who are charged with protecting the people and their liberty may in some cases be inclined to be at odds with it.

It is unfortunate that the 45th President of the United States has had, quite tragically, to become the victim of this. But I ask the question, what if your information were on the line? What if you had been targeted—maybe for political reasons, maybe for reasons that had nothing to do with politics, maybe for reasons that just had to deal with a personal vendetta someone had against any American. It is far less likely that the abuse would ever have come to light.

In this circumstance, it did come to light. We can't ignore it, nor can we pretend that it couldn't happen to any one of us—and I don't mean as Members of the U.S. Senate; I just mean as Americans. In fact, each and every one of us is less capable of standing up to this and less likely to discover the abuse in the first instance. Not all of us happen to be the President of the United States.

I am grateful that President Donald J. Trump has been willing to speak truth to power and has been willing to call out the flagrant abuse of FISA and of other procedures within the govern-

ment. It is our obligation, it is our solemn duty, and it is my pleasure to do something about it. The Lee-Leahy amendment does something about it, and I invite all of my colleagues to join me in supporting it.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). Without objection, it is so ordered.

Mr. INHOFE. Madam President, I ask unanimous consent that I use whatever time I shall consume.

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

#### FEDERAL COMMUNICATIONS COMMISSION

Mr. INHOFE. Madam President, by now, I think people are pretty much aware of something that happened about 2 weeks ago—an FCC approval of an application that was very, very significant. Yet not many people knew that it was going on.

I think by now it shouldn't be a surprise to anyone that I oppose this decision by the Federal Communications Commission to approve an application by Ligado Networks. Ligado's plan would use Federal spectrum in a way that will interfere with GPS and satellite communications, and despite near-unanimous objection from the rest of the Federal Government, the Federal Communications Commission has just said OK.

I said "near-unanimous." It was nearly unanimous. A week before the decision was made by the FCC, they sent a letter outlining all of the reasons that everyone should be opposed to the application made by Ligado to the FCC. Their statement was that Ligado's proposal is not feasible, affordable, or technically executable. It goes on to say how destructive this would be, how the whole country uses this GPS, and how this would alter the GPS system so that it no longer could be used with predictability.

When I say "nearly everyone," it is not "nearly"; it is everyone objected to it. I have never seen anything like this happen, to have something approved that was objected to by all of government. This letter objecting to this was signed by the Department of the Army, the Department of the Navy, the Department of Commerce, NASA, the Department of the Interior, the Department of Justice, the Department of Homeland Security, the Department of Energy, the National Science Foundation, the Department of Transportation, the U.S. Coast Guard, and the Federal Aviation Administration. That is everybody. I have never seen anything that has ever had that unanimity in being objected to. For that reason, it was never approved until April 20 by the Federal Communications Commission.

The GPS and satellite communication functions support everything: equipment that our troops use in the field, navigation for first responders, airlines—that is how airplanes keep from running into each other; they use GPS—cell phones, and ATMs. The list goes on and on.

Simply put, the FCC is jeopardizing GPS signals that Americans rely on every day. I chair the Senate Armed Services Committee. When you are conducting warfare, you are using GPS. You use GPS every day. Simply put, the FCC is jeopardizing GPS signals that we rely on for both our national and economic security for the benefit of just one company and its hedge fund investors.

Ligado may be a new name, but the problem goes back a decade, when LightSquared was created in a hedge fund deal worth \$5.3 billion. The investors put billions on the table, and the only way to get a return was to repurpose LightSquared's satellite spectrum for the terrestrial cell phone network.

In 2011, when LightSquared asked the FCC for permission to do just that, GPS and satellite communication users strongly objected due to the interference with the GPS signal. That is the problem. The signal is in the same area that purchase took place by a company at that time named LightSquared. Federal agencies like the Department of Defense, the Department of Transportation, and the National Telecommunications and Information Administration echoed these concerns.

In 2012, after it was clear that there was no way to mitigate the GPS interference in their proposal, LightSquared declared bankruptcy, so it was gone.

Years later, LightSquared got enough new Wall Street hedge fund money to emerge from bankruptcy and be renamed "Ligado" and again pushed for repurpose of the satellite spectrum for its network. That is exactly the thing that the predecessor company tried to do for a long period of time, and they were denied, and they were justly denied. They shouldn't have been able to do that.

There was never any idea that an application by an operation like this would be acceptable. After extensive testing and analysis, experts at nine Federal agencies have unanimously concluded that Ligado's proposal, even with updates, will still interfere with GPS signals and satellite communications. That is the one I just read. They were unanimous in doing this. Of course, we read the names of the agencies that were involved. This is something everyone agreed with. We can't find anyone who disagreed with it except Ligado itself—the ones who would end up with a lot of billions of dollars, and I am not sure where it would go.

They rely on GPS for navigation, logistics, and precision-guided missiles in training and on the battlefield. But at the end of the day, this is about much more than risking our military

readiness and capabilities. Ligado's proposal will hurt the American economy. Our farmers rely on GPS to harvest their crops. Our truckers and our airlines rely on GPS to move supplies and people safely. Our maritime industry depends on GPS to place channel markings. Weather forecasting relies on satellite communications to save lives and property when tornadoes and hurricanes and floods strike our communities. I am from Oklahoma. We know what hurricanes are. In fact, we were in our basement two times in 1 day about a month ago with those threats. That is how you determine where they are and how serious they are, and it saves lives.

The FCC—Federal Communications Commission—has put all of this at risk by approving Ligado's application. There wasn't a lot of opposition out there talking about it because they had not been approved for a number of years. It has never been approved before. And all of that was now at risk, just as of a week ago.

This is a complex issue. Here is an easy way to think about how Ligado's network would interfere with our GPS signals. "Once Ligado turns its service on, it will be like trying to hear leaves rustling over the roar of 100 jet engines." This is according to Under Secretary of Defense for Research and Engineering, Dr. Michael Griffin, an expert in this field.

The FCC has included certain mitigation measures in approving Ligado's application, but these are fundamentally flawed in every practical sense. They would make Ligado the fox guarding the henhouse. How can Ligado be impartial in deciding whether its own system is causing interference? It is not going to happen, and everybody knows that. Ultimately, the taxpayer and consumer will be left to pay to fix the interference. Ultimately, the people of America will end up paying for this.

What I am most upset about is the failure in the process behind this decision. A few people made a hasty decision over the weekend. Keep in mind, it was in the middle of the national crisis. We have a national crisis. Everybody knows that is going on right now. Everyone is having to live differently than they have ever lived before, so people are concentrating on that. No one was looking.

It was against the judgment of a unanimous conclusion by the Interdepartment Radio Advisory Committee, which included nine Federal agencies, as well as private sector stakeholders dependent on GPS and satellite communications.

As far as I can tell, this is the first time that the FCC made a decision over the weekend, completely discounting the universal opposition to the proposal. A week before this decision was made, it was universal. They decided—and this is a group in the hearing that we had—we had really talented people there, scientists, making

all of the decisions. They talked about how the decision was made over a weekend, during a national crisis we were dealing with, and on a Sunday. I went back and checked, and we could not find any time a decision that was made by the FCC on a Sunday or on a weekend. They don't do that on weekends.

On top of that, this decision was opposed by everybody in a letter they received a week before.

Just look in the Wall Street Journal. Mark Esper is the Secretary of Defense. Mark Esper had an article there that said.

The FCC has set conditions to ensure GPS won't be affected. Don't be fooled.

It would be affected.

Independent testing and analysis conducted by nine federal departments and agencies show that allowing the Ligado's proposed system—including its proposed modifications—to operate in close proximity to the GPS spectrum would cause harmful interference to millions of GPS receivers across the United States.

Actually, the band that is used for GPS is called the L band. It gets a little bit complicated. The area that people are concerned about, and that the Ligado is trying to say they are correcting, was an area that was in a different band all together. I think it was the C band and the S band.

I think this is the first time a decision has ever been made—even discounting the universal opposition who oppose it—in response to this unprecedented and unwise decision. I am leading a letter to the FCC outlining critical national security concerns and urging the FCC to rescind the order.

Mr. President, I ask unanimous consent that the letters by the NTIA be printed in the RECORD.

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

APRIL 10, 2020.

Re Ligado Networks LLC, License Modification Applications (as amended), IBFS File Nos. SAT-MOD-20151231-00090, SAT-MOD-20151231-00091, and SESMOD20151231-00981; SES-AMD-20180531-00856, SAT-AMD-20180531-00044, SAT-AMD-20180531-00045 (IB Docket Nos. 11-109 and 12-340).

Hon. AJIT PAI,  
*Chairman, Federal Communications Commission, Washington, DC.*

DEAR CHAIRMAN PAI: On behalf of the executive branch, the National Telecommunications and Information Administration (NTIA) submits the enclosed supplemental materials for consideration by the Federal Communications Commission (Commission) regarding the above-referenced license modification applications of Ligado Networks (Ligado), as amended. This letter and its enclosures are provided for inclusion in the record of the application proceedings, supplementing my letter to you dated December 6, 2019, in which I indicated that NTIA was "unable to recommend the Commission's approval of the Ligado applications."

I enclose a letter from the Deputy Secretary of Defense to the Secretary of Commerce dated March 24, 2020. In the letter, the Deputy Secretary, citing 10 USC §2281, states that "approval of the Ligado application

would adversely affect the military potential of GPS and the Department of Defense is strongly opposed." "After reviewing the existing public record of the Ligado proceeding," he continues, "I believe the information Air Force has submitted to the IRAC would be of significant value to the FCC in making its decision regarding Ligado's license modification application. I therefore request that you have NTIA communicate this additional information to the FCC expeditiously to be put on the public record." I received a similar and consistent letter from senior officials of the Department of Defense on March 12, 2020.

The letters refer to the enclosed memorandum from the Air Force—joined by several executive branch departments and agencies—providing supplemental information to the Interdepartment Radio Advisory Committee (IRAC) that detailed numerous expected impacts Ligado's proposed license modifications would cause. The memorandum concluded that Ligado's modifications "would cause unacceptable operational impacts . . . and adversely affect the military potential of GPS," and further noted that "Ligado's proposed accommodations of identifying and then repairing or replacing potentially-impacted legacy equipment is not feasible, affordable or technically executable."

NTIA notes that in a 2011 Order and Authorization, the Commission's International Bureau declared that its processes for authorizing then-LightSquared to commence commercial operations on its MSS L-band frequencies would be complete only "once the Commission, after consultation with NTIA, concludes that the harmful interference concerns have been resolved." We believe the Commission cannot reasonably reach such a conclusion.

Should you have any questions about this submission, please do not hesitate to contact me.

Sincerely,

DOUGLAS W. KINKOPH,

*Associate Administrator,*

*Performing the Delegated Duties of the Assistant Secretary for Communications and Information.*

DEPUTY SECRETARY OF DEFENSE,

*Washington, DC, March 24, 2020.*

Hon. WILBUR L. ROSS, JR.,  
*Secretary of Commerce,*  
*Washington, DC.*

DEAR MR. SECRETARY: On December 6, 2019, the Acting Assistant Secretary of Commerce for Communications and Information and Administrator of the National Telecommunications and Information Administration (NTIA) sent a letter, on behalf of the Executive Branch, to the Chairman of the Federal Communications Commission (FCC) recommending rejection of the license modification request of Ligado Networks. The Air Force, on behalf of DoD and endorsed by the interagency, has provided additional supplemental information to the Chairman of the Interdepartment Radio Advisory Committee (IRAC) on expected national security and defense impacts to Global Positioning System (GPS) operations if the proposed license modification request were granted. I request this additional information be transmitted by NTIA to the FCC for inclusion in the public record of the Ligado proceeding (FCC International Bureau Docket Numbers 11-109 and 12-340).

Per 10 U.S.C. 2281, the Secretary of Defense "may not agree to any restriction on the GPS proposed by the head of a department or agency of the United States outside DoD that would adversely affect the military potential of GPS." Approval of the Ligado application would adversely affect the military



potential of GPS and the Department of Defense is strongly opposed. After reviewing the existing public record of the Ligado proceeding, I believe the information Air Force has submitted to the IRAC would be of significant value to the FCC in making its decision regarding Ligado's license modification application. I therefore request that you have NTIA communicate this additional information to the FCC expeditiously to be put on the public record.

I have consulted with my Chief Technical Officer and Chief Information Officer and both agree.

Your personal attention to this matter would be greatly appreciated.

Sincerely,

DAVID L. NORQUIST.

OFFICE OF THE SECRETARY OF DEFENSE,  
Washington, DC, March 12, 2020.

DOUGLAS W. KINKOPH,  
*Associate Administrator, Office of Telecommunications and Information Applications, Performing the non-exclusive functions and duties of the Assistant Secretary of Commerce for Communications and Information, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, DC.*

DEAR MR. KINKOPH: On December 6, 2019, you sent a letter on behalf of the Executive Branch, to the Chairman of the Federal Communications Commission (FCC) stating that the National Telecommunications and Information Administration (NTIA) is unable to recommend the Commission's approval of the Ligado applications. The Air Force, the Executive Agent for the Department of Defense (DoD) for the Global Positioning System (GPS) and DoD's member of the Interdepartment Radio Advisory Committee (IRAC), has provided additional information to the Chair of the IRAC, endorsed by other interested agencies on expected national security and defense impacts to GPS operations if the proposed Ligado license modification request is granted by the FCC. The Department requests this additional information be transmitted to the FCC for inclusion into the public record of the Ligado proceeding (FCC International Bureau Docket Numbers 11–109 and 12–340).

Consistent with the authority delegated by the Secretary of Defense in DoD Directive 4650.05, "Positioning, Navigation, and Timing (PNT)", the undersigned agree with the enclosed memorandum for the IRAC Chair. Specifically, FCC approval of Ligado's license modification would cause unacceptable operational impacts and adversely affect the military potential of GPS. The Secretary of Defense, pursuant to 10 USC §2281, "may not agree to any restriction on the GPS System proposed by the head of a department or agency of the United States outside DoD that would adversely affect the military potential of GPS". After review of the public record of the Ligado proceeding, the Air Force's memorandum submitted to the IRAC Chair would be critical to the FCC in making its decision regarding Ligado's license modification application. The Department remains strongly opposed to the granting of the license modification sought by Ligado. Accordingly, the Department requests NTIA to provide this additional information to the FCC and that such information be expeditiously submitted in the public record.

Your personal attention to this matter would be greatly appreciated.

DANA DEASY,  
*Department of Defense  
Chief Information  
Officer.*

MICHAEL GRIFFIN,  
*Under Secretary of Defense for Research  
and Engineering.*

FEBRUARY 14, 2020.

Memorandum for IRAC Chairman

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION,  
U.S. Department of Commerce,  
Washington, DC.

The Air Force, in the exercise of the Department of Defense's (DoD) statutory duties under 10 U.S.C. §2281, and as the Executive Agent for the Global Positioning System (GPS), and in its role as a member of the National Telecommunication Information Administration (NTIA) Interdepartment Radio Advisory Committee (IRAC), hereby submits supplemental information in support of the Department of Commerce National Telecommunications and Information Administration's letter to Federal Communications Commission (FCC) Chairman Ajit Pai of December 6, 2019. Specifically, this letter provides additional detail regarding the expected impacts on national security, operational impacts to the warfighter, and effects on the military potential of GPS by the proposed license modification sought by Ligado Networks (Ligado).

Extensive and technically rigorous testing and analysis conducted over the past nine years by DoD, the National Space-based Positioning, Navigation and Timing Systems Engineering Forum (NPEF), the Department and Transportation (DOT), and the Air Force has shown—and Ligado itself has conceded—that the proposed Ligado (previously LightSquared) license modification threatens disruption of the GPS, which is a critical National Security System. As such, the Secretary of Defense, pursuant to 10 U.S.C. §2281, "may not agree to any restriction on the GPS System proposed by the head of a department or agency of the United States outside DoD that would adversely affect the military potential of GPS." It is DoD's position that FCC approval of Ligado's license modification would cause unacceptable operational impacts to the warfighter and adversely affect the military potential of GPS by negatively impacting GPS receivers. Ligado's proposed accommodations of identifying and then repairing or replacing potentially-impacted legacy equipment is not feasible, affordable or technically executable given the vast number of systems implicated, including critical national security and weapon systems. Accordingly, DoD remains strongly opposed to granting the license modification sought by Ligado.

On December 6, 2019, the Acting Deputy Assistant Secretary of Commerce for Communications and Information and the Administrator of the NTIA sent a letter to the Chairman of the FCC indicating the executive branch could not support approval of the license modification request of Ligado. This decision was supported by recommendations by the National Space-based Positioning, Navigation, and Timing Executive Committee (PNT EXCOM) and by the June and November 2019 letters from the Secretary of Defense expressing strong opposition to the Ligado license modification request.

DoD is providing this supplemental information in support of the NTIA letter with specific focus on expected national security and defense impacts to GPS, including operational impacts to the warfighter, if the proposed license modification request were granted.

The Department is providing the following specific information in three categories: 1) national defense mission categories that would be negatively impacted; 2) cost and resource implications of identifying and repairing or replacing any potentially adversely affected GPS receivers supporting national defense missions; and 3) the time, disruption, and programmatic impact to

identify and repair or replace the potentially affected GPS receivers supporting national defense missions. Individually and collectively, each of these categories would adversely affect the national defense and security of the United States. It is the Department's position that there are no practical measures to meaningfully mitigate the impact of the proposed Ligado license modification.

The mitigation measures Ligado has proposed are impractical and un-executable in that they would shift the risk of interference to, and place enormous burdens on, agencies and other GPS users to monitor and report the interference. Moreover, Ligado's mitigation proposals would not protect the vast majority of GPS receivers, such as airborne uses, that are not restricted to specific defined areas of operation such as military installations. Ligado's proposal to replace government GPS receivers that are affected by its proposed network, is a tacit admission that there would be interference, and is further addressed below in terms of cost, operational and mission impact, and timelines to replace these receivers. Additionally, the mitigation proposal by Ligado, even if technically feasible, only covers those receivers owned by the government and would leave many high-value federal uses of civil GPS receivers not owned by the government, such as high precision receivers, vulnerable to interference, as Ligado has admitted in its filings.

#### EXPECTED OPERATIONAL AND MISSION IMPACTS

The U.S. National Security Strategy emphasizes the importance of maintaining leadership and freedom of action in space as a vital U.S. interest as well as responding to any interference to the Department's critical space capabilities. The National Defense Strategy stresses the importance of building a more lethal force and strengthening (interoperable) alliances and partnerships. GPS is one such space capability critical to the lethality of the Department's forces and around which, over the years, the Department has structured its weapons systems and business processes. GPS is widely and heavily integrated throughout DoD in operations and applications including, but not limited to, precision weapons, air, land, and sea navigation, communications and network synchronization, command and control, civil engineering, and surveillance applications. Given the sophistication, classification, and the nature of how GPS receivers are embedded into all aspects of DoD testing, training, exercise and operations, it would be practically impossible for DoD to identify and repair or replace all of the potentially adversely affected receivers. These are not simple "plug-n-play" devices but would require significant time and resources to effect software modifications, trial and testing, and validation. The Department simply cannot accept such negative operational and mission impacts to our warfighting capabilities. In addition, military GPS receivers are also used by Federal civil agencies, specifically the National Aeronautics and Space Administration (NASA), the Department of Homeland Security (DHS), and the Department of State through agreements with the DoD. For example, NASA uses high-precision military GPS receivers for their launch anomaly monitoring and destruct systems. DHS and the border patrol use military GPS receivers in unmanned aerial surveillance systems (UAS). In addition, some law enforcement and intelligence agencies use military GPS in their UAS. The State Department's diplomatic security service also uses military GPS receivers. It would be untenable for the United States to pursue an initiative that undermines these capabilities, and it would



be exceptionally detrimental to national security.

Ligado's proposal would have significant effect on legacy military receivers and civil receivers used by DoD.

**Legacy Military GPS Receivers:** Modernized GPS receivers cannot replace all military GPS receivers currently in use. Even after the transition to modernized military receivers is completed (by 2035 at the earliest), some high precision receivers would remain vulnerable to interference from the Ligado network transmissions. Remaining legacy military receivers are unable to lock onto weak signals and lack the anti-jam capabilities more typical of more modern military receivers. In addition to continued military use, other Federal agencies and many partner nations will continue to use these legacy high precision receivers. Even as the U.S. military transitions to modernized GPS receivers, it is unclear as to when, or if, legacy GPS high precision receivers used by other critical agencies will be modernized.

**Civil GPS Receivers Used by DoD:** DoD makes use of civil GPS receivers in non-combat environments, such as surveying, flight training, training, exercises, other national security events, and scientific applications. Like their civilian counterparts, DoD surveyors and construction units often rely on high-precision GPS receivers that are exceedingly sensitive to interference from signals at nearby frequencies. As analysis indicates, these high precision GPS receivers potentially could be adversely affected at significant distances from the Ligado-proposed terrestrial transmitters, which would negatively impact high precision receiver use in major military installations near urban areas of the United States. Ligado has admitted in its filings that there would be such interference. Additionally, both civilian and commercial applications for high precision wideband-GPS provide far-reaching benefits to the public interest, including capabilities that go beyond the PNT services for which it was originally developed. The great potential capabilities wideband GPS applications hold would also be the most susceptible to the adjacent band interference from Ligado's proposed network. Further, DoD uses civil and commercial infrastructure of many types on bases and test/training ranges domestically and abroad. To the extent that operation of commercial infrastructure is degraded by Ligado's proposed signals, DoD's use of electrical power, communications networks, operation of unmanned vehicles (including UAS), precision landings, helicopter operations, collection of location based services data, first responder applications, and other applications demanding high accuracy would be at increased risk.

#### COST AND RESOURCE IMPACT

By 2024, DoD will have invested more than \$15 billion taxpayer dollars since 2000 to sustain and modernize the GPS constellation and continue to modernize GPS user equipment integration across the force. As described earlier, almost every GPS receiver fielded throughout the DoD joint force potentially could be adversely affected if Ligado's proposal is approved. As indicated in the Fiscal Year 2020 President's Budget, DoD is currently planning to spend more than \$1.8 billion taxpayer dollars to procure, integrate and test modernized GPS receivers, from 2019–2024, into user platforms across the Services. The \$1.8 billion figure will grow to a total of approximately \$3.5 billion when all of the approximately 1 million GPS receivers currently in the DoD inventory are transitioned to modernized GPS receivers before 2035. This cost includes the integration of the receivers into each of thousands of different air, maritime, and ground vehicles, as well as weapons.

Regarding Ligado's proposal to identify and repair or replace potentially affected GPS receivers owned by the U.S. government, given the classified nature of the military use and the sheer number of platforms potentially affected, Ligado could not possibly know the magnitude of the problem or the costs and operational impacts relative to military receivers. To avoid an adverse effect to the Department's capabilities if Ligado's proposal were approved, DoD would need to undertake unprecedented accelerated testing, modification, and integration actions, which is cost- and schedule-prohibitive and would likely result in significantly degraded national security. For each integration, DoD would need to take the asset out of service, test the platform to ensure that the upgrade worked as planned and did not cause a negative impact to other parts of the weapons system prior to re-fielding. To be clear, every weapons system or platform in the DoD inventory must be tested as an integrated system and it would cause significant operational impact (including substantial re-testing) if modernized military GPS receivers require further modification. Adding such a requirement to mitigate the adverse effect to the military potential of GPS from this potential interference would be extremely difficult and likely cost prohibitive given current technology.

#### TIME REQUIRED TO REPLACE IMPACTED RECEIVERS

Modification or replacement of GPS receivers within DoD has historically taken approximately a decade due to the sheer receiver numbers, complications with how receivers are integrated in thousands of platforms and systems, depot and scheduling, and global operations. The first M-code capable receivers are now going through integration and testing and will begin installation in DoD platforms beginning in 2020. The full transition is not expected to be complete until at least 2035, based on past experience transitioning from first and second-generation GPS equipment to the present third generation. Any change to the requirements for these modernized receivers as a result of approving Ligado's proposed network and the need to mitigate the resultant interference would only extend that timeline, putting DoD forces and warfighting capabilities at risk due to the rapidly evolving threats.

It is therefore DoD's position that approval of Ligado's proposal would adversely affect the military potential of GPS significantly, based on the extensive testing done by DoD and others. Consistent with 10 U.S.C. §2281, DoD cannot accept this adverse impact to military use of GPS and the resultant negative operational impacts to our warfighting capabilities. Modification or replacement of GPS receivers across the force to avoid adverse impacts from such a proposal, even if a solution were shown to be feasible, could take on the order of billions of dollars and delay fielding of modified equipment needed to respond to rapidly evolving threats by decades.

In his June 7, 2019 letter to FCC Chairman Pai, Acting Secretary of Defense Shanahan stated there are too many unknowns and the risks are far too great to federal operations to allow Ligado's proposed system to proceed. We collectively agree with that assessment. Accordingly, the Department of Defense, pursuant to its statutory duties, restates its formal objection to Ligado's request for a license modification and, along with the below signatories, requests that it be rejected.

MS. THU LUU,  
Department of the Air Force,  
Executive Agent for GPS.

The undersigned IRAC agencies endorse and support the position stated by the Department of the Air Force and the Department of Defense:

Ms. Sarah Bauer, Department of the Army; Mr. Kenneth Willis, Department of the Navy; Mr. Ivan Navarro, Department of Commerce; Mr. Rene (RJ) Balanga, NASA; Mr. Ramon L. Gladden, Department of the Interior; Mr. Quan Vu, Department of Justice; Mr. John Cornicelli, Department of Homeland Security; Mr. George Dudley, Department of Energy; Mr. Jonathan Williams, National Science Foundation; Mr. James Arnold, Department of Transportation; Mr. Jerry Ulcek, U.S. Coast Guard; Mr. Michael Richmond, Federal Aviation Administration.

Mr. INHOFE. Mr. President, I ask unanimous consent that the FCC article in the Wall Street Journal be printed in the RECORD.

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

[From the Wall Street Journal, May 5, 2020]

#### THE FCC'S DECISION PUTS GPS AT RISK

(By Mark Esper)

Every day, tens of millions of Americans rely on the Global Positioning System. We use it for location features in cellphones, navigation for vehicles and aircraft, and financial and commercial transactions, including ATM withdrawals. And every day, the Defense Department and our colleagues across government use GPS to protect and serve the public by coordinating global trade, banking and transportation, as well as tracking terrorists and other threats to U.S. national security.

A recent decision by the Federal Communications Commission, however, will degrade the effectiveness and reliability of this critical technology. On April 20, the FCC announced its approval of Ligado Networks' application to create a cellular network by repurposing a portion of radio spectrum adjacent to that used by GPS. The power and proximity of Ligado's ground emissions on this spectrum will drown out GPS's space-based signals. If you've ever tried to talk to a friend while standing next to the speakers at a rock concert, you get the point.

In announcing its recent decision, the FCC rehashed Ligado's old arguments, wrapped in new language, to say that the company has made changes and the FCC has set conditions to ensure GPS won't be affected. Don't be fooled. The sheer number of cases of interference combined with the difficulty of attribution will make enforcement nearly impossible, not to mention expensive.

Independent testing and analyses conducted by nine federal departments and agencies show that allowing Ligado's proposed system—including its proposed modifications—to operate in close proximity to the GPS spectrum would cause harmful interference to millions of GPS receivers across the U.S. The FCC's decision will disrupt the daily lives and commerce of millions of Americans and inject unacceptable risk into systems that are critical for emergency response, aviation and missile defense. Further, it will stunt innovation in GPS; people won't use the system if they can't depend on it everywhere, all the time. For these and many other reasons, 13 federal agencies, along with leaders from a range of industries, called on the FCC to deny the Ligado request.

Ligado claims it is the solution to America's 5G woes, but its proposed license modification isn't really about 5G. There is no evidence that the company has a technically viable 5G solution. This is about one company changing the rules to maximize the

value of its spectrum, and the cost to Americans is too great to justify.

The Defense Department recognizes that 5G technology is vital to maintaining America's strategic and economic advantage over its competitors. We strongly support President Trump's call for the U.S. private sector to lead the way, and we're moving quickly to develop opportunities to share midband spectrum, a finite resource. As demand outpaces supply, spectrum sharing holds the key to U.S. dominance in 5G. The Defense Department will dedicate millions of dollars to test 5G technologies at military bases, while promoting collaboration among government agencies, academia, and allied countries to advance a 5G solution.

We need a comprehensive, whole-of-nation approach to develop technologies that affect so many. Disregarding the concerns of industry and government—objections grounded in hard data—the FCC's Ligado decision is a shortsighted giveaway that will disrupt our way of life and potentially cost the American people billions of dollars.

The first and most sacred responsibility of government is to protect and defend its people. GPS allows us to pinpoint 911 calls, launch precision airstrikes, prepare our forces for combat, and otherwise act to safeguard health and well-being. Interfering with the accuracy and reliability of GPS risks the safety of the American people and undermines national and economic security. America deserves a better alternative.

Mr. INHOFE. We can't allow this to stand, and all of America agrees. In the last 3 weeks, stakeholders from across the country and across the economy have expressed their opposition to the FCC decision.

Not just the military, but all of government and the private sector—including airlines, pilots, farmers, truckers, marine manufacturers, conservationists, equipment manufacturers and distributors, road builders, weather forecasters, and GPS device makers—are opposed to the Ligado's application.

I know my colleagues here in the Senate have heard from all of these groups, representing jobs and Americans from every single State who use these GPS and satellite services every day. This has happened nationally. People realized, all of a sudden, that GPS would be affected by this.

I ask my colleagues to consider who supports the Ligado—hedge fund investors. No one is supporting it. It is my understanding, from talking to the people close to the FCC, that the FCC was expected to reject the Ligado proposal once and for all. They had already rejected it before. It has been there. The unanimous opposition from the interagency review committee was not surprising, but the final outcome was shocking.

With all of this opposition, how could the FCC decide, in the cover of darkness over a weekend, that the unanimous concern of GPS interference was worth the risk to support the investments of hedge fund investors? I can't figure out what happened, nor can the former FCC Commissioners. Why did the FCC change its course and in such a dramatic fashion? We may never know. But we do know that Ligado has spent \$1.3 million in just 2020. That is

the company that we are talking about. They have spent \$1.3 million on lobbyists trying to convince Congress that their proposal is a good idea.

This chart shows the list of all of the lobbyists that come up to \$1.38 million. Keep in mind that is just for 3 months. Over a period of a year, you can multiply that by four. Ligado is hiring whoever they can to convince you to support the hedge fund investors. That is one of the reasons I am talking about this today. I am not sure what form it will take to reverse this decision. People have to hear from people before they realize how bad this is.

When you have this many people—one of the individuals was a former chairman of the House Armed Services Committee and turned lobbyist. He is a guy who spent his career building the military. Obviously, he is one of the lobbyists supporting this thing.

Ligado said this order is about winning the race for 5G and beating China. Those who claim Ligado's proposal was necessary to defeat China's 5G push are deliberately mixing up two different and important spectrum issues in order to sell their product—the share of the mid-band 5G spectrum by DOD with industry and harmful interference of Ligado's signal with the low band—that is L band, which we are talking about, which is right next to GPS signals that would be used in nearly every aspect of daily life.

The Ligado spectrum they are repurposing is not in the prime mid-band spectrum being considered for 5G. Ligado's low-band spectrum was not a part of the FCC's own plan to accelerate 5G development released in September of 2018, the so-called "5G FAST Plan."

I would like to say that it is complicated, but that isn't what they did at all with this thing. Their concern was with only the L band, which is next to the GPS.

Reliable GPS satellite communication is important to everyone in America. It drives much of the Nation's economy. We shouldn't sacrifice GPS reliability for the sake of lobbyists and hedge fund investors on Wall Street.

I ask my colleagues to join me in urging the FCC to withdraw its approval of Ligado's application. Instead of moving ahead with this order, we have to reverse the order. That is the effort that is taking place right now. If they had denied Ligado's application the same as they have done for the last 10 years, there would not be a problem today. We have people with an interest in this.

The hearing that we had just on May 6 was with the people who head up Data DC and the DOD Chief Information Officer. By the way, in the private sector he was the CIO of three of the largest corporations in America. We had Dr. Michael Griffin, Undersecretary of Defense for Research and Engineering, a retired U.S. Coast Guard Admiral; Thad Allen, who is now on the National Space-Based Positioning, Navigation,

and Timing Advisory Board; and Gen. Jay Raymond, Chief of Space Operations, U.S. Space Force. That is everyone who is really knowledgeable about this. They are all unanimous in their opposition to this program.

I would ask that Members keep advised of the opportunities they have to reverse this decision. We would actually try to get the Federal Communications Commission to do that on their own.

I yield the floor.

Mr. President, I ask unanimous consent that the vote scheduled for 4:30 p.m. start at this time.

The PRESIDING OFFICER (Mr. CASIDY). Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Edgar nomination?

Mr. INHOFE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Nebraska (Mr. SASSE).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. MARKEY), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER (Ms. MCSALLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 31, as follows:

[Rollcall Vote No. 88 Ex.]

#### YEAS—62

Barrasso	Graham	Perdue
Blackburn	Grassley	Peters
Blunt	Hassan	Portman
Boozman	Hawley	Risch
Braun	Hoeben	Roberts
Burr	Hyde-Smith	Romney
Capito	Inhofe	Rounds
Carper	Johnson	Rubio
Cassidy	Jones	Scott (FL)
Collins	Kaine	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	King	Sinema
Cramer	Lankford	Sullivan
Crapo	Lee	Tester
Cruz	Loeffler	Thune
Daines	Manchin	Tillis
Duckworth	McConnell	Toomey
Enzi	McSally	Warner
Ernst	Moran	Wicker
Fischer	Murkowski	Young
Gardner	Paul	

#### NAYS—31

Baldwin	Cardin	Gillibrand
Bennet	Casey	Harris
Blumenthal	Coons	Heinrich
Booker	Cortez Masto	Hirono
Brown	Durbin	Klobuchar
Cantwell	Feinstein	Menendez

Merkley  
Murphy  
Reed  
Rosen  
Schatz

Schumer  
Shaheen  
Smith  
Stabenow  
Udall

Van Hollen  
Warren  
Wyden

## NOT VOTING—7

Alexander  
Leahy  
Markey

Murray  
Sanders  
Sasse

Whitehouse

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The Senator from the Iowa.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 3693 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## NATIONAL POLICE WEEK

Mr. GRASSLEY. Madam President, today I come to the floor to salute and thank our Nation's law enforcement officers during this year's National Police Week. It is notable that this week dedicated to the brave men and women in blue is in the midst of the COVID-19 pandemic.

I am grateful to all who are working on the front lines right now, whether they are doctors and nurses or teachers and grocery store clerks. We are grateful to all of them, including a lot of jobs that I haven't even mentioned.

But this week, we have the unique opportunity just to settle on one group of people and thank them in a special way during National Police Week, and that is our police officers. Now, more than ever, we appreciate their service and dedication. Being a police officer isn't just a job. I am in public service, but I haven't been a police officer. I think it is fair to assume that they put their lives on the line more than most of us who are Members of the Senate.

It is not just a job. It is a calling. Each officer has answered that call and is dutifully serving during these very trying times that we call this virus pandemic. For that, I am—and, I am sure, everybody is—forever grateful.

I am particularly thankful for the men and women in blue who serve my fellow Iowans. I would also like to recognize the officers who serve in Washington, DC, the Capitol Police, meaning those who serve here on the Hill. They work to ensure our safety and protection, not only from criminals but also from a virus that has drastically changed the way we work in the Senate to serve our constituents, the American people, and, for me, the people of Iowa. Thank you to the policemen on Capitol Hill here for your selflessness and dedication.

COVID-19 knows no boundaries and has, unfortunately, affected hundreds of police officers. As of May 11, 101 officers have died in the line of duty from the virus. We must continue to honor members of the law enforcement community who have made the ultimate sacrifice. The circumstances of loss are a little different now but no less heroic or devastating.

As a Senator, my actions often speak louder than my words. So I am pleased to show the members of the law enforcement community how much I support and appreciate you through legislation. Every year, during Police Week, the Senate advances various bills focusing on the needs of the police community. This year is no different. To that end, I recently introduced a bipartisan bill with the title of Safeguarding America's First Responders Act. This bill addresses the unfortunate reality of officers' exposure to COVID-19.

To ensure benefits through the Public Safety Officer Benefits Program, my bill creates a presumption that if a first responder is diagnosed with COVID-19 within 45 days of their last day on duty, the Justice Department will treat it as a line-of-duty incident.

Loss of a family member in the line of duty isn't only emotionally devastating, but it also means lost wages in tough times. This bill recognizes the challenges posed by the pandemic and better ensures that officers' families will get the financial help as promised to other police officers who are killed in other ways in the line of duty. This bill enjoys wide support from multiple law enforcement groups and a group of bipartisan cosponsors here in the Senate.

The Senate is considering two other police bills that I support. Police officers have demanding jobs and experience events that often impact their mental health. The next bill is named the Confidentiality Opportunities for Peer Support Counseling Act, or we call it COPS Counseling Act, for short. This bill builds off the recommendations provided by the Justice Department in their recent report on law enforcement mental health and wellness issues.

Specifically, the bill provides confidentiality to Federal law enforcement officers by restricting individuals who participate in peer support counseling sessions from disclosing communications arising out of these sessions. With that privacy, we encourage more people to get the help they might need.

Peer support programs serve as a valuable role in providing mental health care to law enforcement and first responders. But as I have indicated, confidentiality concerns have left these programs and these professionals underutilized. This bill also encourages best practices for officers and for first responders on peer support programs across the country.

I want to thank Senator CORTEZ MASTO for leading this bill and teaming up with me on this important issue.

Lastly, I am proud to cosponsor Senator HAWLEY's bill, with a title of Law Enforcement Suicide Data Collection Act. This bill seeks to address mental illness and increasing suicide numbers among law enforcement by requiring the FBI to open a voluntary data collection program to track suicides and attempted suicides within local, Tribal, State, and Federal law enforcement.

By providing accurate and detailed information on these issues of suicide, more effective prevention programs can be implemented.

I urge my colleagues to support all three of these bills. Passing them into law is one way of saying a big thank-you to the brave men and women who serve us so selflessly in law enforcement. We owe them a debt of gratitude, particularly during the ongoing COVID-19 pandemic.

## LEGISLATIVE SESSION

## MORNING BUSINESS

Mr. GRASSLEY. Madam President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

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

## VOTE EXPLANATION

Mr. MERKLEY. Madam President, I wish to state for the record that, though the difficulties of traveling across the country in the midst of the current coronavirus pandemic made it impossible for me to present in the Capitol to vote on the nomination Brian D. Montgomery, of Texas, to be Deputy Secretary of Housing and Urban Development, I would have voted 'nay' had I been present.

Few things create a stronger foundation for a thriving, successful families than affordable housing. Study after study has shown that children who grow up in a stable home do better in school and are more successful over the course of their lives. Stable affordable housing builds strong neighborhoods and communities because the members of that community are invested in its success. For generations of Americans, homeownership has been a driving force behind the building of a strong middle class, helping families build wealth through the equity generated through homeownership.

As the son of a union mechanic, I experienced this throughout my own life. My father's wages were enough to afford a modest ranch home in a blue collar Oregon community. And because of that house and that community, I was given all kinds of opportunities. I was allowed to explore my interests, whether it was taking machines apart and putting them back together again in my dad's garage or exploring the great outdoors as a Boy Scout. I was able to receive a good public education and go on to be the first in my family to graduate from college.

But far too many Americans don't have those same opportunities today. That is because the goal of affordable housing, whether buying a house or renting a decent apartment, is out of reach for too many working and middle-class families and falling further

out of reach with every day that passes. Prior to this pandemic, we saw rents and home prices rising twice as fast as worker's incomes. Today, the cost of a typical single-family home is four times greater than the median household income.

We need a Deputy Secretary of Housing and Urban Development who will make it a priority to reverse the trajectory that we have been on and to actually make housing more affordable in America. This position is responsible for management of all day-to-day operations within HUD, including roughly 7,700 employees. They oversee a budget of approximately \$50 billion that funds a number of programs meant to provide quality, affordable housing for lower income Americans, provides rental assistance for low-income families, and distributes grants to states and communities for various housing-related purposes and also enforces the Fair Housing Act.

Brian Montgomery is not the person for the job.

In his current role as the FHA Commissioner, Mr. Montgomery has supported policies from the Trump administration that would increase the cost of FHA loans and include risk-based pricing, continuing to make homeownership even less affordable for those who can least afford it. He was also part of the senior leadership team that published a rule that would help undermine enforcement of the Fair Housing Act through the Disparate Impact Study. The disparate impact standard is a longstanding tool used to root out policies and practices that may not be openly discriminatory on their face, but disproportionately harm a protected class under the Fair Housing Act. The proposed rule that Mr. Montgomery helped create—and which is vigorously opposed by a coalition of fair housing, civil rights, and consumer groups—rigs the system to make it nearly impossible for a victim of discrimination to win a disparate impact claim.

A person who has used his current position to make it harder for low- and middle-income Americans to afford to buy a home should not serve in a top-tier position as the equivalent of the Department of Housing and Urban Development's chief financial officer. We need individuals in these positions fighting to get families into homes, not pushing that dream further and further out of reach. Therefore, I oppose Mr. Montgomery's nomination to serve as the Deputy Secretary of Housing and Urban Development and would have voted nay, had I been able to be present.

#### TRIBUTE TO REAR ADMIRAL BRAD COOPER

Mr. INHOFE. Madam President, today I wish to recognize and congratulate Rear Admiral Brad Cooper of the U.S. Navy on his exemplary service to our Nation as the Department of the Navy's Chief of Legislative Affairs

from July 2019 to May 2020. During this time, he led with precision and class.

Eleven months—a short period, yet the presence of the Navy here in the Capitol and the results we have seen since last July would indicate a labor of a much longer period. In that time, he has served under various leaders, yet in spite of that, the Department of the Navy has never been more strongly integrated with Congress than it is today. Through dedication and impactful communication, Brad has deftly navigated his team, our staffs, and our mutual partnership to new heights.

Brad has had the challenge of being the Navy's lead advocate on Capitol Hill and has had the privilege of communicating with all Members of Congress, which inherently is no small feat. The hidden mission therein is the tireless jobs of educating our staffs, precisely executing congressional delegations on all continents, supporting hearings, and negotiating the NDAA. He has handled our thousands of constituent inquiries and properly represented the Navy while taking into account military, political, and budgetary priorities.

Brad is the reason senior Navy leaders are always well prepared to stand before us during all hearings, calls, and numerous briefings. His clear, concise, and consistent communication to the Hill during the COVID-19 pandemic, ensured the Navy's efforts for the safety of sailors and their families and the execution of all missions to support the national defense strategy and safety and security of our Nation was well understood. Because of Brad's professionalism and visible commitment to the Navy and our country, he certainly established lasting relationships with all of the Members of Congress.

On behalf of my colleagues and the entire U.S. Congress, I want to personally thank Rear Admiral Brad Cooper for his more than three decades of dedicated service to the Navy and our Nation. He will be certainly missed. I also want to thank his wife, Susan, and children Bradford and Katie for their deep sacrifices and tremendous support. I wish them all the best in his next assignment in Norfolk, VA, and I sincerely look forward to working with him again in the future. Fair winds and following seas to you.

#### TRIBUTE TO LOLETA MARIE "LETA" RECORD TANNER

Mr. ENZI. Madam President, I would like to say a few words to send best wishes to a good friend of mine on her next adventure, LoLeta Marie "Leta" Record Tanner. I recently learned that Leta will be moving to Texas from our great State of Wyoming to live with her son. While I am overjoyed that she can be with her family, I am deeply saddened that Wyoming will no longer be the physical home to such a dedicated, strong, and loving person.

Leta was born in Gillette, WY, in 1930. She graduated from Campbell

County High School and then traveled to Denver, where she graduated from a small community college. A dedicated public servant and Wyomingite through and through, Leta served for more than 15 years in the Campbell County Assessor's office and district court and 12 years as a member of the Gillette City Council. She also worked for former Wyoming Senator Al Simpson for 10 years, both in his northeast State office and in Washington, DC.

While her political career alone is impressive, Leta was always involved and giving her time to Wyoming. Leta is a dedicated member of the ranching community and the community at large as a member of Campbell County Cattle Women, Campbell County Wool Growers Auxiliary, and a member of Women in Business, just to name a few. She loved nothing more than working on the ranch with her family, and has worked tirelessly to support the next generation in agriculture.

In 2002, Leta was the Campbell County Woman of distinction. She has done many wonderful things for the Gillette community and the State of Wyoming. She has been a generous supporter of family-oriented performance at the Cam-Plex Heritage Center in Gillette since 1996. In 2013, her donation to Gillette College in support of their Agriculture Education Center and Rodeo complex made it a reality. This state of the art facility features an indoor rodeo practice area, classroom, lab, and 20-stall loafing sheds. It is quite possible that, without Leta's support, this world-class facility and many other projects would not have come to fruition. The dorms at Gillette College will forever bear the name Tanner Village. Her willingness to help the community grow and thrive will never be forgotten.

I am reminded of a few words my mother taught me: "Do what's right. Do what's best. Treat others as you'd wish to be treated." Leta certainly embodied these principles and will continue to do so. Although she will be leaving our great State, Leta's legacy will live on and continue to be an example of just what is possible for Wyomingites of all ages.

Leta, thank you for your years of tireless service to Wyoming. Diana joins me in sending our best wishes to you and your family. Stay in touch. Wyoming will always be your home. Thank you and God bless.

#### TRIBUTE TO KAREN NYBERG

Mr. CRAMER. Madam President, I want to honor a remarkable woman who has retired after three decades at the National Aeronautics and Space Administration. In her 30 years at NASA, Karen Nyberg spent 20 of them as an astronaut, including 180 days in space on two spaceflights.

Along with other Americans, I enjoyed following her space shuttle mission in 2008 and the International Space Station's 6-month expedition in

2013. During her space shuttle mission, she became the 50th woman in space. While on the International Space Station, she shared unique personal messages, including videos on how to wash hair in space, make a stuffed animal, and work on a quilt. I have since become acquainted with her as an alumna of the University of North Dakota, where she earned a mechanical engineering degree in 1994. A native of Vining, MN, she is one of 11 NASA astronauts who have ties to the Dakotas and Minnesota.

Karen has given back to her alma mater, where she has served on the foundation board of the UND School of Aerospace Sciences. There students from across the globe in the Department of Space Studies learn about cutting-edge technologies and scientific breakthroughs in space exploration. Their coursework includes studying future space trips, including a mission to Mars.

Last July, our Nation observed the 50th anniversary of the Apollo 11 mission to the Moon. I recall as an 8-year-old watching history unfold on our black-and-white television, joining millions around the world in the exhilaration of this technological feat.

In the half-century since the first moon landing, space exploration has had phenomenal impact on the world, which I believe is underappreciated by the average citizen. Karen's contributions to space exploration during 30 of those years have added to our greater understanding of our world and universe.

There is a bright future for America to lead the world with commercial, technological, and military space missions. The work of astronauts like Karen and the future impact of current students at institutions like the University of North Dakota inspire us to move forward with these vital endeavors.

On behalf of all North Dakotans, I send my sincere congratulations to Karen Nyberg on her distinguished career at NASA and for all she has brought to this new frontier.

Best wishes on your well-earned retirement, Karen, and I hope our paths will cross often. We will join in wishing godspeed at the end of this month to your husband, Doug Hurley, and his space shuttle crew on their historic flight from Florida to the International Space Station.

#### ADDITIONAL STATEMENTS

##### REMEMBERING FRED KELLY GRANT

• Mr. CRAPO. Madam President, today I honor Fred Kelly Grant. In March, our Nation unfortunately lost a reasoned, dedicated, and outstanding advocate for locally driven decision-making. However, Fred leaves a lasting remembrance in the extraordinarily positive impact he had on so many people.

Fred, who was born in South Carolina and grew up in Idaho, earned a degree in history at the College of Idaho before earning his law degree at the University of Chicago Law School. His early career included serving as an Assistant U.S. Attorney in Baltimore from 1963-1965. He then served as Assistant State's Attorney for Baltimore City, where he was appointed chief of the organized crime division. He then practiced criminal law in private practice before returning to Idaho and serving as counsel for two former Idaho Governors, Cecil Andrus and John Evans. He also served as law clerk for Judge Edward J. Lodge from 1975-1980, and he provided legal, political assistance to local governments, businesses, and individuals throughout his career. Further, Fred served on multiple commissions, authored books, and led organizations. This includes him helping to start the Stand and Fight Club focused on preventing regulatory agencies from doing economic harm to rural America.

Countless people all around the country were influenced and helped by Fred. Fred was a long-time Idaho lawyer, but his influence and know-how reached far beyond our Idaho borders. In a 2017 Washington Times Article, Fred was aptly characterized as an "unsung hero of rural America." He gave needed weight to requiring the Federal Government to coordinate with localities when implementing new rules. He emphasized local policy and local plans as drivers of the economy. Fred championed this effort in Idaho and nationally, extending important information and experience to other local governments across the nation. In so doing, he advanced the ideal of those closest to the land rightly driving natural resources and environmental solutions.

This emphasis on locally driven, collaborative land management decisions was the central focus of the Owyhee Initiative. Fred masterfully provided local leadership at a critical time in the history—and future—of Owyhee County. The Owyhee Initiative, ushered into law through the hard work and strength of purpose of Fred and other Owyhee Initiative partners, maintains a thoughtful balance of multiple uses required for the betterment of an amazing part of our great state and country. The collaborative efforts furthered in the Owyhee Initiative remain an example of the great achievements that are possible when we all come to the table and work through the differences to find the common ground.

My staff and I knew him best during the many years of sustained effort on the Owyhee Initiative, yet we are aware that his life reached many people well beyond that important work. Many have shared messages describing Fred. The tributes share words in common: perseverance, remarkable intelligence, created lasting friendships, wisdom, deeply caring, empathetic, perceptive, quick wit, and love. All of these characteristics and more are but a start in describing Fred.

For me, perhaps the sense of personal respect and understanding I had for Fred are what seem most powerful. The previously mentioned Washington Times article from three years ago, included a quote from Fred stating, "I'm tempted all the time to retire . . . But, I truly believe in this nation and I think there are too few people who understand and believe in the core principle of the federal republic, and if we lose that, I believe we lose what makes the Constitution the most perfect instrument of government that's ever been created." He lived this and left a lasting charge for all of us never to let up in smartly pushing back against Federal supersession of local decision-making. I extend my deepest sympathy to Fred's widow, Carol, and all of Fred's family and friends. We all miss Fred and are grateful for his life, legacy and friendship.●

##### REMEMBERING J. KIRK SULLIVAN

• Mr. CRAPO. Madam President, today I honor J. Kirk Sullivan, who had a long-time, distinguished career in principal Idaho industries and politics.

Kirk was born and raised in Greenwood, SC. His alma mater is Clemson University, where he earned bachelor's and master's degrees in Chemistry and a Ph.D. in Chemical Engineering. Throughout his life, Kirk continued to support Clemson along with other educational institutions, especially in Idaho. As he began his career, Kirk went to work for FMC Corporation in South Charleston, WV, and met his wife, Betty. Over their 59 years of marriage, the couple had two children, Hal and Kim, and three grandchildren, Matthew, Adam, and Sara. In 1965, Kirk and Betty moved to Pocatello. Kirk's obituary reads, "Kirk had a deep love for the State of Idaho and chose to make this place his home for 50 years." After the Sullivans moved to New York for a 1-year FMC work opportunity, they thankfully returned to Idaho, where Kirk went to work in Boise for Boise Cascade Company. In 1998, Kirk retired as the vice president of governmental and environmental affairs, after a 28-year career with the company.

Kirk in no way was idle in retirement. In 1999, he cofounded consulting firm Veritas Advisors, and he served as chairman of the Idaho Republican Party from 2004-2008. In addition to his remarkable career, Kirk's obituary reads, "Kirk shared his treasure and talents with countless non-profits, state-appointed boards, and political organizations. Dozens of those organizations have honored his work for them and those accolades will always be cherished by his children and grandchildren. He humbly loved knowing he was contributing to others' lives."

Kirk's passing in early April came at an especially challenging time, as families have had to postpone memorials in the wake of the novel coronavirus

pandemic. I extend my deep condolences and prayers to Betty, their family, and friends. Kirk is described in his obituary first as a loving husband, father, and grandfather. Additionally, Kirk was a pillar of Idaho industry and politics, thought-leader, and friend, who no doubt boosted and inspired countless budding leaders and efforts throughout our great State.●

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4455. A communication from the President of the United States, transmitting, pursuant to the International Emergency Economic Powers Act, the National Emergencies Act, and section 301 of title 3, United States Code, a report relative to the issuance of an Executive Order declaring a national emergency to deal with the threat posed by the unrestricted acquisition or use in the United States of bulk-power system electric equipment designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of foreign adversaries; to the Committee on Energy and Natural Resources.

EC-4456. A communication from the Assistant Secretary of the Navy (Manpower and Reserve Affairs), transmitting, pursuant to law, a report on the mobilizations of selected reserve units, received in the Office of the President of the Senate on May 11, 2020; to the Committee on Armed Services.

EC-4457. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Prioritization and Allocation of Certain Scare or Threatened Health and Medical Resources for Domestic Use" (RIN1660-AB01) received in the Office of the President of the Senate on May 4, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-4458. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rule - Regulatory Capital Rule: Paycheck Protection Program Lending Facility and Paycheck Protection Program Loans; Correction" (RIN3064-AF49) received in the Office of the President of the Senate on May 7, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-4459. A communication from the Program Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Order of Temporary Extension of Maturity Limits for Short-Term Investment Funds" (12 CFR Part 9) received in the Office of the President of the Senate on May 7, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-4460. A communication from the Program Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Short-Term Investment Funds" (RIN1557-AE84) received in the Office of the President of the Senate on May 7, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-4461. A communication from the Program Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of

a rule entitled "Regulatory Capital Rule: Eligible Retained Income" (RIN1557-AE81) received in the Office of the President of the Senate on May 7, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-4462. A communication from the Program Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulatory Capital Rule: Money Market Mutual Fund Liquidity Facility" (RIN1557-AE83) received in the Office of the President of the Senate on May 7, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-4463. A communication from the Director, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Application of Certain Provisions in the TILA-RESPA Integrated Disclosure Rule and Regulation Z Right of Rescission Rules in Light of the COVID-19 Pandemic" (12 CFR Part 1026) received in the Office of the President of the Senate on May 6, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-4464. A communication from the Director, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Handling of Information and Documents During Mortgage Servicing Transfers" (12 CFR Part 1024) received in the Office of the President of the Senate on May 6, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-4465. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on discretionary appropriations legislation relative to sec. 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

EC-4466. A communication from the Deputy General Counsel, Chemical Safety and Hazard Investigation Board, transmitting, pursuant to law, the report of a rule entitled "Accidental Release Reporting" (RIN3301-AA00) (40 CFR Part 1604) received in the Office of the President of the Senate on May 4, 2020; to the Committee on Environment and Public Works.

EC-4467. A communication from the Senior Advisor, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Legislation, Department of Health and Human Services, received in the Office of the President of the Senate on May 4, 2020; to the Committee on Finance.

EC-4468. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-266, "Bishop Sherman S. Howard Way Designation Act of 2020"; to the Committee on Homeland Security and Governmental Affairs.

EC-4469. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-267, "Certified Professional Midwife Amendment Act of 2020"; to the Committee on Homeland Security and Governmental Affairs.

EC-4470. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-268, "Security Breach Protection Amendment Act of 2020"; to the Committee on Homeland Security and Governmental Affairs.

EC-4471. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-269, "Woody Ward Recreation Center Designation Act of 2020"; to the Committee on Homeland Security and Governmental Affairs.

EC-4472. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-270, "James E. Bunn Amphitheater Designation Act of 2020"; to the Committee on Homeland Security and Governmental Affairs.

EC-4473. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-271, "Zaire Kelly Park Designation Act of 2020"; to the Committee on Homeland Security and Governmental Affairs.

EC-4474. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-272, "Rev. Roy Settles Way Designation Act of 2020"; to the Committee on Homeland Security and Governmental Affairs.

EC-4475. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-273, "Condominium Warranty Claims Clarification Temporary Amendment Act of 2020"; to the Committee on Homeland Security and Governmental Affairs.

EC-4476. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-274, "Non-Public Student Educational Continuity Temporary Amendment Act of 2020"; to the Committee on Homeland Security and Governmental Affairs.

EC-4477. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-275, "Substantive Technical Temporary Amendment Act of 2020"; to the Committee on Homeland Security and Governmental Affairs.

EC-4478. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-277, "Leave Vote Temporary Amendment Act of 2020"; to the Committee on Homeland Security and Governmental Affairs.

EC-4479. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-278, "Extreme Risk Protection Order Implementation Working Group Temporary Amendment Act of 2020"; to the Committee on Homeland Security and Governmental Affairs.

EC-4480. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-279, "Reverse Mortgage Insurance and Tax Payment Program Temporary Amendment Act of 2020"; to the Committee on Homeland Security and Governmental Affairs.

EC-4481. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-276, "Ghost Guns Prohibition Temporary Amendment Act of 2020"; to the Committee on Homeland Security and Governmental Affairs.

EC-4482. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-4483. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-4484. A communication from the Chief Justice of the Supreme Court of the United



States, transmitting, pursuant to law, the amendments to the Federal Rules of Evidence that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-4485. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-4486. A communication from the Section Chief of the Diversion Control Division, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Removal of 6B-Naltrexol From Control" ((21 CFR Part 1308) (Docket No. DEA-492)) received in the Office of the President of the Senate on March 4, 2020; to the Committee on the Judiciary.

EC-4487. A communication from the Section Chief of the Diversion Control Division, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Placement of 5F-ADB, 5F-AMB, 5F-APINACA, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA in Schedule I" ((21 CFR Part 1308) (Docket No. DEA-446)) received in the Office of the President of the Senate on March 4, 2020; to the Committee on the Judiciary.

EC-4488. A communication from the Section Chief of the Diversion Control Division, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Extension of Temporary Placement of cyclopentyl fentanyl, isobutyryl fentanyl, para-chloroisobutyryl fentanyl, para-methoxybutyryl, and valeryl fentanyl in Schedule I of the Controlled Substances Act" ((21 CFR Part 1308) (Docket No. DEA-565)) received in the Office of the President of the Senate on March 4, 2020; to the Committee on the Judiciary.

EC-4489. A communication from the Section Chief of the Diversion Control Division, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Placement of Brexanolone in Schedule IV" ((21 CFR Part 1308) (Docket No. DEA-503)) received in the Office of the President of the Senate on March 4, 2020; to the Committee on the Judiciary.

EC-4490. A communication from the Section Chief of the Diversion Control Division, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Placement of Cenobamate in Schedule V" ((21 CFR Part 1308) (Docket No. DEA-581)) received in the Office of the President of the Senate on March 4, 2020; to the Committee on the Judiciary.

EC-4491. A communication from the Section Chief of the Diversion Control Division, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Placement of FUB-AMB in Schedule I" ((21 CFR Part 1308) (Docket No. DEA-472)) received in the Office of the President of the Senate on March 4, 2020; to the Committee on the Judiciary.

EC-4492. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modernization of the Labeling and Advertising Regulations for Wine, Distilled Spirits, and Malt

Beverages" (RIN1513-AB54) received in the Office of the President of the Senate on May 4, 2020; to the Committee on the Judiciary.

EC-4493. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Modernization of Media Regulation Initiative, Expansion of Online Public File Obligation to Cable and Satellite TV Operators and Broadcast and Satellite Television Operators and Broadcast and Satellite Radio Licensees, Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligation" ((FCC 20-32) (MB Docket Nos. 17-105 and 14-127)) received in the Office of the President of the Senate on May 4, 2020; to the Committee on Commerce, Science, and Transportation.

EC-4494. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Section 1004 of the Television Viewer Protection Act of 2019" ((FCC 20-375) (MB Docket No. 20-61)) received in the Office of the President of the Senate on May 4, 2020; to the Committee on Commerce, Science, and Transportation.

EC-4495. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Electronic Delivery of MVPD Communications; Modernization of Media Regulation Initiative" ((FCC 20-14) (MB Docket No. 17-105)) received in the Office of the President of the Senate on May 4, 2020; to the Committee on Commerce, Science, and Transportation.

EC-4496. A communication from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Licensing of Private Remote-Sensing Space Systems" (RIN0648-BA15) received in the Office of the President of the Senate on May 4, 2020; to the Committee on Commerce, Science, and Transportation.

EC-4497. A communication from the Deputy Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Consortium registration process" ((FCC 20-34) (EB Docket No. 20-22)) received in the Office of the President of the Senate on May 4, 2020; to the Committee on Commerce, Science, and Transportation.

EC-4498. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Cooper River; Charleston, SC" ((RIN1625-AA87) (Docket No. USCG-2019-0933)) received in the Office of the President of the Senate on March 24, 2020; to the Committee on Commerce, Science, and Transportation.

EC-4499. A communication from the Associate Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Call Authentication Trust Anchor, Implementing of TRACED Act Section 6(a) - Knowledge of Customers by Entities with Access to Numbering Resources, Report and Order and Further Notice of Proposed Rulemaking" ((FCC 20-42) (WC Docket Nos. 17-97 and 20-67)) received in the Office of the President of the Senate on May 4, 2020; to the Committee on Commerce, Science, and Transportation.

EC-4500. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of

a rule entitled "Promoting Telehealth for Low-Income Consumers, COVID-19 Telehealth Program" ((RIN3060-AK57) (WC Docket Nos. 18-213 and 20-89)) received in the Office of the President of the Senate on May 4, 2020; to the Committee on Commerce, Science, and Transportation.

EC-4501. A communication from the Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of the Emergency Alert System" ((FCC 19-57) (EB Docket No. 04-296)) received in the Office of the President of the Senate on May 4, 2020; to the Committee on Commerce, Science, and Transportation.

EC-4502. A communication from the Assistant Chief Counsel for Regulatory Affairs, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Harmonization with International Standards" (RIN2137-AF32) received in the Office of the President of the Senate on May 4, 2020; to the Committee on Commerce, Science, and Transportation.

EC-4503. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks" (RIN2127-AL76) received in the Office of the President of the Senate on May 4, 2020; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. CRAPO for the Committee on Banking, Housing, and Urban Affairs.

Brian D. Miller, of Virginia, to be Special Inspector General for Pandemic Recovery.

Dana T. Wade, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN (for himself, Mr. SCHUMER, Mr. VAN HOLLEN, Mr. SCHATZ, Ms. CORTEZ MASTO, Ms. WARREN, Mr. MENENDEZ, Ms. SMITH, Mr. REED, Mr. WYDEN, Ms. BALDWIN, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. MERKLEY, Ms. HIRONO, Mr. MARKEY, Ms. HASSAN, Ms. HARRIS, Mr. BOOKER, Mrs. FEINSTEIN, Ms. STABENOW, Mr. BLUMENTHAL, Mr. DURBIN, Mr. LEAHY, Ms. KLOBUCHAR, Mr. SANDERS, Mr. BENNET, Mr. WHITEHOUSE, Mr. HEINRICH, and Ms. DUCKWORTH):

S. 3685. A bill to provide emergency rental assistance under the Emergency Solutions Grants program of the Secretary of Housing and Urban Development in response to the public health emergency resulting from the coronavirus, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.



By Mr. BRAUN (for himself, Mr. CRAMER, Mr. RUBIO, Mr. COTTON, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. ENZI, Mr. ROUNDS, Ms. ERNST, Mr. MORAN, Mr. SCOTT of South Carolina, and Mr. SCOTT of Florida):

S. 3686. A bill to provide for parental notification and intervention in the case of an unemancipated minor seeking an abortion; to the Committee on the Judiciary.

By Mr. CASSIDY:

S. 3687. A bill to take certain actions in response to Saudi Arabia's aggression towards the United States petroleum industry; to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself and Mr. RISCH):

S. 3688. A bill to amend the Federal Power Act to authorize the Federal Energy Regulatory Commission and the Secretary of Energy to offer assistance in securing the assets of the owners and operators of energy infrastructure against threats and increasing the security of the electric grid, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FISCHER (for herself and Mr. LANKFORD):

S. 3689. A bill to provide for additional safeguards with respect to imposing Federal mandates, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BENNET (for Mr. MARKEY (for himself, Mr. VAN HOLLEN, Mr. BENNET, Ms. HASSAN, Mr. SCHUMER, Mr. SCHATZ, Mr. BOOKER, Mr. JONES, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. KING, Ms. BALDWIN, Mr. BROWN, Mr. DURBIN, Ms. HARRIS, Mr. MURPHY, Mr. WYDEN, Mr. CARDIN, Mrs. SHAHEEN, Mr. SANDERS, Mr. REED, Ms. KLOBUCHAR, Ms. CORTEZ MASTO, Ms. ROSEN, Ms. HIRONO, Ms. SMITH, Mr. MERKLEY, Ms. DUCKWORTH, Ms. WARREN, Mr. WHITEHOUSE, Mr. UDALL, Mr. PETERS, Mrs. MURRAY, Mr. FEINSTEIN, Mr. KAINE, Mr. MENENDEZ, Mr. CASEY, Mr. CARPER, Ms. SINEMA, Mr. COONS, Mr. HEINRICH, Mr. WARNER, Ms. STABENOW, Mr. LEAHY, and Mr. TESTER)):

S. 3690. A bill to provide for E-Rate support for Wi-Fi hotspots, modems, routers, and connected devices during emergency periods relating to COVID-19, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRUZ:

S. 3691. A bill to prohibit the provision of United States Government assistance to any Lebanese government that is influenced or controlled by Hezbollah; to the Committee on Foreign Relations.

By Mrs. GILLIBRAND (for herself, Mr. ROUNDS, and Ms. SINEMA):

S. 3692. A bill to improve the ability of the Department of Defense to effectively prevent, track, and respond to military-connected child abuse; to the Committee on Armed Services.

By Mr. GRASSLEY (for himself, Mr. TESTER, Ms. ERNST, Mrs. HYDE-SMITH, Mr. ROUNDS, Ms. SMITH, and Mr. DAINES):

S. 3693. A bill to amend the Agricultural Marketing Act of 1946 to foster efficient markets and increase competition and transparency among packers that purchase livestock from producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRUZ:

S. 3694. A bill to amend the Internal Revenue Code of 1986 to permanently allow a tax deduction at the time an investment is made in property used to extract critical minerals and metals from the United States, to modify the prohibition on the acquisition of cer-

tain sensitive materials from non-allied foreign nations, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY (for himself, Mr. SANDERS, and Mr. WYDEN):

S. 3695. A bill to institute a moratorium on disconnections of telephone and internet services; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself, Mr. VAN HOLLEN, Mrs. SHAHEEN, Mr. BENNET, Mr. BROWN, and Mr. MARKEY):

S. 3696. A bill to amend the Internal Revenue Code of 1986 to disregard additional unemployment compensation for purposes of premium tax credit and cost-sharing subsidies, and for other purposes; to the Committee on Finance.

By Mr. MURPHY (for himself, Ms. HARRIS, Mr. WARNER, and Mr. BOOKER):

S. 3697. A bill to modify the Restaurant Meals Program under the supplemental nutrition assistance program in response to COVID-19, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHATZ (for himself, Mr. DURBIN, Ms. HARRIS, Mr. MARKEY, and Mr. WYDEN):

S. 3698. A bill to expand compassionate release authority and elderly home confinement access for offenders with heightened coronavirus risk; to the Committee on the Judiciary.

By Mr. SCHATZ (for himself, Ms. HARRIS, Mr. BOOKER, Mr. BENNET, and Mr. MURPHY):

S. 3699. A bill to establish the America Forward Commission to create a strategy to re-open the economy, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURPHY (for himself, Ms. COLLINS, and Mrs. FEINSTEIN):

S. 3700. A bill to provide Peace Corps Volunteers and Trainees whose service was terminated as a result of the COVID-19 pandemic with health insurance, an expedited redeployment process, and domestic service opportunities, and for other purposes; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR (for herself, Ms. HIRONO, Mr. PETERS, and Ms. ROSEN):

S. 3701. A bill to require the Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of Education, to promulgate regulations to provide support to institutions of higher education for the provision of certain equipment and services to students of those institutions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

S. 3702. A bill to appropriate additional amounts to provide loans under the paycheck protection program to community development financial institutions and minority depository institutions, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. COLLINS (for herself, Mr. MENENDEZ, and Mr. GRASSLEY):

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; to the Committee on the Judiciary.

By Mr. CRUZ:

S. Res. 570. A resolution opposing and condemning the potential prosecution of United States and Israeli nationals by the International Criminal Court; to the Committee on Foreign Relations.

By Mr. BENNET (for himself, Mr. ALEXANDER, Mr. BRAUN, Mr. CORNYN, Mr. PERDUE, Mr. BOOZMAN, Mr. RUBIO, Mr. LANKFORD, Mr. BURR, Mrs. HYDE-SMITH, Mr. TOOMEY, Mr. YOUNG, Mr. CRAMER, Mr. JOHNSON, Mr. COONS, Mr. CARPER, Mrs. FEINSTEIN, Mr. WICKER, Mr. SCOTT of South Carolina, Mrs. BLACKBURN, Mr. CASSIDY, Mrs. LOEFFLER, Mr. COTTON, Mr. GARDNER, Mr. TILLIS, Mr. CRUZ, Mr. BOOKER, and Mr. MCCONNELL):

S. Res. 571. A resolution congratulating the students, parents, teachers, and leaders of charter schools across the United States for making ongoing contributions to education and supporting the ideals and goals of the 21st annual National Charter Schools Week, to be held May 10 through May 16, 2020; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 16

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mrs. LOEFFLER) was added as a cosponsor of S. 16, a bill to amend title VII of the Tariff Act of 1930 to provide for the treatment of core seasonal industries affected by antidumping or countervailing duty investigations, and for other purposes.

S. 1055

At the request of Mrs. SHAHEEN, the names of the Senator from South Dakota (Mr. ROUNDS) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1055, a bill to amend the Homeland Security Act of 2002 regarding the procurement of certain items related to national security interests for Department of Homeland Security frontline operational components, and for other purposes.

S. 1361

At the request of Mr. CARDIN, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 1361, a bill to amend the Congressional Budget Act of 1974 respecting the scoring of preventive health savings.

S. 1720

At the request of Mr. ROUNDS, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1720, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to allow the interstate sale of State-inspected meat and poultry, and for other purposes.

S. 1969

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1969, a bill to authorize the Fallen Journalists Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

S. 2435

At the request of Mr. DAINES, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 2435, a bill to amend the Congressional Budget Act of 1974 to provide that any estimate prepared by the Congressional Budget Office or the Joint Committee on Taxation shall include costs relating to servicing the public debt, and for other purposes.

S. 2539

At the request of Mr. RUBIO, the names of the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. 2539, a bill to modify and reauthorize the Tibetan Policy Act of 2002, and for other purposes.

S. 2744

At the request of Mr. ROUNDS, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 2744, a bill to amend the Federal Meat Inspection Act to modify requirements for a meat food product of cattle to bear a "Product of U.S.A." label, and for other purposes.

S. 2791

At the request of Mr. RUBIO, the name of the Senator from Arizona (Ms. MCSALLY) was added as a cosponsor of S. 2791, a bill to amend title 5, United States Code, to provide that sums in the Thrift Savings Fund may not be invested in securities that are listed on certain foreign exchanges, and for other purposes.

S. 3072

At the request of Mrs. HYDE-SMITH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3072, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the approval of new abortion drugs, to prohibit investigational use exemptions for abortion drugs, and to impose additional regulatory requirements with respect to previously approved abortion drugs, and for other purposes.

S. 3179

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3179, a bill to establish a grant program for family community organizations that provide support for individuals struggling with substance use disorder and their families.

S. 3419

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 3419, a bill to amend the Packers and Stockyards Act, 1921, to provide for the establishment of a trust for the benefit of all unpaid cash sellers of livestock, and for other purposes.

S. 3559

At the request of Mr. BENNET, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 3559, a bill to provide emergency

financial assistance to rural health care facilities and providers impacted by the COVID-19 emergency.

S. 3565

At the request of Mr. MERKLEY, his name was added as a cosponsor of S. 3565, a bill to amend the Fair Debt Collection Practices Act to provide additional protections for consumers and small business owners from debt collection during a major disaster or emergency.

S. 3569

At the request of Ms. KLOBUCHAR, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Arkansas (Mr. COTTON), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 3569, a bill to help small business broadband providers keep customers connected.

S. 3606

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3606, a bill to provide for the establishment of a Health Force and a Resilience Force to respond to public health emergencies and meet public health needs.

S. 3607

At the request of Mr. GRASSLEY, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from New Hampshire (Ms. HASSAN), the Senator from North Dakota (Mr. CRAMER), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Arizona (Ms. MCSALLY), the Senator from Michigan (Mr. PETERS) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3607, a bill to extend public safety officer death benefits to public safety officers whose death is caused by COVID-19, and for other purposes.

S. 3624

At the request of Mr. COONS, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 3624, a bill to amend the national service laws to prioritize national service programs and projects that are directly related to the response to and recovery from the COVID-19 public health emergency, and for other purposes.

S. 3626

At the request of Mrs. LOEFFLER, her name was added as a cosponsor of S. 3626, a bill to establish a review of United States multilateral aid.

S. 3628

At the request of Ms. ERNST, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Indiana (Mr. BRAUN), the Senator from West Virginia (Mr. MANCHIN) and the Senator from Georgia (Mrs. LOEFFLER) were added as cosponsors of S. 3628, a bill to prohibit the use of Federal funds for purchasing dogs and cats from wet markets in China, and for other purposes.

S. 3643

At the request of Mrs. LOEFFLER, the name of the Senator from Tennessee

(Mrs. BLACKBURN) was added as a cosponsor of S. 3643, a bill to amend title 38, United States Code, to authorize certain postgraduate health care employees and health professions trainees of the Department of Veterans Affairs to provide treatment via telemedicine, and for other purposes.

S.J. RES. 1

At the request of Mrs. LOEFFLER, her name was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S. RES. 511

At the request of Mr. RUBIO, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 511, a resolution supporting the role of the United States in helping save the lives of children and protecting the health of people in developing countries with vaccines and immunization through GAVI, the Vaccine Alliance.

S. RES. 539

At the request of Mr. CARDIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 539, a resolution supporting the rights of the people of Iran to determine their future, condemning the Iranian regime for its crackdown on legitimate protests, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. TESTER, Ms. ERNST, Mrs. HYDE-SMITH, Mr. ROUNDS, Ms. SMITH, and Mr. DAINES):

S. 3693. A bill to amend the Agricultural Marketing Act of 1946 to foster efficient markets and increase competition and transparency among packers that purchase livestock from producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, Iowa is home to 88,000 family farmers. These farmers make up the economic foundation of our rural communities, and farmers are the leaders who make up the councils and the school boards across our State. So when we see economists estimate a 20-percent drop in livestock and grain producers' revenue due to COVID-19, it isn't just our farmers who are concerned; it is our whole State.

In the CARES Act, we provided USDA with \$24.5 billion to address this loss in revenue; however, we know that even with this funding, the supply chain disruptions from COVID-19 will force some agriculture producers to miss payments, and ultimately some will be forced to sell their family farms.

The consequences of COVID-19 shutdowns have injected uncertainty that we haven't seen since the farmer crisis of the 1980s.

During my time in the Senate, I have always tried to be a vocal advocate for the importance of a safe, affordable, and secure supply of food. But now our country's food supply chain is facing disruptions never envisioned before. As processing plants have shut down due to employees being sick, the supply chain disruptions are being felt by farmers and, of course, by consumers.

I ought to tie the two together because it is so important. The old saying that we are only nine meals away from a riot—we haven't had that in the United States yet, and I hope we don't have it, but when you see short supplies of toilet paper and people fighting over toilet paper in the supermarket, it wouldn't surprise you that they would fight more for food.

With as much as 40 percent of the slaughter capacity at our packing plants down for the past month, beef prices have doubled for the consumer. That has caused meat shortages in fast food chains, and grocery stores across the country have been forced to limit meat purchases per consumer.

If that is not bad enough, at the same time, livestock producers with livestock that is ready to sell have been turned away by meat processors. Even if producers are lucky enough to sell, the prices they are getting are well below the cost of production, and they are losing money on every animal they sell.

I have received a large volume of calls and emails from Iowans and member organizations expressing concern that the current discrepancy between high shelf prices and increased losses for cattle producers just doesn't make any sense. I share the concerns of these farmers, and I take their claims of market manipulation very seriously.

President Trump is on top of this issue, and this past week, he echoed a request that I made of the Attorney General last month to examine the current structure of the beef meatpacking industry and investigate potential market and price manipulation. Holding the four large meatpacking companies accountable is the least we can ask of Federal officials, and I thank President Trump for talking to Barr about that as well.

The fact is, over 80 percent of the feedlot cattle in the United States are slaughtered by the four largest meatpacking companies: Tyson Foods, JBS, Cargill, and No. 4, National Beef. Because these companies control a large percentage of slaughter and processing capacity in the United States, they have the unique ability to influence the price of live cattle. They use tactics such as bottlenecking processing speeds, importing foreign meat, utilizing private forward-formula contracts, and piling up meat in cold storage to delay the need to purchase live cattle from the family farmer.

I am glad the President asked the Department of Justice to look into these schemes to see if any of this behavior is illegal—the same request I made to Barr about a month ago.

Independent producers will always struggle with negotiating prices when there are only four large, multinational corporations that control prices; however, in Iowa, it is a little different. Our producers sell 50 percent of their cattle through negotiated cash prices. This allows for market transparency so that producers know the market price of cattle, and the price more accurately reflects the cost the producers incur when raising livestock. However, this isn't the case across the entire United States, as more than 80 percent of all cattle are sold through formula contracts and/or the cattle futures market. These private contracts don't allow for price transparency and hide the true value of production from the rest of the marketplace.

It happens that this is not a new problem. In fact, 18 years ago, I introduced a bill with former Senator Feingold from Wisconsin that would have helped producers gain leverage by mandating that a percentage of a packer's weekly slaughter come from a negotiated cash price. I introduced that bill every Congress until 2009, but, sadly, at that time, not enough of my colleagues saw the need for a transparent marketplace.

That need is much more obvious today because conversations across the country have started to shift, and people's opinion about four big meatpackers controlling 80 percent of the market—it looks like more of a problem when farmers are losing a lot of money when they sell their cattle and the price for the consumer goes up at the supermarket. Lawmakers have begun to realize that in order to have a sustainable supply of meat in our country, we need to restore transparency in the marketplace and protect the market from collapsing when there is a supply chain disruption.

Let me repeat something I said at the beginning—nine meals away from a riot and people fighting about who is going to buy the last roll of toilet paper in the supermarket. We can't let that same thing happen with food, so today I come to the floor to submit my bill to foster efficient markets and increase competition and transparency among packers that purchase livestock from our producers. The only change to that Feingold-Grassley bill is to increase the amount of mandated negotiated cash trade to 50 percent from the original 25 percent in that bill that Feingold and I cooperated on. This change is needed to increase price discovery for producers across the country.

I am proud to lead this effort with Senator TESTER of Montana and will work with my colleagues in the Senate and particularly those on the Senate Agriculture Committee to make sure this bill becomes law. Without significant action by Congress, our independent beef producers will not be able to stay in business. I believe the time to act is now. Failure to act is failing our independent producers.

If there is one silver lining that could come out of COVID-19, it may be that consumers will start to understand where their food comes from. Food does not come from grocery stores; it comes from the tens of thousands of farmers and independent producers who bust their backs day and night to ensure families across the country have an adequate supply of food.

Farmers are 2 percent of the population who provide for the other 98 percent, and they even provide for more than 98 percent of Americans—a lot of it is exported.

I urge my colleagues to support my legislation being introduced today and do right by the producers who provide the food that we all eat.

By Ms. COLLINS (for herself, Mr. MENENDEZ, and Mr. GRASSLEY):

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; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, I rise to introduce the Promoting Alzheimer's Awareness to Prevent Elder Abuse Act. I am pleased to be joined by my colleagues, Senators MENENDEZ and GRASSLEY, in sponsoring this legislation that seeks to help combat elder abuse perpetrated against those living with Alzheimer's disease and related dementias.

An estimated 5.8 million Americans aged 65 and older currently live with Alzheimer's disease. This disease takes a tremendous personal and economic toll on individuals and their families, and the COVID-19 crisis has made many of the challenges they face even more difficult.

People living with Alzheimer's and related dementias make up a large proportion of all older Americans who receive adult day services and nursing home care, making them among those most vulnerable to COVID-19. Many of the public health and safety measures put in place to control the spread of COVID-19, including social distancing, also may contribute to social isolation, which is one of the greatest risk factors for elder abuse. This crisis has also given rise to a number of COVID-19-related scams seeking to financially exploit Americans of all ages, including seniors.

Individuals with Alzheimer's are at greater risk for elder abuse. According to the National Center on Elder Abuse, approximately one in ten Americans aged 60 and older have experienced elder abuse. For people with Alzheimer's and related dementias, the prevalence is much higher, with some estimates putting it at just over 50 percent.

This abuse can take a number of forms. In 2015, the Aging Committee heard from Philip Marshall, the grandson of philanthropist Brooke Astor, who testified that his father neglected

his mother's health and safety and mismanaged her assets while she suffered from Alzheimer's disease.

More recently, a constituent called the Aging Committee Fraud Hotline after she discovered a contracting scam targeting her aunt and uncle. These scammers repeatedly charged her aunt and uncle, who both have dementia, for the same driveway sealing services and other handyman tasks, stealing \$34,000 of their hard-earned savings.

Identifying, investigating, and prosecuting elder abuse cases often involve several challenges. Victims may not be able to report the abuse they are experiencing, and prosecutors may need to prove the case without the victim's testimony. When elder abuse victims or witnesses have Alzheimer's or related dementia, these challenges can be exacerbated.

Specialized knowledge and training can help address the issues of abuse and fraud. The Elder Abuse Prevention and Prosecution Act, which became law in 2017, required the Department of Justice to develop training materials to help criminal justice, social services, and health care personnel investigate elder abuse cases and assess, respond to, and interact with the victims and witnesses in these cases. The legislation I am introducing today would build on this law by requiring the Department to ensure that these elder abuse training materials incorporate best practices for responding to elder abuse victims and witnesses who have Alzheimer's or other related dementias.

This legislation would also require the Department to consult with federal, state, and local partners and stakeholders in developing its elder justice training materials and to update these training materials to reflect new best practices.

As Chairman of the Senate Aging Committee, one of my top priorities is protecting seniors against abuse. The Promoting Alzheimer's Awareness to Prevent Elder Abuse Act would help to ensure that the frontline professionals who are leading the charge against elder abuse have the training needed to respond to cases where the victim or a witness has Alzheimer's disease or other forms of dementia. I urge my colleagues to support this bill.

Thank you, Mr. President.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 570—OPPOSING AND CONDEMNING THE POTENTIAL PROSECUTION OF UNITED STATES AND ISRAELI NATIONALS BY THE INTERNATIONAL CRIMINAL COURT

Mr. CRUZ submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 570

Whereas the United States has long objected to any assertion of jurisdiction by the

International Criminal Court (ICC) over nationals of states that are not parties to the Rome Statute, including the United States and Israel, absent a referral from the United Nations Security Council or the consent of such a state;

Whereas, on December 20, 2019, the Prosecutor of the ICC asked the ICC judges to confirm that the Court may exercise jurisdiction over the West Bank, East Jerusalem, and Gaza, facilitating the potential prosecution of Israeli nationals;

Whereas, on March 5, 2020, the ICC authorized an investigation into the actions of United States Armed Forces and intelligence officials operating in Afghanistan, facilitating the prosecution of United States nationals; and

Whereas prosecutions of nationals from states that are not parties to the Rome Statute, absent a referral from the United Nations Security Council or the consent of such a state, are illegitimate and terminally endanger the credibility of the ICC: Now, therefore, be it

*Resolved, That—*

(1) the Senate opposes and condemns the potential prosecution of United States and Israeli nationals by the ICC; and

(2) it should be the policy of the United States to pursue a resolution by the United Nations Security Council prohibiting the ICC from prosecuting nationals of States that are not parties to the Rome Statute, including the United States and Israel, absent a referral from the United Nations Security Council or the consent of such a state.

#### SENATE RESOLUTION 571—CONGRATULATING THE STUDENTS, PARENTS, TEACHERS, AND LEADERS OF CHARTER SCHOOLS ACROSS THE UNITED STATES FOR MAKING ONGOING CONTRIBUTIONS TO EDUCATION AND SUPPORTING THE IDEALS AND GOALS OF THE 21ST ANNUAL NATIONAL CHARTER SCHOOLS WEEK, TO BE HELD MAY 10 THROUGH MAY 16, 2020

Mr. BENNET (for himself, Mr. ALEXANDER, Mr. BRAUN, Mr. CORNYN, Mr. PERDUE, Mr. BOOZMAN, Mr. RUBIO, Mr. LANKFORD, Mr. BURR, Mrs. HYDE-SMITH, Mr. TOOMEY, Mr. YOUNG, Mr. CRAMER, Mr. JOHNSON, Mr. COONS, Mr. CARPER, Mrs. FEINSTEIN, Mr. WICKER, Mr. SCOTT of South Carolina, Mrs. BLACKBURN, Mr. CASSIDY, Mrs. LOEF-FLER, Mr. COTTON, Mr. GARDNER, Mr. TILLIS, Mr. CRUZ, Mr. BOOKER, and Mr. MCCONNELL) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 571

Whereas charter schools are public schools that do not charge tuition and enroll any student who wants to attend, often through a random lottery when the demand for enrollment is outmatched by the supply of available charter school seats;

Whereas high-performing public charter schools deliver a high-quality public education and challenge all students to reach their potential for academic success;

Whereas public charter schools promote innovation and excellence in public education;

Whereas public charter schools throughout the United States provide millions of families with diverse and innovative educational options for the children of those families;

Whereas high-performing public charter schools and charter management organizations are increasing student achievement and attendance rates at institutions of higher education;

Whereas public charter schools are authorized by a designated entity and—

(1) respond to the needs of communities, families, and students in the United States; and

(2) promote the principles of quality, accountability, choice, high performance, and innovation;

Whereas, in exchange for flexibility and autonomy, public charter schools are held accountable by the authorizers of the charter schools for improving student achievement and for sound financial and operational management;

Whereas public charter schools are required to meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) in the same manner as traditional public schools;

Whereas public charter schools often set higher expectations for students, beyond the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), to ensure that the charter schools are of high quality and truly accountable to the public;

Whereas 45 States, the District of Columbia, and Puerto Rico have enacted laws authorizing public charter schools;

Whereas, as of the 2018-2019 school year, more than 7,400 public charter schools served approximately 3,200,000 children;

Whereas enrollment in public charter schools grew from 400,000 students in 2001 to 3,200,000 students in 2019, an eightfold increase in 18 years;

Whereas, in the United States—

(1) in 214 school districts, more than 10 percent of public school students are enrolled in public charter schools; and

(2) in 21 school districts, more than 30 percent of public school students are enrolled in public charter schools;

Whereas public charter schools improve the achievement of students enrolled in those charter schools and collaborate with traditional public schools to improve public education for all students;

Whereas public charter schools—

(1) give parents the freedom to choose public schools;

(2) routinely measure parental satisfaction levels; and

(3) must prove the ongoing success of the charter schools to parents, policymakers, and the communities served by the charter schools or risk closure;

Whereas a 2015 report from the Center for Research on Education Outcomes at Stanford University found—

(1) significant improvements for students at urban charter schools; and

(2) that, each year, students at urban charter schools completed the equivalent of 28 more days of learning in reading and 40 more days of learning in math than the peers of those students in traditional public schools;

Whereas parental demand for charter schools is high, and there was an estimated 7 percent growth in charter school enrollment between the 2016-2017 and 2018-2019 school years; and

Whereas the 21st annual National Charter Schools Week is scheduled to be celebrated the week of May 10 through May 16, 2020: Now, therefore, be it

*Resolved, That the Senate—*

(1) congratulates the students, families, teachers, leaders, and staff of public charter schools across the United States for—

(A) making ongoing contributions to public education;

(B) making impressive strides in closing the academic achievement gap in schools in the United States and particularly in schools with some of the most disadvantaged students in both rural and urban communities; and

(C) improving and strengthening the public school system throughout the United States;

(2) supports the ideals and goals of the 21st annual National Charter Schools Week, a week-long celebration to be held May 10 through May 16, 2020, in communities throughout the United States; and

(3) encourages the people of the United States to hold appropriate programs, ceremonies, and activities during National Charter Schools Week to demonstrate support for public charter schools.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. THUNE. Mr. President, I have 4 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 BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, May 12, 2020, at 10 a.m., to conduct a hearing.

#### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, May 12, 2020, at 2 p.m., to conduct a hearing on the following nominations: Brian D. Miller, to be special inspector general for pandemic recovery, U.S. Department of Treasury and Dana T. Wade, to be Assistant Secretary, U.S. Department of Housing and Urban Development.

#### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, May 12, 2020, at 10 a.m., to conduct a hearing.

#### COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, May 12, 2020, at 2:30 p.m., to conduct a hearing.

Mr. GRASSLEY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### IMMIGRANT HEALTH HEROES

Mr. DURBIN. Madam President, Americans owe a great debt of grati-

tude to the healthcare heroes on the frontlines of the fight against the COVID-19 pandemic. Today, I would like to spend a few minutes talking about one special group of healthcare workers: immigrants.

Consider this: 1 in 6 healthcare and social service workers—3.1 million out of 18.7 million—are immigrants. These immigrants are playing a critical role in the battle against the pandemic, yet our broken immigration system does not allow many of them to fulfill their dreams of becoming part of America's future.

I have come to the floor today to tell a story of one of our immigrant health heroes, and I will continue to highlight these stories in the coming weeks. I am also inviting my colleagues from across the Nation to come tell their own stories on social media or on the floor with #ImmigrantHealthHeroes, shown on this chart.

Thousands of immigrant health workers are suffering because of a serious problem in our immigration system: It is the green card backlog. This backlog puts them and their families at risk of losing their immigration status, and it hinders their ability to participate in the fight against COVID-19. Under our current laws, there are not nearly enough immigrant visas, also known as green cards, available each year. As a result, immigrants are stuck in crippling backlogs not just for years but for decades.

Close to 5 million future Americans are in line waiting for green cards. Hundreds of thousands of them are already working in the United States on temporary visas, while many more are waiting abroad, separated from their American families. Only 226,000 family green cards and 140,000 employment green cards are available each year. The backlogs are really hard on these families who are caught in this immigration limbo. For example, children in many of these families age out and face deportation as their parents are waiting in line for their green cards.

The green card backlog includes thousands of doctors—medical doctors—who are currently working in our country on a temporary basis. These doctors face many restrictions due to their temporary status, such as not being able to volunteer at hospitals in COVID-19 hotspots where they are so desperately needed.

The solution to the green card backlog is clear: Increase the number. In 2013, I joined a group of four Republicans and four Democrats who authored a bipartisan comprehensive immigration reform bill. The bill passed the Senate with a strong vote, 68–3, and it would have eliminated the green card backlog.

Last year, I introduced the RELIEF Act, legislation based on the 2013 comprehensive immigration reform bill that would clear the backlog for all immigrants waiting in line for green cards within 5 years. I will keep fighting to help all immigrants who are stuck in this backlog.

Last week, I joined with my colleagues, Republican Senators DAVID PERDUE of Georgia, TODD YOUNG of Indiana, and JOHN CORNYN of Texas and Democratic Senators CHRIS COONS of Delaware and PAT LEAHY of Vermont to introduce legislation to quickly address the plight of immigrant doctors and nurses who are stuck in this green card backlog. This backlog poses a significant risk to our ability to effectively respond to this pandemic. Our bill, the Healthcare Workforce Resilience Act, is a temporary stopgap bill that will strengthen our healthcare workforce and improve healthcare access for Americans in the midst of this crisis.

Our bill would recapture 25,000 unused immigrant visas for nurses and 15,000 unused visas for doctors. These are visas that Congress previously authorized, but we never used. Our bill would quickly allocate these visas to doctors and nurses who can help us today in the fight against COVID-19.

It is important to note that our bill requires employers to attest that any immigrant from overseas who receives these visas will not displace an American worker. We want to ensure that all beneficiaries of this bill complement our American healthcare workforce. As Congress begins to work on the next legislation to address this pandemic, I will push for the Healthcare Workforce Resilience Act to be included.

Today, I want to tell you the story of one immigrant healthcare worker who is stuck in this green card backlog and would benefit from the act I just described.

This is Dr. Ram Sanjeev Alur. Dr. Alur was born in India. As a child, he survived a bout with meningitis, a disease that is often fatal. This experience inspired him to become a doctor. He went to medical school in India, then trained in internal medicine in the United Kingdom. Dr. Alur came to the United States in 2007 for medical residency training. In 2011, he began working as an internist and hospitalist in the Marion Veterans Affairs Medical Center in Marion, IL. Dr. Alur has led the emergency room inpatient unit for the last 3 years, and now, he is on the frontlines of the pandemic as a member of his hospital's COVID-19 response team.

Dr. Alur lives in Marion with his wife and three kids. Their ages are 12, 8, and 6. He sent me a letter, but listen to what he said about his life in southern Illinois living in Marion:

I consider the opportunity to work at the VA medical center as a blessing. To serve the veterans is an honor, responsibility and satisfaction that enhances anyone's life. I found my calling and hope to spend the rest of my career and raise my family here. I would like to see my children blossom in this community and grow into successful, responsible citizens.

Unfortunately, Dr. Alur is one of thousands of doctors stuck in this green card backlog. He has been forced to renew his temporary visa four times

since he started working serving our veterans at the Marion VA facility. He has been approved for a green card but will have to wait decades—decades—because of the backlog of people just like him, waiting for their green cards.

In the meantime, Dr. Alur's oldest daughter would age out—she is 12 now—but she would age out and be forced to leave the country before he is legally entitled to become a citizen of this country. Think of that heart-breaking situation, breaking up this man's family because he has been approved for a visa but has to wait to make sure he meets the quota in each year, and he will end up waiting for decades.

In the midst of this pandemic, Dr. Alur's immigration status puts him at a great risk. If, God forbid—God forbid—he contracts COVID-19 and becomes disabled or dies, his family would lose their immigration status and be forced to leave the United States. Tell me that is fair, that this man who is serving our veterans and has waited patiently to become a citizen of United States and be part of our future, should he get sick or die, his family would be deported.

Here is what he said to me about this:

The pandemic shook our family. Being a temporary worker on a visa never stared us in the face more. This lack of protection is every frontline immigrant doctor's nightmare.

Dr. Alur's temporary immigration status also prevents him from working part-time in a COVID-19 hotspot like Chicago. Here is what he said:

It is depressing to watch the medical system, stretched while the pandemic takes its toll, and not be able to help or participate. It is like a soldier sitting out a battle, player sitting out a game, fireman sitting out a house fire.

His family's plight led Dr. Alur to start Physicians for American Health Care Access, a nonprofit organization to advocate for doctors serving underserved communities who are stuck in this green card backlog.

I can tell you, in southern Illinois, we are desperate for good doctors. We need them not just at Marion VA, but we need more specialists around the entire region. This is a rural area of our State, small-town area, and they need these specialists more than ever.

How we can take a good man like this, who is willing to serve our veterans and do more in this COVID-19 epidemic, and tell him he is not welcome to be a citizen of this country, I just do not understand.

When I heard Dr. Alur's story, it inspired me to work with my colleagues on a bipartisan basis to introduce this law that I mentioned, the Healthcare Workforce Resilience Act. Under our bill, Dr. Alur and thousands like him could receive their green cards. They and their families would get the permanent immigration status that they deserve and be able to use their skills to serve in the frontlines of the pandemic if they are needed—and they are.

I hope that, even in these divided times, we can come together in Congress to quickly aid these immigrant healthcare heroes.

#### REMEMBERING GREG ZANIS

Mr. DURBIN. Madam President, in this season of great mourning, last Monday, America lost a man who tried for years—during some of our darkest moments—to comfort our grief-stricken Nation.

His name was Greg Zanis, but he was known as “The Cross Man.” One month ago, he was diagnosed with terminal cancer. Last Friday, Mr. Zanis, his wife Sue, and their grown children watched from inside the Zanis family home in Aurora, IL, as a parade of neighbors drove past to show their love and respect for Greg.

This caravan of caring stretched for a mile and included more than 320 cars, trucks, SUVs, and motorcycles. It was a fitting tribute to a quiet man whose compassion and sacrifice helped ease the grief of countless Americans over the last 25 years.

You may never have heard his name before, but chances are you may have seen his work. After the Columbine High School massacre in 1999 and nearly every mass shooting and natural disaster since then, Greg Zanis crafted wooden memorials to honor the fallen. Over nearly 20 years, he made and personally delivered some 27,000 handmade memorials to communities across America. Most were crosses, but he also crafted wooden Stars of David and crescent moons to honor the fallen.

He drove to Sandy Hook, CT, after 26 children and educators were murdered in that grade school. He drove to Florida to honor the victims of the Pulse Nightclub shooting and returned a heartbreaking short time later after the Parkland High School mass shooting. He drove to Las Vegas after 58 people were killed at a music festival; to the First Baptist Church in Sutherland Springs, TX, after 26 worshippers were killed; to Pittsburgh, PA, to honor the 11 worshippers killed at the Tree of Life Synagogue.

Greg Zanis considered his work a ministry, and it cost him financially and emotionally. He was a master carpenter who gave up much of the work he did otherwise to make and deliver these memorials. When he heard of a mass shooting or a deadly natural disaster, he loaded up his truck with crosses and drove, sometimes leaving in the middle of the night so he could get there as quickly as possible. One friend said that Mr. Zanis often wasn't sure, when he left home, how he would get the gas money to get back to Aurora. Somehow, he always did.

He was in Aurora a little over a year ago, February 2019, when the epidemic of mass shootings came to his hometown. Five workers were killed, five police officers wounded at a mass shooting at a warehouse. The tragedy hit Mr. Zanis hard. As he told a re-

porter for the New York Times, he could drive away from all the other tragedies, but he said, “I'm not going to be able to get away from this one.”

His ministry didn't take him only to places of mass suffering and death; he also made crosses for individuals. He made 700 crosses carried down Michigan Avenue in Chicago to honor those who died in that great city in 1 year.

He made his first cross in 1996 to honor his father-in-law, who had been murdered in a shooting. He learned from that experience that transforming wood into symbols of faith helped to make grief more bearable. That is the gift that he tried to share with others.

The mass shooting at a Walmart in El Paso last September shook him deeply. Among the 22 killed and 23 wounded were little children shopping for school supplies with their parents. Between the heat of the south Texas sun and the enormity of their losses, Mr. Zanis struggled to make enough crosses. He decided, after that, that he had to retire from his ministry. He was 69 years old. A few months later, his cancer was diagnosed.

In this time, when so many of the usual customs of grieving must be suspended, may we all find some consolation and inspiration in the extraordinary, ordinary man who helped to ease the grief of so many.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ORDER OF BUSINESS

Mr. McCONNELL. Madam President, I ask unanimous consent that following leader remarks on Wednesday, May 13, the Senate proceed to the consideration of H.R. 6172 under the order of March 16. I further ask that at 12 noon, the Senate vote in relation to the McConnell side-by-side amendment to the Daines amendment, if offered. I further ask unanimous consent that following disposition of the McConnell amendment, the Senate vote in relation to the Daines amendment.

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

#### ORDERS FOR WEDNESDAY, MAY 13, 2020

Mr. McCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, May 13; 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 consideration of H.R. 6172 under the previous order.

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

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. McCONNELL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Wednesday, May 13, 2020, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 12, 2020:

DEPARTMENT OF HOMELAND SECURITY

TROY D. EDGAR, OF CALIFORNIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT

BRIAN D. MONTGOMERY, OF TEXAS, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.