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of America

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No. 92

## Senate

The Senate was not in session today. Its next meeting will be held on Monday, May 18, 2020, at 3 p.m.

## House of Representatives

FRIDAY, MAY 15, 2020

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. DEGETTE).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,  
Washington, DC, May 15, 2020.

I hereby appoint the Honorable DIANA DEGETTE to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Compassionate and merciful God, thank You for giving us another day.

Send down Your spirit upon this Chamber. May Your protective energy banish all malicious elements, and Your healing presence inspire the Members of this people's House to recognize and accept the awesome responsibility that is theirs in this difficult time.

Continue to bless all those whose life work is in bringing Your healing to all those stricken by the coronavirus.

Finally, on this Peace Officers Memorial Day, we give You thanks for the men and women in blue who stand watch every day throughout our Nation and for us here, at the Capitol. May all Americans be inspired to similarly be of service to one another, that our commonweal might be guaranteed.

May everything done today be for Your greater honor and glory.  
Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 7(a) of House Resolution 891, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS 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.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 15, 2020.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 15, 2020, at 8:16 a.m.:

That the Senate passed S. 2746.  
That the Senate passed S. 3434.  
That the Senate passed S. 3607.  
That the Senate passed S. 3744.  
With best wishes, I am,

Sincerely,

ROBERT F. REEVES,  
*Deputy Clerk.*

PROVIDING FOR CONSIDERATION OF H. RES. 965, AUTHORIZING REMOTE VOTING BY PROXY AND PROVIDING FOR OFFICIAL REMOTE COMMITTEE PROCEEDINGS DURING A PUBLIC HEALTH EMERGENCY DUE TO A NOVEL CORONAVIRUS; PROVIDING FOR CONSIDERATION OF H.R. 6800, HEALTH AND ECONOMIC RECOVERY OMNIBUS EMERGENCY SOLUTIONS ACT; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM MAY 19, 2020, THROUGH JULY 21, 2020; AND FOR OTHER PURPOSES

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 967 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 967

*Resolved*, That upon adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 965) authorizing remote voting by proxy in the House of Representatives and providing for official remote committee proceedings during a public health emergency due to a novel coronavirus, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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on the resolution to adoption without intervening motion or demand for division of the question except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House without intervention of any question of consideration the bill (H.R. 6800) making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes. All points of order against consideration of the bill are waived. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Clause 2(e) of rule XXI shall not apply during consideration of the bill. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 3. Until completion of proceedings enabled by the first two sections of this resolution—

(a) the Chair may decline to entertain any intervening motion (except as expressly provided herein), resolution, question, or notice; and

(b) the Chair may decline to entertain the question of consideration.

SEC. 4. On any legislative day during the period from May 19, 2020, through July 21, 2020—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 5. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4 of this resolution as though under clause 8(a) of rule I.

SEC. 6. Each day during the period addressed by section 4 of this resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 7. Each day during the period addressed by section 4 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII.

SEC. 8. Each day during the period addressed by section 4 of this resolution shall not constitute a calendar or legislative day for purposes of clause 7(c)(1) of rule XXII.

SEC. 9. Each day during the period addressed by section 4 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XV.

SEC. 10. It shall be in order without intervention of any point of order to consider concurrent resolutions providing for adjournment during the month of July, 2020.

SEC. 11. It shall be in order at any time through the calendar day of July 19, 2020, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 12. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the

same day it is presented to the House is waived with respect to any resolution reported through the legislative day of July 21, 2020.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Oklahoma (Mr. COLE), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Madam Speaker, on Thursday, yesterday, the Rules Committee met and reported a rule, House Resolution 967, providing for consideration of H. Res. 965, authorizing remote voting by proxy in the House of Representatives and providing for official remote committee proceedings during a public health emergency due to a novel coronavirus resolution; and H.R. 6800, the HEROES Act.

Madam Speaker, the Rules Committee met for over 9 hours. While there are strong disagreements between Democrats and Republicans on these matters, I want to say that the proceedings were civil, and I appreciate that very much.

I want to thank the ranking member, Mr. COLE, for the tone that he set, not only yesterday, but in all of our hearings on issues where we have common ground and on issues where we disagree.

The rule provides for consideration of H. Res. 965 under a closed rule. It provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules and provides that upon adoption of the rule it shall be in order without intervention of any point of order to consider the resolution.

The rule further provides for consideration of H.R. 6800 under a closed rule, self-executes a manager's amendment from Chairwoman LOWEY, provides 2 hours of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations, and one motion to recommit with or without instructions. The rule also provides that upon adoption of the rule, it shall be in order to consider the bill in the House without intervention of any question of consideration.

Finally, the rule provides suspension authority through July 19, 2020, and same-day authority and recess instructions both through July 21, 2020.

Madam Speaker, let me begin with a snapshot of what we are seeing in America today: a novel coronavirus

that has infected more than 1.4 million people in this country and has taken the lives of close to 90,000 Americans already; more than 20 million jobs lost in the last month; communities asked to stay home; businesses closed; an unemployment rate that stands at 14 percent and growing; lines for food banks that stretch for miles; and first responders working to the bone to save lives.

People are struggling, Madam Speaker. We haven't seen numbers like this since the Great Depression. This situation demands a whole-of-government response that matches the challenges that we face.

I am proud that this Congress has come together on multiple bills that provide trillions of dollars in emergency aid. We knew then that although those bills were a large investment, they were just the first step in our response.

This rule will allow for consideration of the HEROES Act, a comprehensive response to further help the American people. This bill is named after the teachers, healthcare workers, and first responders who keep us all safe. It puts these heroes front and center by providing more than \$1 trillion for States and localities to give them the pay that they have earned.

The bill also establishes a Heroes Fund totaling \$200 billion so that the essential workers who have risked their lives during this pandemic get the hazard pay that they deserve.

There is another \$75 billion for coronavirus testing, treatment, and tracing.

There is support here for workers, renters, homeowners, and small businesses.

This legislation also protects our democracy by providing resources to ensure safe Federal elections, an accurate Census count, and a Postal Service that can continue its vital work.

I am especially proud to see provisions here to fight the growing hunger crisis in America. That includes many of the ideas behind the bipartisan, bicameral FEED Act, and a separate 15 percent increase in the maximum benefit under SNAP, our Nation's premier antihunger program. More than 40 million people relied on this program even before this pandemic hit. So when people say they want to get back to normal, I want to get back to better than normal because having 40 million people in this country hungry even before this pandemic is unconscionable. We need to do better.

Today, we see lines for food banks across the country that go for miles and miles. Parking lots are so full at some of these places that they look like some kind of gathering for a major sporting event. Instead, it is people just trying to secure their next meal. This is happening in the richest country on the face of the Earth, a country

whose President, by the way, was trying to weaken SNAP and slash its benefits before COVID-19 hit. If he succeeded, that would have thrown millions and millions of poor people off the program.

People are suffering, Madam Speaker. But just this week, Senate Majority Leader MITCH MCCONNELL called this bill a messaging exercise. I don't give a damn about sending a message, Madam Speaker. I want to send help to those in desperate need.

As we act on this bill today, we are also moving forward as part of this rule with temporary changes to ensure that Congress can continue legislating throughout the COVID-19 pandemic. That includes enabling virtual committee proceedings and remote voting on the House floor during this emergency.

I don't suggest these changes lightly. I still believe that we do our best work in person and side by side. But we must temporarily embrace technology during this unprecedented time, the same way local governments and countries around the world have, so we can continue legislating as safely as possible.

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Madam Speaker, the status quo has become dangerous and unacceptable. We must act. Let's meet this moment. Let's honor our heroes, and let's make sure that we can act throughout this pandemic.

Madam Speaker, I encourage all my colleagues to support this rule and the underlying measure, and I reserve the balance of my time.

Mr. COLE. Madam Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN), my good friend, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, we are here today to consider a rule that provides for consideration of two items.

Today's rule establishes a process for consideration of H.R. 6800, what the majority is calling the HEROES Act, but what is better described as an 1800-page, \$3 trillion Democratic list of policy priorities.

The rule proposes the most consequential change in the rules of the House of Representatives during my time in Congress. The change to the House rules covers two key areas:

First, it would impose, for the first time in our history as an institution, a system of proxy voting on the floor of the House of Representatives. That change also allows for the adoption of totally remote voting upon the certification of a single Member of Congress, Chairman LOFGREN, of a technology for that use.

Second, it would also allow committees to operate remotely and approve legislation remotely.

Madam Speaker, I said quite a bit about these rules changes at our committee meeting yesterday, and I continue to stand by those comments. I

believe these changes will fundamentally alter the nature of the institution, and not for the better. We must never forget that the House is part of a Congress—literally, a physical meeting between delegates.

When we move to acting remotely, we lose that fundamental aspect of our character. We lose the opportunity to meet together, discuss ideas, discuss legislation, and move forward together on bills that shape our Nation. And we do so in a way that does not, in my view, pass constitutional muster.

Madam Speaker, I urge my colleagues to reject these rules changes today and return to the drawing board so that we can act together in a bipartisan manner to ensure that Congress can continue to operate during this crisis.

Not to be outdone with attempting to change the fundamental nature of the House of Representatives, in today's rule, the majority is proposing an enormous bill that will fundamentally change the nature of our country.

H.R. 6800, which we saw for the first time on Tuesday afternoon, is 1800 pages long. While we do not yet have a CBO score, the majority is purporting that the bill includes spending in excess of \$3 trillion. And to make matters worse, the bill was assembled with only Democratic input. It is not a stretch to say that this bill is nothing more than Democratic policy agenda masquerading as a response to the coronavirus crisis.

Madam Speaker, it goes without saying that this bill is going nowhere, and it is going nowhere fast. The Senate will not consider this bill. The President will not sign it into law.

Why are we wasting what precious little time that the Speaker is allowing us to be assembled here at the Capitol on partisan policy priorities of one party instead of working together in a bipartisan manner is beyond my understanding.

What is even more surprising is how quickly the majority wants to move on a bill of this magnitude. Just 6 weeks ago, Congress passed, and the President signed into law, the CARES Act, a bill that provided over \$2.3 billion for coronavirus relief efforts. And just 2 weeks ago, we passed another bipartisan bill that provided an additional \$500 billion in relief. Some of the money from these two bills hasn't even been spent yet. But now, Democrats are falling all over themselves to spend another \$3 trillion on their own priorities. It is simply astonishing.

Let me be clear of one thing, Madam Speaker: Republicans in the House, in the Senate, and in the White House stand ready to work with Democrats to pass another bipartisan coronavirus relief bill at the appropriate time and after the normal give-and-take of serious negotiation. That bill, when it comes, will be very different in scope and detail from what we are considering here today.

Consider just a few of the provisions in H.R. 6800:

- \$3 trillion in spending;
- Nearly \$10,000 for every American;
- A controversial bailout of multiemployer pension plans;
- Forgiving \$10,000 of student loan debt per person;

- Federalizing the national election system;

- Changing credit scoring models and banning debt collection;

- Requiring nationwide vote by mail and same-day registration.

I could go on and on and on, but I think everyone gets the picture. So much of what is in this bill simply has nothing at all to do with the current crisis. It is more like a liberal Christmas card wish list.

Madam Speaker, it would make more sense, in my view, to just send it straight to Santa Clause than to send it to the United States Senate. It would have a better chance of becoming law that way.

Madam Speaker, this doesn't make sense. If the majority actually wants to help Americans, there are plenty of bipartisan ways to do so. We could be focusing our efforts on legislation to combat the pandemic, to get people back to work, and to restore the economy, but instead we have been handed 1800 pages and over \$3 trillion in Democratic priorities that they would be pursuing regardless of the pandemic. We can do better than that; and, frankly, Madam Speaker, recently, we have done better than that.

I remind my friends that we actually considered and passed, on a bipartisan basis, four relief bills with almost no partisan dissent. Those bills were negotiated before they ever arrived on the floor of this body. We should return to that method and that system. It yielded real results for the American people. What we have got today will not.

Madam Speaker, I urge opposition to the rule, and I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, H. Res. 965 was mentioned, and some questions were raised about constitutional issues.

Madam Speaker, we have consulted with several constitutional scholars: Erwin Chemerinsky, the renowned constitutional expert and dean of the Berkeley School of Law; Deborah Pearlstein, constitutional law professor from Cardozo School of Law and former clerk to Supreme Court Justice John Paul Stevens; Sai Prakash, a constitutional law professor from the University of Virginia and former clerk to the late Supreme Court Justice Antonin Scalia—all of whom have found that the House has the constitutional authority to institute remote voting by proxy.

Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. MATSUI), and also a member of the Rules Committee.

Ms. MATSUI. Madam Speaker, I rise today in support of the rule.

The public health challenge this country faces is unprecedented in modern American life, and we have an obligation to respond in kind.

The administration's response to this pandemic and the implementation of bipartisan legislation providing trillions of dollars in support require meaningful oversight. As our public health experts continue to recommend social distancing, this rule will allow the House to execute its constitutional obligations in a way that respects their advice and limits the spread of COVID-19.

I also am here to support the HEROES Act. The additional funding included in this bill is needed immediately.

The HEROES Act builds upon the progress of our previous bills by providing nearly \$1 trillion for State and local governments to pay healthcare workers, police, fire, teachers, transit workers, and other essential personnel.

It also increases flexibility in the PPP to help small businesses use money in a way that makes sense for them. I have heard from restaurants and small businesses across Sacramento that these changes are needed, and I am glad that this bill responds directly to their concerns.

And to contain the virus, the HEROES Act provides additional resources for testing, tracing, and isolation, and ensures every American has access to free coronavirus treatment, covers the cost of COBRA premiums for 9 months, and opens up special enrollment periods for ACA exchanges and Medicare.

As we come to fully appreciate the scale and severity of this pandemic, it is clear that additional support is necessary to prevent more deaths and job losses.

Madam Speaker, I look forward to supporting this bill and I urge my colleagues to do the same.

Mr. COLE. Madam Speaker, I include in the RECORD two articles from distinguished constitutional scholars at the Congressional Institute that do raise questions about the constitutionality of the proposed rules changes.

[From congressionalinstitute.org, May 13, 2020]

#### THE QUORUM, THE CONSTITUTIONAL CONVENTION, AND THE CORONAVIRUS: SOME QUESTIONS

The coronavirus pandemic has led some to call on Congress to continue its operations while Members are dispersed throughout the country. H. Res. 965 authorizes the Speaker to allow Members to vote by proxy when the Sergeant-at-Arms notifies her that there is a public health emergency due to the coronavirus. Conceivably, this means that a only minority of the Members will be present in the Chamber when conducting business. On the face of it, that would violate Article I, Section 5, of the Constitution, which requires a majority of Members to do business. To get insulate the votes against constitutional challenges, H. Res. 965 stipulates that proxy votes would count towards a quorum. This, however, would still seem to violate the intent of the Framers of the U.S. Constitution.

#### WHAT DOES THE CONSTITUTION SAY ABOUT QUORUMS IN CONGRESS?

Article I, Section 5, of the U.S. Constitution sets forth a requirement that a majority

of the Members of either House of Congress must be present for it to conduct business:

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

#### WHAT DID THE DELEGATES TO THE CONSTITUTIONAL CONVENTION SAY ABOUT THE QUORUM?

The current form of the quorum clause was the subject of debate at the Constitutional Convention of 1787.

The Committee of Detail was a group of delegates entrusted with devising a draft constitution that reflected the delegates' agreements. On August 6, 1787, it reported a draft that said "a majority of members" would "constitute a quorum to do business," though "a smaller number may adjourn from day to day." Unlike the Constitution that was ratified, the Committee of Detail did not include a provision allowing for the "smaller Number" to "compel the Attendance of absent Members" or penalize those who were missing.

On August 10, the delegates debated the Committee of Detail's quorum requirement. Two important concerns emerged. If the quorum were too high, it could prevent the majority from being able to transact business. If it were too low—or could be manipulated to be lowered—it would allow a small group of people to impose their will upon others.

According to James Madison's Notes of Debates in the Federal Convention of 1787, some delegates advocated granting the Legislature complete or partial discretion in setting a quorum:

John Francis Mercer of Maryland proposed following the example of Great Britain, where Parliament could determine its own quorum. There, he said, "the requisite number is small & no inconveniency has been experienced."

Gouverneur Morris of New York proposed setting the quorum at 33 Representatives and 14 Senators. This would initially be a majority for each Chamber, though it would be less than a majority as Members were added. Congress, he thought, should have a relatively low quorum since it would prevent a small group of people from withholding a quorum, which would be a particular risk when "a particular part of the Continent may be in need of immediate aid."

Rufus King of Massachusetts proposed initially setting the quorum at 33 Representatives and 14 Senators, but allowing Congress to increase the numbers as it saw fit. As the number of Members increased, a majority quorum would be "cumbersome."

Other delegates feared that a low quorum would allow small groups to make laws for the rest of the country:

Elbridge Gerry, also of Massachusetts, proposed that for the House the quorum should be no less than 33 and no more than 50, with the Legislature free to select a number within these bounds. A quorum of 33 in the House, Gerry said, would allow as few as two states to make laws for the rest.

George Mason of Virginia said the majority quorum provision was a "valuable & necessary part of the plan." In fact, he was concerned that a mere majority would allow people to object to the plan as a whole. He reasoned that with a lower quorum, states closer to the seat of government could make laws favorable to themselves in the absence of more distant states. "If the Legislature should be able to reduce the number at all, it might reduce it as low as it pleased & the U.

States might be governed by a Juncto," he said.

The delegates considered and overwhelmingly rejected King's motion that the Constitution set a minimum of 33 Representatives and 14 Senators while the number to be increased by law. Only the Massachusetts and Delaware delegations favored King's plan.

James Madison and Edmund Randolph, both of Virginia, moved to amend the draft by inserting a provision allowing for each House to summon and penalize absent Members. All the state delegations except for Pennsylvania supported this amendment. In fact, the Pennsylvania delegation was divided on the question. Then the delegations unanimously approved the majority quorum provision, as amended, and it is this version that made its way into the U.S. Constitution.

#### WOULD PROXY VOTES SATISFY THE CONSTITUTIONAL REQUIREMENT FOR A QUORUM?

It is clear that the delegates considered the possibility of quorums of consisting of a minority of the Members and rejected this option in favor of a majority quorum. That is beyond dispute. What is disputed is whether proxy votes counting towards a quorum would pass constitutional muster. Even though the Constitution allows each House to determine its rules of procedure (Article I, section 5), proxy votes counting towards quorum seem to run contrary to the intent of the delegates at the Constitutional Convention.

Proxy voting was certainly possible in the time of the Constitutional Convention. For instance, absentee or proxy voting was not unknown in the colonies. Yet, apparently, the suggestion was not raised at the Convention. One should be careful not to infer too much from silence, but one possibility is that the delegates did not consider that the Congress would ever "meet" by proxy. In fact, proxy voting would have settled some of the problems delegates on both sides of the issues raised. If proxy voting were permissible, then the distant states could have more easily defended themselves by stationing a member at the capital, armed with proxies of their absent colleagues. By the same token, those who feared that a small number could obstruct business by collecting proxy votes from others who shared their concerns. No one, apparently, raised proxy voting as a solution for issues with the quorum; rather, both sides seemingly operated under the assumption that a physical presence was necessary for participation in Congress.

If proxy votes were to count towards a quorum, the Randolph-Madison amendment would be a redundancy. Since the amendment allows each House to "compel the Attendance of absent Members," it is predicated on the notion that a physical presence is necessary for Congress to conduct its business. If a physical presence were not necessary, it would be unnecessary to "compel the Attendance of absent Members." Nor would there be any reason to penalize them for failing to show. However, the states nearly unanimously voted to include this provision in the Constitution, highlighting the importance of a physical presence at the Constitutional Convention.

The Framers' concern over the dangers of small numbers of Members of Congress transacting business in the absence of the majority of their colleagues is as valid today as it was in 1787. It is true that the coronavirus pandemic presents great difficulties to Congress, and both Chambers have shown that they can still conduct business without violating constitutional safeguards. As much as Congress needs to look to

the here-and-now, it also must look to the future. In the long-run, the inperson presence of Members of Congress is absolutely vital to the strength of the Legislature, and no amount of proxy votes may substitute for it.

VOTING PRESENT BY PROXY IS AN  
UNCONSTITUTIONAL OXYMORON

The Constitution leaves a great deal of leeway to the House and Senate for establishing their own rules of procedure. But one provision is absolutely clear: in both chambers, a quorum is required to do business. And a quorum is defined as a majority of its members.

Article 1, section 5, of the U.S. Constitution states:

a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

If a physical presence were not necessary, it would be unnecessary to “compel the Attendance of absent Members.” Although proxy voting was possible at the time of the Constitutional Convention, the participants spent long days waiting for their colleagues to arrive to conduct business in person. Being physically present does make for an inefficient system, but that’s what the Founders intended—they did not intend to make it easy to reach consensus and govern. The constitutional provision for the quorum was designed to protect the public.

Quorums are not self-enforcing. So a quorum is assumed unless it questioned by a Member. That is why the House carries on non-controversial business even when it is evident that only a few Members are on the Floor. To conduct business such as voting, however, a quorum can be demanded by any Member through a point of order. Once demanded, the House cannot conduct any business—even a request to withdraw the call to quorum—until a quorum is attained. This protects the minority party. Once a party tries to take action beyond what has been agreed to by consensus, the other side can quickly shut that down by raising an objection to the lack of quorum. If a quorum cannot be achieved, under the Constitution, the only business allowed is a motion to adjourn.

This raises a question of whether the House can change its rules of procedures to allow proxy votes to count towards a quorum. Besides the oxymoronic notion that a member could vote “present by proxy,” the House’s precedents argue against it.

Proxy voting has never been allowed or even considered on the House Floor. But proxy voting has, from time to time, been allowed in Committees. Even though it has been banned since 1995, the House has established precedents for how proxy voting was treated in prior Congresses.

While Members who were absent could give their proxy to another Member on the Committee, allowing their votes to be counted, Deschler’s Precedents shows that the “no measure is to be reported from any committee unless a majority of the committee was actually present when the measure was ordered reported.” This echoes Cannon’s Precedents, a previous compilation of the precedents, which states:

Recognition of voting proxies by standing committees is a matter to be respectively determined by each committee for itself, but proxies may not be counted to make a quorum.

In other words, when allowed, Committees could count proxy votes, but they first had to have a majority of actual people attending or none of the votes would count.

It might be possible for the House to change the rules to allow proxy voting, but only after attaining a physical quorum. The one thing it cannot do under the Constitution and under the House’s own precedents is to allow those proxies to count toward a physical quorum. So it might be possible that, consistent with the Constitution, some proxy voting might be allowed if there is a physical majority present for a vote.

House Rules Committee Chairman McGovern has stated his view that Members who vote by proxy must give specific instructions on how their votes would be recorded, and those instructions should be printed in the Congressional Record. If done this way, where most Members were present, and only a few were unable to make it to Washington, it would be similar to a traditional courtesy of “pairing votes.” In the not-so-distant past, “vote pairing” would occur when a Member who was voting opposite of the absent Member withheld their vote and announced a pair with the absent member, thus offsetting each other’s vote. In today’s highly polarized Congress, such courtesies are rare, which might indicate the need for an updated system.

The one thing that Congress cannot allow is the idea of conducting controversial business with only a small number of Members present. It is understandable why the House Democratic leadership wants to put this rule in place since we are in the midst of a pandemic. At the same time, political leaders cannot simply ignore constitutional requirements or proper parliamentary forms to resolve the issues. Congress is, by definition, the gathering of people together to solve issues. This cannot—and should not—be done remotely.

Observers of Congress agree that one of the primary causes of divisive partisan polarization is that Members no longer form relationships and friendships. Back when Members met five days a week instead of three, they moved their families to Washington DC. Their kids went to school together, and their spouses formed friendships with other spouses. It’s human nature to be much more civil to someone whose spouse is friends with yours or whose kid is on your kid’s soccer team.

Most importantly, legislators need to legislate. There is a give and take created by amendments and debates that require direct human interaction. Too little of that goes on now—how much worse will it be if members are just “emailing it in?” Today, leaders from the House and Senate negotiate with the President, and the other 533 legislators vote on their agreement. That’s not legislating.

Proxy voting might be more efficient than waiting for everyone to physically get to Washington DC. But efficiency was not a goal of the founding fathers. They wanted the people’s representatives to get together and work out compromise and consensus. Isolated Members voting from remote locations will further harm civility and undermine Congress’ already weakening place in the Constitution’s balance of power.

Mr. COLE. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. BURGESS), my good friend, a member of both the Rules Committee and the Committee on Energy and Commerce.

Mr. BURGESS. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, today’s rule contains a resolution that will really fundamentally change the proceedings of this House of Representatives. Once

that passes—and it will, because this House is ruled by the majority—we will then take up a \$3 trillion assistance bill.

It is not the first time this week that the majority Democrats have trampled on the rights of the Republican minority. Allowing multiple Members to vote by proxy does not seem like representative government. I, for one, will not give away the vote of the people of the 26th District to someone they did not elect. Governing is difficult, but we sought the jobs and we need to get back to work.

Far too many American lives have been lost to the pandemic. This novel coronavirus continues to wreak havoc on our healthcare, as well as our economy. There are plenty of things we could have done in the House on the Committee on Energy and Commerce during the last several months which were undone.

We passed a bill called the Pandemic All-Hazards Preparedness Act. This was a good bill, and it was signed into law in June of 2019, 6 months before the pandemic started.

We could have had a realtime oversight of this bill that we had just passed in the month of February ask the questions: Is it doing what we thought? Are we achieving what we attempted to achieve with that bill?

Here is a realtime test, a stress test, but we chose not to do it. We had hearings on flavored tobacco and horse racing instead.

In an effort to show what we should be working on, I wrote a series of hearing request letters this week to the Committee on Energy and Commerce Health Subcommittee chair, including work on the Strategic National Stockpile, mental health, racial disparities, provider relief, and testing. We should be working through authorizing committees to improve our Nation’s public health response to this pandemic.

State testing capacity has gotten substantially better, but we must reflect on what went wrong so we make sure that it does not happen again in the future.

I, frankly, do not understand what happened at the Centers for Disease Control and Prevention in the month of February of this year. We have never really asked the question at the committee level. We should have.

If we don’t understand what went wrong, how do we prevent it from happening again if the virus makes a resurgence, if some other virus makes an appearance?

Congress, recognizing the importance of widespread diagnostic testing, did take action to encourage the development of testing strategies, and billions of dollars have been directed towards testing in our four previous response bills. But now we are poised to push \$3 trillion of taxpayer money out the door, and we should evaluate, we should have the evaluation of what is the current state of our response and our recovery, including our testing strategy.

Madam Speaker, we have to get this right for the American people.

Mr. MCGOVERN. Madam Speaker, let me just say, it is absolutely ridiculous for anybody to suggest that, under the process that we are advocating, somehow you are “giving away” your vote. There is no discretion at all involved in the process that we are putting forward. My colleague sat through hours of hearings yesterday. I would maybe suggest that he reread the bill.

Madam Speaker, I also include in the RECORD a letter from law professor Debra Pearlstein in response to Mr. Mark Strand’s article, which my ranking member just submitted for the RECORD.

CARDOZO LAW,  
May 15, 2020.

DEAR CHAIRMAN MCGOVERN: I read with interest an article by Messrs. Mark Strand and Tim Lang introduced into the record during yesterday’s hearing of the House Rules Committee on H. Res. 965—Authorizing remote voting by proxy in the House of Representatives. Having written elsewhere in detail about my conviction that the rules change under consideration readily passes constitutional muster, I am grateful for the opportunity to explain why the Strand and Lang position fails to persuade.

Messrs. Strand and Lang offer no objection to the proxy voting process as such, but rather argue that the Constitution would permit votes by designated proxy only if a quorum of Members is already physically present in the House chamber as provided for under existing House rules. Their objection is to the rule change proposed as part of H. Res. 965 that would allow Members voting by proxy to count toward the establishment of a quorum “to do business” required by Article I, Section 5 of the Constitution. The authors cite no case law to support their view that the Constitution’s Quorum Clause requires Members’ physical presence, relying instead on two lines of argument: (1) the bare text of the Quorum Clause, and (2) the interpretive claim that, because other provisions of the Constitution refer to Members’ “presence” or “absence,” it must be that the Quorum Clause itself must be read to mandate physical presence. Neither argument is persuasive.

In defining the scope of the quorum requirement, the Quorum Clause itself says solely: “a Majority of each shall constitute a Quorum to do Business.” The Clause does not provide any method or test for determining the existence of a majority. Neither does it define what measure each House must use to establish the existence of a majority. The Clause itself thus provides no basis for determining whether the “majority” must be, for example, “a majority of Members present,” or “a majority of Members elected,” or “a majority of Members able to vote,” or some other metric altogether.

The authors must instead rely heavily on their interpretive claim that, because other provisions of the Constitution refer to Members’ “presence” or “absence,” the Quorum Clause itself must be read to include an implied requirement of physical presence, as if the Clause had been written to mandate “a Majority of members present shall constitute a Quorum.” That is, of course, not what the Constitution says. On the contrary, the absence of the word “presence” in the Quorum Clause cuts as much against the authors’ argument as in its favor. The framers of the Constitution knew exactly how to require “presence” when they wanted to; they do so, for example, just a few lines earlier in

the text, in Article I, Section 3, providing: “The Senate shall have the sole power to try all impeachments . . . [N]o person shall be convicted without the concurrence of two thirds of the members present.” The failure to include such a requirement in the Quorum Clause, or indeed to modify or define the Quorum Clause majority requirement in any way, suggests the framers did not intend to include presence as such as part of the quorum determination.

Particularly when coupled with the Clause immediately following the Quorum Clause—according each House broad discretion to “determine the rules of its proceedings”—it makes no sense to imagine the framers meant here to tie the hands of future congresses from using what reasonable, verifiable means might be available to adjust its procedures to accommodate a crisis. On the contrary, as both judicial opinion and the historical record referenced in my earlier letter make clear, the House’s discretion to adopt rules reasonably adapted to suit changing circumstances is precisely as broad as the Constitution’s text suggests.

As ever, I thank you for your efforts, and for the opportunity to share my views.

Sincerely,

DEBORAH N. PEARLSTEIN,  
Professor of Law.

Mr. MCGOVERN. Madam Speaker, I will go into this later in much more detail when we take up the resolution, but I would urge my colleagues to read the response.

Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. SHALALA).

□ 0930

Ms. SHALALA. Madam Speaker, I rise today in support of the rule and the underlying bills.

Madam Speaker, my office in Miami is not getting calls; we are getting cries for help. My neighbors are scared of both a virus that could kill them or their loved ones and worried about how they will make their next rent or mortgage payment or buy groceries or when their children will go back to school.

Today we vote on two bills. The first will allow Members of Congress to do our jobs, as described by our chair, Mr. MCGOVERN. The second will provide desperately needed relief.

We have already passed four pieces of legislation to respond to the pandemic which has killed more than 83,000 Americans. My friends and neighbors in south Florida are suffering. The HEROES Act gives money to my State, cities, and county that are shouldering both the economic and health burdens of COVID-19.

Unless we do this, my county and cities and school board will not be able to pay teachers or firefighters or police officers or transit workers or even hire contact tracers to help get this virus under control. This bill provides that and includes more money for SNAP and additional economic impact payments of up to \$6,000 per family.

The HEROES Act also provides needed funds for the Postal Service. The Postal Service was founded in 1792. It is more critical than ever in helping people safely access medications and food and cleaning supplies and vote-by-mail ballots and more.

While the Senate may be here in D.C. whistling past the graveyard as they confirm judicial nominees, we are working to get the American people the help they desperately need. I urge all of my colleagues to support these bills.

Mr. COLE. Madam Speaker, I yield 3 minutes to the gentlewoman from Arizona (Mrs. LESKO), my good friend and member of both the Rules Committee and the Judiciary Committee.

Mrs. LESKO. Madam Speaker, both bills under this rule are absolutely terrible and should be rejected.

First of all, you have the proxy voting and remote voting. This has never been done in the history of the United States—not during the Civil War, not during previous pandemics, and we shouldn’t do it now. When you have nurses going to work, when you have grocery store workers going to work, when you have everybody else going back to work, we are setting a terrible example by saying: “You don’t have to show up to work. Just give your voting card over to somebody else.” It is terrible.

And then when I offered an amendment in the Rules Committee yesterday saying, “Okay, if you don’t show up to work, you don’t get the travel allowance in your MRA,” that was rejected by every single Democrat Member on the Rules Committee.

And then Speaker PELOSI’s bill, I call it the Keep People Unemployed Act, because that is what it is. It will incentivize people to stay unemployed. It extends the \$600-per-week unemployment payment through January 31 of next year. It mandates all businesses continue the Family Medical Paid Leave Act for another year, and it says that when you apply for SNAP, food stamps, that the \$600 per week that you are getting doesn’t count towards income. So now you are going to have people that are sitting at home getting paid more than they did when they worked and getting food stamps.

I already have businesses in my district that say we need to hire back these people because Arizona is back open. They can’t hire the people because the people are getting paid more to sit at home.

In addition, it gives \$1,200 to people that are here illegally. Why are we not prioritizing U.S. citizens? It lets criminals who are convicted of murder and rape, just because they are 50 years old or older, out of prison. And it federalizes elections, mandating that there is same-day voter registration and that everyone is mailed a ballot.

This is a ridiculous bill in this combined rule, and I ask my Members to vote “no.”

Mr. MCGOVERN. Madam Speaker, there is a lot that I could say, but let me just say this: In the time of this incredible tragic health pandemic and economic crisis, I don’t think now is the time to kick poor people, to beat up on people who are hungry in this country.

We ought to step forward, as the United States of America, the richest country in the history of the world, and make sure that nobody in our country goes hungry. It is shameful the way my colleagues on the other side of the aisle demagogue this issue. It is shameful.

Madam Speaker, I yield 30 seconds to the gentleman from California (Mr. CORREA).

Mr. CORREA. Madam Speaker, I rise in support of the underlying rule and the HEROES Act to provide stimulus checks to all taxpayers.

In April, I introduced H.R. 6438, the Leave No Taxpayer Behind Act, so that hardworking, taxpaying immigrants, immigrants who work in our fields to feed us on an everyday basis, also receive stimulus checks.

Thank you for including this measure in the HEROES Act, and I urge passage of the HEROES Act.

Mr. COLE. Madam Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS), my good friend and the distinguished ranking member of the House Administration Committee.

Mr. RODNEY DAVIS of Illinois. Madam Speaker, I rise today to speak in opposition to the underlying legislation, H. Res. 965.

The process that led to this debate is unacceptable. After a previous failed attempt to bring a similar rules-change package to the floor last month, I was hopeful that the work of the bipartisan task force to reopen the House would result in a genuine willingness toward bipartisan solutions. I was optimistic that our Democratic majority would partner with us to help this body adapt to the coronavirus pandemic.

We Republicans on that task force offered a realistic framework to make responsible, measured, and thorough reforms to get the whole House working again. That plan was dismissed out of hand by the Democratic majority, with no alternative.

It was not until Wednesday morning, just two days ago, with the release of H. Res. 965, that we saw any semblance of a plan, and in no way was it a product of bipartisanship or greater Member input.

The majority's unwillingness to work in a collaborative way was reinforced yesterday at the Rules Committee hearing when not one commonsense amendment offered by the minority was accepted.

Commonsense amendments like: Requiring the technology used by the House to be certified by the CAO; rejected.

Requiring technical support during virtual committee activity; rejected.

Allowing the entire House of Representatives to weigh in on the type of remote voting this body follows; rejected.

Not only is this resolution completely partisan, it is being rushed to the floor while there is still an unacceptable amount of unanswered ques-

tions, both on the specifics of the processes authorized in the rules changes and the technology to support it.

I know that this morning, at 6 a.m., we were provided a copy of the regulations that the Rules Committee plans on issuing. Is that the same type of consultation that we can expect for the remote hearing changes that are left to one Member of the majority to decide?

The House is on the receiving end of 1.6 billion unauthorized scans on our network per month. After broadcasting to the world that Members are going to now be able to cast their vote or operate in this institution remotely, I don't know about you, Madam Speaker, but I expect those to increase.

What further reduces my confidence in these sweeping changes that will not have their stated effect is the feedback from virtual committee roundtables that have already been attempted by every committee. There have been instances of the majority staff kicking participants off video conferences because they had not RSVP'd.

Madam Speaker, I include in the RECORD a list of the concerns that our ranking members have provided me on the House Administration Committee.

[From Committee on House Administration Ranking Member Rodney Davis]

REPUBLICAN RANKING MEMBERS EXPRESS SIGNIFICANT CONCERNS WITH DEMOCRATS PROPOSAL TO ALLOW FOR VIRTUAL COMMITTEE PROCEEDINGS

VIRTUAL COMMITTEE PROCEEDINGS INHIBIT THE ABILITY OF MEMBERS TO FULLY PARTICIPATE

Remote platforms give the majority, typically in the hands of a junior technical staffer not even co-located with the Chairman, the ability to control who can speak or even be heard by other participants.

Other potential inhibitors could include a member's lack of familiarity with the platform, lack of training, inadequate resources (i.e., hardware, software, reception and connectivity especially in rural areas), and user errors like inadvertently pressing the mute button.

Virtual proceedings create an inability of Members to be able to effectively interact and have conversations in person with each other and with staff. Members won't have the same opportunity to interact with each other in real-time that they do with in person hearings. This puts the minority at a distinct disadvantage because the majority controls the content and the schedule. Minority strategy is always a last-minute engagement and often is still forming as the hearing begins.

Remote proceedings depend on the reliability various technology elements. If any one fails, members can't fully participate.

Pre and post hearing engagement with witnesses, other members, staff, and press will be lost. A lot of work is done immediately before or after hearings in terms of connecting with people. All of that time, connection, relationship building will be gone.

Every Ranking Member who responded to a recent survey expressed some level of concern over their members ability to fully participate.

VIRTUAL COMMITTEE PROCEEDINGS RAISE MANY PARLIAMENTARY ISSUES

Many rules aren't self-executing, and members may have limited time to raise objections. Once the time has passed, the opportunity is lost.

For example, a point of order regarding the germaneness of an amendment must be made when the amendment is offered. After reading the amendment is dispensed with, the opportunity to object is lost.

The Majority already has demonstrated a great capacity to ignore points of order, parliamentary inquiries, and privileged motions. Since they will be controlling the technology, how will Minority members ever get a chance to even raise these procedural points?

It is unclear if current technologies have the capability to have a clearly visible timer which will create challenges enforcing time limits in a clear and transparent way.

Issues will arise without parliamentarians and counsels in the room to advise on amendments, motions, objections, and points of order.

VIRTUAL COMMITTEE PROCEEDINGS INCREASE THE RISK OF THE POLITICIZATION OF OFFICIAL COMMITTEE BUSINESS

Traditionally, there is a clear separation between official business and campaign work. This is particularly the case immediately before the general election, when the House generally takes about a month off to go campaign. This creates an important break between official hearings and legislative activity. With remote proceedings, there's less reasons the majority couldn't respond to some less than positive polling results by marking up newly introduced legislation that could make an impact in key districts leading up to an election.

VIRTUAL COMMITTEE PROCEEDINGS JEOPARDIZE THE INTEGRITY OF PROCEEDINGS AND RAISE MAJOR CYBERSECURITY CONCERNS

Requiring Members to be present to vote ensure Members are fully and transparently voting on their own volition. There is no question of technological/cybersecurity problems interfering with Members votes and there is no question as to whether the vote was cast by the Member or by a third party. Remote proceedings do not guarantee the same level of transparency and accountability.

EXPERIENCES OF COMMITTEES WITH UNOFFICIAL VIRTUAL COMMITTEE MEETINGS SO FAR LEND CREDENCE TO THESE CONCERNS.

Over 80 percent of Committees who responded to a survey responded that their committee had held unofficial committee meetings virtually over the past couple of months. Those meetings experienced numerous issues including:

People getting dropped or unable to unmute themselves in a timely manner.

Majority staff kicking people off if their numbers were not RSVP'd. This could be a concern in the future if Members or staff call in from an unrecognizable or un-RSVP'd phone number.

Members personal information almost released publicly due to platforms displaying the phone numbers of people on the call.

A Member who couldn't participate because of inadequate internet connection.

Unauthorized individuals accessing a meeting.

One committee attempted to hold a roundtable and experienced such significant technical glitches that called into question whether the bipartisan roundtable could even occur. It took some participants up to 30 minutes to join the Cisco Webex video chat while others could join with only with audio or never participate at all. Once connected, many participants could not tell who was speaking or even controlling the video or microphone settings. A third-party moderator was unaware until the end of the call that typed questions were being submitted by users throughout the conference for speakers to answer.

For another committee, the technical issues have been so bad that Member participation in recent calls has steadily declined with less than 30 percent of the Committee's members participating in the most recent virtual meeting.

**SAFEGUARDS MUST BE ADOPTED TO ENSURE MINORITY RIGHTS AND SECURITY OF ANY OFFICIAL COMMITTEE PROCEEDING HELD VIRTUALLY**

There needs to be a backup method of communication, independent of the primary platform, so that members can contact the Chair directly in the event the platform fails.

There must be clear rules and conditions developed in a bi-partisan way on control of audio/visual with respect to rights of minority. An independent IT operator should be mandatory for any remote proceedings. Video feeds should be equally accessible by both parties to ensure that no one can censor or edit official proceedings after the fact.

Members should not be forced to participate in committee activity over a technology platform when they are capable and willing to attend in person. Committees should always allow Members to participate by simply showing up to a hearing room in one of the House Office buildings.

All other House Rules should remain in effect. If committees are unable to guarantee procedural safeguards in the rules, they should not be permitted to use technology to deny Members procedural protections.

Technology should permit staff work. Committee staff engage in a lot of real-time work during hearings and markups. The technology should facilitate some ability for committee staff to continue to assist Members in "real-time."

There needs to be additional information on the security of the platform to be used and assurances that each Member has the connectivity needed to support the meetings.

Mr. RODNEY DAVIS of Illinois. Madam Speaker, Members' personal information on these roundtables has already been viewed publicly; Members being dropped from platforms because of poor connections; Members being unable to participate in web-based events due to poor internet connections in rural areas. And the list goes on.

I mention these examples not to say that all virtual proceedings cannot or should not be authorized, but I share these issues as further proof that the "crawl, walk, run" approach is necessary to make sure that virtual proceedings are done successfully.

In closing, I would like to reiterate what I shared at the Rules Committee hearing yesterday. I want to encourage all of us to take a step back. I want to make sure that we don't have a precedent set that will create a brand-new process.

We are not here simply debating an outdated rule, Madam Speaker. We are here debating what kind of institution we want the people's House to be and the example that we want to set for the American people and the rest of the world.

If we vote to adopt H. Res. 965, we are setting a new precedent that will forever change the processes that are used in the House of Representatives. It opens a Pandora's box, and it provides constitutional risks. And in times of crisis, Americans should trust their leaders. Vote "no" on H. Res. 965.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

I am disappointed with the gentleman's statement. He referred to a failed attempt three weeks ago to deal with the issue of remote voting. There was no failed amendment. We pulled the bill to have discussions with Republicans about how we can move forward. That is why we did that.

And then the gentleman refers to all of these amendments that were brought up in the Rules Committee, commonsense amendments. Yeah, amendments on everything, including abortion, immigration, airline travel. But the gentleman knows full well that many of the suggestions that the Republicans offered during our negotiations we took into account and are part of this proposal.

So I don't know what the gentleman is talking about, but I will tell you this: That kind of attitude, that commentary, doesn't bode well for future negotiations.

Madam Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Madam Speaker, in all of our bills, virtually all the money goes to bandage the economic wounds. We need a greater focus on beating the disease. Workers need paid sick days so they will stay home if they are sick, even if they work for an employer with under 50 or over 500 employees.

The Defense Production Act needs to be amended so it can provide for the licensing of new technology, and inventors need to be well compensated if they invent something useful to attack the COVID virus.

We have provided money for testing, but only one-quarter of 1 percent of the money we provide in this bill or prior bills has gone for therapeutics, prophylaxes, and vaccines.

The clinical medical researchers of this country are sitting at home, because virtually all non-COVID medical research has been suspended. Let's put them to work. Let's learn more of the basic facts of COVID, and let's test every reasonable combination of generic compounds at every stage of the disease.

Yes, for a while, we can bind our economic wounds, but ultimately, we need to beat the disease.

Mr. COLE. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. JORDAN), my good friend and ranking member of the Judiciary Committee.

Mr. JORDAN. Madam Speaker, three weeks ago, the Attorney General of the United States said this: "The Constitution is not suspended during a crisis." Amen to that.

And guess who agreed with him, or at least used to agree with him? Last month, April 9, the Speaker of the House said: "There is a constitutional requirement that we vote in person." But, oh, how that has changed.

Today we are, in fact, suspending the Constitution. We are allowing proxies

to establish a quorum and do the business of the American people. The Supreme Court has been very clear on this. In the Ballin decision, the Court said Members have to be present by stating: "All that the Constitution requires is the presence of a majority, and when that majority are present the power of the House arises."

You have got to be there. Actually, you have got to be here. You have got to be here to do the business of the people. You can't phone it in. You can't mail it in. This bill would allow one Member to have 10 proxies in their back pocket. Think about that. 22 Members with 10 proxies in their back pocket could do the business of 330 million people in this great country.

We all take an oath to the Constitution. Article I, Section 4 of the Constitution mandates that Congress must "assemble at least once in every year." That is when we start the session.

Article I, Section 5 requires Congress to physically congregate and vote to change where it is going to sit; frankly, what is happening today.

Section 5 also requires a recorded vote on any question at the desire of one-fifth present.

Article I, Section 6 mandates and protects Members from arrest during travel to and from their attendance at a session of their respective House.

You would think if you could mail in your vote, the Constitution wouldn't protect you on traveling to the vote. All of these provisions envision Members physically traveling and being present at the seat of the Federal Government.

As Mrs. LESKO said earlier, farmers are planting crops, truckers are moving goods, grocers are stocking shelves, frontline healthcare workers haven't missed a day. They can't phone it in. They can't mail it in. They can't proxy their work in. They have to be there and do it, and we should do the same.

The example this sends, the precedent this sets, is so darn wrong. And I encourage a "no" vote on H. Res. 965.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. PAPPAS).

□ 0945

Mr. PAPPAS. Madam Speaker, I rise in support of the HEROES Act today because our frontline workers, first responders, and community members are rising to the occasion, and so must Congress.

We know we are living through an unprecedented crisis. If we fail to redouble our efforts, the public health threat will grow, more jobs will be permanently lost, additional small businesses will throw in the towel, and cities and towns will go bust.

The conversations I have every day with mayors, hospital officials, small business owners, and essential workers underscore why bold action is immediately needed. I fought for a number of provisions in this bill that are important to my constituents, including



aid to local government to sustain essential services; free coronavirus testing, treatment, and vaccines for low-income individuals; expanded tax credits for small businesses to keep workers on the job; and giving our veterans a reprieve from VA debt collection.

No bill is perfect, but with bipartisan cooperation in the coming days, we can deliver meaningful results. We can meet this moment responsibly, ensure our communities are equipped to overcome this virus, and allow our economy to safely get back on its feet.

Mr. COLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to change to two-thirds the threshold required to pass H. Res. 965, the resolution changing the rules of the House to adopt a proxy voting procedure on the floor and to allow remote proceedings.

Madam Speaker, changing the rule does require a two-thirds vote, and that is what we are doing in this rule.

Madam Speaker, the rules change that H. Res. 965 contemplates has simply never been utilized in the House of Representatives. We are quite literally setting a new precedent that will guide us into the future. Any change of this magnitude should only pass the House with bipartisan consensus, and a two-thirds threshold is appropriate to demonstrate whether or not such a drastic change and new precedent actually meets this test.

Madam Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with the extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLE. Madam Speaker, I urge a "no" vote on the previous question, and I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, let me clarify for the Record that it only takes a majority to change the rules. Democrats have changed the rules with a majority. The Republicans have changed the rules with a simple majority, not two-thirds.

Madam Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. HASTINGS), an effective and distinguished Member of this House and the Rules Committee.

Mr. HASTINGS. Madam Speaker, we convene today to pass a desperately needed relief package that will provide nearly \$3 trillion in economic relief to frontline workers and families. I am proud to speak in favor of the rule and in strong support of the underlying legislation, the HEROES Act.

Like many of you, I continue to receive emails, letters, and phone calls from constituents bearing the brunt of this administration's disorganized response to the COVID-19 pandemic.

My constituents write: "I have been denied unemployment even though I

have met every criterion. I am about to lose everything. Please help me."

They write: "I am homeless. I was just laid off because the schools are closing. I have my granddaughter with me. I need help."

And they write: "I am literally on my last \$100 for food and have already maxed out my credit cards. Please help. Please help. Please help."

Americans are afraid not just of how they are going to make ends meet but whether they are going to make it through this pandemic at all.

Yet, this White House remains utterly disconnected from reality, moving at every opportunity to reject science, sideline medical experts, and pat themselves on the back for a job well done, even as the COVID-19 pandemic tears our communities apart.

This week, President Trump said that "we have prevailed," that "we are going to have one of the best years we have ever had," that we are beginning to "transition to greatness." The President of the United States refers to over 80,000 dead Americans as a "transition to greatness"? I wish I could say that I was shocked, but I am not.

What we continue to witness is a catastrophe. Calling it anything less does a great disservice to the millions of Americans who are affected by this illness.

If there is to be any silver lining in these trying days, at this exact moment, these public servants are working around the clock to protect us.

Madam Speaker, I say to my constituents: We see you.

Mr. COLE. Madam Speaker, I yield myself such time as I may consume.

Just briefly, I want to thank my good friend, the distinguished gentleman from Florida, for being here. We all know he is fighting bravely a very deadly disease, and it says a lot about his personal courage and his commitment to service that he is here today. Madam Speaker, it is good to have him on the floor of the House.

Madam Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Ms. FOX), the ranking member of the Education and Labor Committee.

Ms. FOX of North Carolina. Madam Speaker, I thank my colleague from Oklahoma for yielding.

Today is a dark day in the history of our country, and for that, I rise in opposition to H. Res. 965, partisan legislation that would upend more than 200 years of precedent and jeopardize the deliberative process of the House of Representatives.

States have started reopening businesses, schools, and local economies. Congress should be following suit. Yet, this is the first time the House has come to semiregular order in over 2 weeks.

Speaker PELOSI and House Democrats are holding the people's House hostage. They would rather erect and prolong a partisan blockade instead of doing the people's business in the open.

Members of Congress should not be on the sidelines. We can and should get back to official business, especially committee work. Hearings and mark-ups are a critical function of the people's House.

Without passing ill-conceived legislation that jeopardizes our democratic institution, the House proved 2 weeks ago, and again today, that we can conduct business while following health guidelines. There is no reason congressional committees can't do the same.

Sadly, the Democrats are using this pandemic to justify gutting the Constitution and our practices, and it is disgraceful.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. PERLMUTTER), a distinguished member of the Rules Committee.

Mr. PERLMUTTER. Madam Speaker, it is good to see a Coloradan in the chair. I rise today in support of the rule, the HEROES Act, and H. Res. 965.

Madam Speaker, I want to start by thanking Chairman MCGOVERN for his leadership and his vision through this Congress and especially these last difficult months.

COVID-19 has affected every corner of our country and the world. The impact of the virus and the blow to our economy is massive, and Congress must act with force and speed.

While some of my colleagues may argue that we are spending too much money, these packages are a fraction of the losses we have suffered in this country and around the world. I am proud the HEROES Act includes a provision I introduced with Representative JOE MORELLE to provide \$500 billion for States to help them to respond to the crisis and to avoid harmful cuts to law enforcement, firefighters, teachers, healthcare, and others at a time when we can least afford it.

The HEROES Act also includes a \$375 billion provision from fellow Coloradan JOE NEGUSE for local, county, and municipal governments so they can maintain critical services.

Another provision that I worked on is the inclusion of the bipartisan SAFE Banking Act to provide legitimate cannabis businesses that are legal under State laws access to the banking system. The bill passed this body last fall with 321 votes, including 91 Republicans. Cannabis businesses across the country have been deemed as essential during this pandemic, and these businesses and their estimated 243,000 employees deserve equity with other legal businesses.

The SAFE Banking Act would also address the increased health risk of spreading COVID-19 on banknotes and coins, as well as the increased public safety risk associated with this cash-only industry. At a critical time, SAFE Banking will help protect jobs and encourage lending in our communities.

Madam Speaker, I urge all of my colleagues to support the HEROES Act, and I also encourage them to vote for

H. Res. 965. We had a spirited debate on this yesterday in the Rules Committee, and the fact is that we cannot let Congress come to a grinding halt, which is what I think some of my Republican colleagues would like to have us do. I believe it is legislative malpractice if we don't allow for remote voting during this pandemic.

Mr. MCGOVERN has acknowledged this is a first step, and I hope we continue discussions and eventually work on a permanent change to the House rules to ensure Congress operates with speed through future emergencies.

Mr. COLE. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. WOODALL), a member of the Rules Committee.

Mr. WOODALL. Madam Speaker, I thank the gentleman from Oklahoma (Mr. COLE) for yielding.

These are strange times. I saw my friend ALCEE HASTINGS on the floor. I wanted to sit down beside him and whisper in his ear like we would have done when we gathered last year. I wanted to grab his hand and tell him I have been praying for him. Now, he is gone, back off the House floor and back into social distancing.

No one denies that these are unusual times, even dire times, that require a substantial response. In many ways, what we are doing here today isn't unusual. We have a majority in the U.S. House of Representatives that will, in fact, jam through, on an almost party-line vote, its agenda. That is not unusual.

We have a majority in the House that is going to implement its ideas for rules changes in the House, even without a minority amendment. That is not altogether unusual. But I have listened to colleague after colleague come to the House floor and talk about the unusual times that, I would argue, require an unusual response.

I feel a little empty today in what I usually enjoy as a Rules Committee debate. I know how the Rules Committee goes, Madam Speaker. There are nine members of the majority and four members of the minority. The majority wins every vote, and not by a little, by a lot.

Your job, as a minority member on the Rules Committee, is to lose. You go up there, and you lose every day. That is often the way the House is when we are trying to put together a House position that is going to go into negotiation.

But I have heard the sense of urgency that I know each of my colleagues on both sides of the aisle believes, and our sense of urgency today doesn't allow us time to push a messaging bill across the floor.

Madam Speaker, this is the single largest borrow-and-spend bill the country has ever seen, and it included not one Republican amendment—not one. The single largest rules change the House of Representatives has seen in any of our lifetimes, and the underlying rules change includes not one Republican amendment—not one.

I listened to my chairman, for whom I have great respect. Candidly, with the small nature of the Rules Committee, we are able to develop relationships that the entire institution is not able to develop. I wish everybody on the House floor knew the gentleman from Massachusetts as I believe I know the gentleman from Massachusetts. When he talks about fighting hunger, when he talks about us doing better, he is absolutely right and absolutely sincere. When he talks about people suffering, when he talks about people in desperate need, he is absolutely right and absolutely sincere.

When my friend from Florida, Ms. SHALALA, said that she doesn't get calls in her office but that she gets cries from desperate people for help, I know that feeling because my office gets the same ones.

But that is not everything that is in this bill. This bill isn't all testing. This bill isn't all hunger.

I offered an amendment yesterday in the Rules Committee that said: You know what? We are going to perpetuate the myth that we disagree on everything in this institution. In a partisan way, let's divide this 1,800-page bill up. Let's divide it up into sections, and let's support those things that we can support and oppose those things that we oppose. Let's support hunger prevention and remediation. Let's support food for children. Let's support testing for first responders. Let's do those things.

Madam Speaker, this bill also repeals the SALT tax. It reinstates the SALT tax deduction. This is not an idea that has come about in an emergency. This is something we have been arguing about since 2017. This is something the Ways and Means Committee acted on in an almost purely partisan way in December. This is something the House acted on in a purely partisan way in December, long before we were talking about COVID.

This is a provision where 80 percent of Americans, the bottom 80 percent of all income-earning households, receive 4 cents out of every dollar of this provision, 4 cents to the bottom 80 percent of Americans. The top 5 percent of Americans, the top 5 percent of income earners, receive 80 cents out of every dollar.

It is not an emergency. It is not COVID-related. It is not going to the neediest of these. It is not a million-dollar provision. It is not a billion-dollar provision. It is not a \$10 billion provision. It is a \$200 billion provision tucked into this borrow-and-spend bill.

Madam Speaker, we don't disagree on serving those who need to be served. We don't disagree on medical research. We don't disagree on education. But we do have disagreements.

An 1,800-page bill, and I offered an amendment to say let's divide it up into sections so we can support what we can support in a bipartisan way and push through in a partisan way the things that we can't support. It was denied.

There are times and places to have partisan debates, Madam Speaker. Today is not one of them, and I reject the path that we are on.

The SPEAKER pro tempore. The time of the gentleman has expired.

□ 1000

Mr. COLE. Madam Speaker, I yield the gentleman an additional 1 minute.

Mr. WOODALL. Madam Speaker, we have an opportunity, and not an opportunity that is an untread path as the path we are on today. We have a well-tread path.

I will remind my colleagues, as we fight amongst ourselves on this legislation, we have been to this floor already on COVID-related measures in a bipartisan, partnership-negotiated way. Not once, not twice, three times we have gone down that path.

For folks who are watching the debate today, Madam Speaker, I hope they don't take away that we are divided when it comes to supporting our constituency. I hope they don't take away that we are divided when it comes to standing united on behalf of those families that cannot stand for themselves in this tough time. And I hope, for my colleagues who feel like they need to push a messaging bill through no matter what, that they remember those times just a few short weeks ago where we came together, where we stood together, largest change in American history, largest bill, not one Republican amendment.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Madam Speaker, on March 1, Vermont had the lowest unemployment rate in its history. Today, it has the highest unemployment rate in its history. About one-third of Vermonters who would like a job can't find a job.

The Federal Government is the only entity that has the fiscal flexibility and the fiscal capacity to meet that need. We have to act. This legislation would provide Vermont with over \$2 billion for State and local budgets. Absent that, the pain is going to be pressed, pressed, pressed down into our firefighters, our teachers, and our kids.

It has reforms to the Paycheck Protection Program so our restaurants and our small businesses have a chance to make use of that, something both sides want to happen.

It has \$75 billion for testing, which is the path to getting on top of this virus.

It provides funds to try to stabilize our institutions of higher education that we must have on the other side of this virus.

There are differences, and we don't have the luxury of time for the full debate all of us would prefer, but we must act, and we must act now. If we make a mistake in how we proceed—and mistakes will be made—it should be on the side of erring to do too much, not too little.

Mr. COLE. Madam Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Oklahoma has 3 minutes remaining. The gentleman from Massachusetts has 9 minutes remaining.

Mr. COLE. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 30 seconds to the gentlewoman from Illinois (Ms. UNDERWOOD).

Ms. UNDERWOOD. Madam Speaker, I thank the gentleman for yielding.

I rise in support of the HEROES Act, which meets urgent needs we are facing in northern Illinois. This legislation invests in the testing, tracing, and treatment we need to safely reopen our communities. It supports the essential workers whose sacrifices and dedication are keeping us safe and provides direct funding that will make a critical difference for smaller communities. I am so proud it also includes my bill to eliminate out-of-pocket costs for veterans and to help survivors of domestic violence.

This bill is not perfect. We have more work to do, such as ensuring affordable healthcare coverage for the tens of millions of Americans who find it too expensive. But the HEROES Act will provide relief to all of our communities, and we must pass it today.

Mr. COLE. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. RASKIN), a distinguished member of the Rules Committee.

Mr. RASKIN. Madam Speaker, I thank the gentleman for yielding.

I want to start by saluting Chairman MCGOVERN, who has done such a sensational job under adverse circumstances bringing us a new rule so that we can maintain the continuity of the U.S. Congress.

We are bringing a rule forward today to allow for a very narrow exception to allow for proxy voting in the coronavirus emergency, when Members cannot get back to Washington, so we can continue the absolutely vital and central work of Congress.

That work continues today with the HEROES Act, which will put trillions of dollars into the heroes of America: the firefighters and the cops, the teachers, the frontline health workers, the emergency responders, the people who actually make America run. That is what the HEROES Act is all about.

We hear a lot in Congress about how much people love the States and the cities and the towns. Now is the chance to show it. Let's put our money where our mouth is and support Americans who are struggling with this crisis brought by the coronavirus and the mismanagement of the disease from the very beginning, the mismanagement of our efforts to fight it.

America, as Dr. Bright said yesterday, does not have a plan. We need massive testing. We need vigilant contact tracing. We need coordination of logistics rather than pitting the States against each other in a ruthless competition for PPEs and for ventilators.

The U.S. Government, under our Constitution, should be coordinating the national effort, not pilfering supplies from the States, much less pitting the States against each other in a brutal competition.

The HEROES Act takes us in the right direction by putting billions of dollars into the testing the population needs. A majority of the cases of infectious transmission comes now from people who are asymptomatic or pre-symptomatic.

The only way to deal with the disease and to put the coronavirus on the run is to do mass testing, diligent contact tracing; and we have got lots of people who can do it, because more than 35 million Americans have been thrown out of work in this process.

Let's put millions of people to work being contact tracers. Let's unify as a country. Let's show that America has the capacity and the strength to operate under our system of federalism to put money into the States and the counties and the cities to work together to stop the disease and to win this major public health battle.

The HEROES Act is the way to go.

Mr. COLE. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. BEATTY).

Mrs. BEATTY. Madam Speaker, I thank the gentleman for yielding.

I rise for this big and bold For the People legislation.

We have been called back again into this great Chamber because we can't quit living, because the world placed us here in unprecedented times, not in control of this virus and events happening to us, but to bring bold and big legislation for the people to speak to the human conditions by creating a heroes fund to give frontline workers the hazard pay they deserve, to make significant investments in State and local governments, direct payments to families, fair elections, housing, testing, contact tracing, and other priorities I proudly support.

The bill also includes language that I have championed to put a moratorium on consumer debt collection, to open up forgivable loans to more nonprofits, ban the box for small business loans, and to make sure that the smallest businesses can get a PPP loan, only to name a few.

I challenge my colleagues to join us and vote for this big and bold bill. Americans deserve every penny of it.

Mr. MCGOVERN. Madam Speaker, I am waiting for one other speaker, but I don't think he has arrived, so I am prepared to close.

Mr. COLE. Madam Speaker, I yield myself the balance of my time.

I thank my good friend from Massachusetts for a spirited debate. We certainly had one yesterday, and we had one again today, and I know we will have one in a few minutes.

In closing, Madam Speaker, I urge opposition to the rule. I oppose both

the change in House rules that is being proposed today, and I oppose the massive and unwarranted 1,800-page, \$3 trillion Democratic wish list that the majority is proposing as well.

The rules changes that this resolution proposes will fundamentally change the nature of the institution. I know that is not the intent of my friends, but I think that is the impact of the rule.

I am deeply concerned with how these changes will actually work in place, and I am concerned that we are doing so without regard to the fact that a change like this is likely to lead to litigation and may place in jeopardy legislation that we pass in a bipartisan manner.

After reaching a bipartisan agreement on \$2.5 trillion in spending over the last 6 weeks, the majority is now seeking to spend \$3 trillion more, regardless of the actual needs of the Nation and, frankly, without any input from the Republican side of the aisle.

My friends talk about the urgency of the moment. I agree. This is an urgent moment. But I also agree that we are going to have to work in a bipartisan fashion to actually pass something. So if this makes my friends feel better, that is fine; and if the intent is to set out a negotiating position, I guess that is legitimate; but if you think this is going to end up as law, you are sadly mistaken. The Senate has already said it will not take up the bill. The President has already said that, if it reaches his desk, he would veto it.

So let's do what we have done four times in a row: Sit down; work together; craft a bipartisan bill. We have proven we can do it, and we can do it again.

I am just mystified why my friends have felt the need to inject a clearly partisan bill and think this is going to move us down the road in the right direction. It is not. They are going to cement a lot of Members in on both sides of the aisle to positions that will make it more difficult to reach a common agreement when that is the appropriate thing to do.

This really is an exercise in legislative futility. H.R. 6800 will never become law. Democrats know that, and they are not going to be able to jam it through.

So they can come down here and talk about it as much as they want, and there are certainly some parts of it I could support, but as a package, it is going nowhere, and it is not moving us toward a solution.

I implore my colleagues to return to what they have done in the previous four bills where we worked together, brought a product that was bipartisan to the floor, and passed it overwhelmingly with almost no dissent. That was the formula for success. The formula they are pursuing now will not succeed. They know it will not succeed.

I have never been convinced as to why deliberately launching out something you know won't pass is useful.

Both sides do it, by the way, from time to time. We have certainly done it, so I don't want to suggest this is strictly a partisan exercise.

This bill will not succeed. I urge rejection of the rule.

Madam Speaker, I yield back the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, let me begin by again thanking my colleague from Oklahoma (Mr. COLE) for the tone he set in the Rules Committee debate yesterday and for his friendship and for always trying to be constructive.

Madam Speaker, I began this debate by speaking about the challenge we face today. And make no mistake, the list is long, but I have no doubt the American people can rise to these challenges. They are resilient and have shown again and again a perseverance that is no match for even a global pandemic.

The question, quite frankly, is whether our elected officials are up to these challenges; whether we are willing to rise above knee-jerk partisanship of the moment and put what is best for our country and this institution first ahead of the next great sound bite and before the next election.

In all my time here, I have seen us do that again and again, whether we face war or terrorism or natural disaster. I was proud of the way we came together on prior coronavirus bills, too.

But I worry that something is changing on the other side. It is deeply concerning to see the President throw up his hands and essentially say, "Enough." He has declared victory on testing, despite it being out of reach for most Americans.

The Senate majority leader has essentially said he is hitting pause on doing anything else related to this pandemic for the time being.

And there are some on the other side of this Chamber who want to conduct business as usual around here as if nothing has changed. We hear it today on the floor. Some Members get up and downplay this pandemic like it is no big deal. It is like we are living in "The Twilight Zone."

We are at the start of this pandemic, Madam Speaker, not the end, and if we run into our respective partisan corners now, what example are we setting? Things could get worse in the fall, and what then?

Madam Speaker, we need to act, and we need to act boldly and immediately, and that includes passing this rule. It means passing the HEROES Act, and it means making these temporary changes to allow for virtual committee proceedings and remote floor voting during this pandemic. This is what the moment requires.

The material previously referred to by Mr. COLE is as follows:

AMENDMENT TO HOUSE RESOLUTION 967

At the end of the resolution, add the following:

Sec. 13. Notwithstanding any other section of this resolution, an affirmative vote of

two-thirds of the Members present and voting, a quorum being present, shall be required on adoption of House Resolution 965.

□ 1015

Mr. MCGOVERN. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COLE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 219, nays 182, not voting 29, as follows:

[Roll No. 105]

YEAS—219

Adams	Foster	Moulton
Aguilar	Frankel	Mucarsel-Powell
Alfred	Fudge	Murphy (FL)
Axne	Gabbard	Nadler
Barragán	Gallego	Neal
Bass	Garamendi	Neguse
Beatty	Garcia (IL)	Norcross
Bera	Garcia (TX)	O'Halleran
Beyer	Golden	Ocasio-Cortez
Bishop (GA)	Gomez	Omar
Blumenauer	Gottheimer	Pallone
Blunt Rochester	Green, Al (TX)	Panetta
Bonamici	Grijalva	Pappas
Boyle, Brendan	Haaland	Pascarella
F.	Harder (CA)	Payne
Brindisi	Hastings	Pelosi
Brown (MD)	Hayes	Perlmutter
Brownley (CA)	Heck	Peters
Bustos	Higgins (NY)	Peterson
Butterfield	Himes	Phillips
Carbajal	Horn, Kendra S.	Pingree
Cárdenas	Horsford	Pocan
Carson (IN)	Houlahan	Porter
Cartwright	Hoyer	Pressley
Case	Jackson Lee	Price (NC)
Casten (IL)	Jayapal	Quigley
Castor (FL)	Jeffries	Raskin
Castro (TX)	Johnson (GA)	Rice (NY)
Chu, Judy	Kaptur	Richmond
Cicilline	Keating	Rose (NY)
Cisneros	Kelly (IL)	Rouda
Clark (MA)	Kennedy	Ruiz
Clarke (NY)	Khanna	Ruppersberger
Clay	Kildee	Rush
Cleaver	Kilmer	Ryan
Clyburn	Kim	Sánchez
Cohen	Kind	Sarbanes
Connolly	Krishnamoorthi	Scanlon
Cooper	Kuster (NH)	Schakowsky
Correa	Lamb	Schiff
Costa	Langevin	Schneider
Courtney	Larsen (WA)	Schrader
Cox (CA)	Larson (CT)	Schrier
Craig	Lawrence	Scott (VA)
Crist	Lawson (FL)	Scott, David
Crow	Lee (CA)	Sewell (AL)
Cuellar	Lee (NV)	Shalala
Cunningham	Levin (CA)	Sherman
Davids (KS)	Levin (MI)	Sherrill
Davis (CA)	Loebsock	Sires
Davis, Danny K.	Lowenthal	Slotkin
Dean	Luján	Smith (WA)
DeFazio	Luria	Soto
DeGette	Lynch	Spanberger
DeLauro	Malinowski	Speier
DelBene	Maloney,	Stanton
Delgado	Carolyn B.	Stevens
Demings	Maloney, Sean	Suozzi
Deutch	Matsui	Swalwell (CA)
Dingell	McAdams	Takano
Doggett	McBath	Thompson (CA)
Doyle, Michael	McCollum	Thompson (MS)
F.	McEachin	Titus
Engel	McGovern	Tlaib
Escobar	McNerney	Tonko
Eshoo	Meeks	Torres (CA)
Españillat	Meng	Torres Small
Evans	Mfume	(NM)
Finkenaue	Moore	Trahan
Fletcher	Morelle	Trone

Underwood  
Vargas  
Veasey  
Vela  
Velázquez

Visclosky  
Wasserman  
Schultz  
Waters  
Watson Coleman

Welch  
Wexton  
Wild  
Yarmuth

NAYS—182

Abraham  
Aderholt  
Allen  
Amash  
Amodei  
Armstrong  
Arrington  
Babin  
Bacon  
Baird  
Balderson  
Banks  
Barr  
Bergman  
Biggs  
Bilirakis  
Bishop (NC)  
Bishop (UT)  
Bost  
Brady  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burchett  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Chabot  
Cheney  
Cline  
Cloud  
Cole  
Collins (GA)  
Comer  
Conaway  
Cook  
Crawford  
Crenshaw  
Curtis  
Davidson (OH)  
Davis, Rodney  
Diaz-Balart  
Duncan  
Dunn  
Emmer  
Estes  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Foxy (NC)  
Fulcher  
Gaetz  
Gallagher  
Gianforte  
Gibbs

Gohmert  
Gonzalez (OH)  
Gooden  
Gosar  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Green (TN)  
Griffith  
Grothman  
Guest  
Guthrie  
Hagedorn  
Harris  
Hartzler  
Hern, Kevin  
Herrera Beutler  
Hice (GA)  
Higgins (LA)  
Hill (AR)  
Holding  
Hudson  
Huizenga  
Hurd (TX)  
Johnson (LA)  
Johnson (OH)  
Johnson (SD)  
Jordan  
Joyce (OH)  
Joyce (PA)  
Katko  
Keller  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger  
Kustoff (TN)  
LaHood  
LaMalfa  
Lamborn  
Latta  
Lesko  
Long  
Loudermilk  
Luetkemeyer  
Massie  
Waltz  
McCarthy  
McCaul  
McClintock  
McKinley  
Meuser  
Miller  
Moolenaar  
Mooney (WV)  
Mullin  
Murphy (NC)  
Newhouse  
Norman  
Nunes

Olson  
Palazzo  
Palmer  
Pence  
Perry  
Posey  
Reed  
Reschenthaler  
Rice (SC)  
Riggleman  
Roby  
Rodgers (WA)  
Roe, David P.  
Rogers (AL)  
Rogers (KY)  
Rose, John W.  
Rouzer  
Roy  
Rutherford  
Scalise  
Schweikert  
Scott, Austin  
Sensenbrenner  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smucker  
Spano  
Stefanik  
Steil  
Steube  
Stewart  
Stivers  
Taylor  
Thompson (PA)  
Thornberry  
Timmons  
Tipton  
Turner  
Upton  
Van Drew  
Wagner  
Walberg  
Walden  
Walker  
Waltz  
Watkins  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoho  
Young  
Zeldin

NOT VOTING—29

Carter (TX)  
DeSaulnier  
DesJarlais  
Gonzalez (TX)  
Granger  
Hollingsworth  
Huffman  
Johnson (TX)  
Kirkpatrick  
Lewis

Lieu, Ted  
Lipinski  
Lofgren  
Lowey  
Lucas  
Marchant  
Marshall  
McHenry  
Mitchell  
Napolitano

Ratcliffe  
Rooney (FL)  
Roybal-Allard  
Serrano  
Shimkus  
Stauber  
Walorski  
Wilson (FL)  
Wright

□ 1121

Mr. FULCHER changed his vote from "yea" to "nay."

Mes. BASS, PORTER, and OCASIO-CORTEZ changed their vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:  
Mrs. NAPOLITANO. Madam Speaker, I was absent during roll call vote No. 105. Had I been present, I would have voted "yea" on Ordering the Previous Question on H. Res. 965.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WOODALL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 207, nays 199, not voting 24, as follows:

[Roll No. 106]

YEAS—207

Adams	Gabbard	Norcross
Aguilar	Gallego	O'Halleran
Allred	Garamendi	Pallone
Barragán	Garcia (TX)	Panetta
Bass	Golden	Pappas
Beatty	Gomez	Pascrell
Bera	Gottheimer	Payne
Beyer	Green, Al (TX)	Pelosi
Bishop (GA)	Grijalva	Perlmutter
Blumenauer	Haaland	Peters
Blunt Rochester	Harder (CA)	Peterson
Bonamici	Hastings	Phillips
Boyle, Brendan	Hayes	Pingree
F.	Heck	Price (NC)
Brindisi	Higgins (NY)	Quigley
Brown (MD)	Himes	Raskin
Brownley (CA)	Horn, Kendra S.	Rice (NY)
Bustos	Horsford	Richmond
Butterfield	Houlihan	Rose (NY)
Carbajal	Hoyer	Rouda
Cárdenas	Huffman	Ruiz
Carson (IN)	Jackson Lee	Ruppersberger
Cartwright	Jeffries	Rush
Case	Johnson (GA)	Ryan
Casten (IL)	Kaptur	Sánchez
Castor (FL)	Keating	Sarbanes
Castro (TX)	Kelly (IL)	Scanlon
Chu, Judy	Kennedy	Schakowsky
Cicilline	Kildee	Schiff
Cisneros	Kilmer	Schneider
Clark (MA)	Kim	Schrader
Clarke (NY)	Kind	Schrier
Clay	Krishnamoorthi	Scott (VA)
Cleaver	Kuster (NH)	Scott, David
Clyburn	Langevin	Sewell (AL)
Cohen	Larsen (WA)	Shalala
Connolly	Larson (CT)	Sherman
Cooper	Lawrence	Sherrill
Correa	Lawson (FL)	Sires
Costa	Lee (CA)	Slotkin
Courtney	Lee (NV)	Smith (WA)
Cox (CA)	Levin (CA)	Soto
Craig	Levin (MI)	Speier
Crist	Loeb	Stanton
Crow	Loeb	Suozi
Cuellar	Lowenthal	Swalwell (CA)
Cunningham	Lowe	Takano
Davids (KS)	Luján	Thompson (CA)
Davis (CA)	Luria	Thompson (MS)
Davis, Danny K.	Lynch	Titus
Dean	Maloney	Tonko
DeFazio	Maloney, B.	Torres (CA)
DeGette	Maloney, Sean	Torres Small
DeLauro	Matsui	(NM)
DelBene	McAdams	Trahan
Delgado	McBath	Trone
Demings	McCollum	Underwood
Deutch	McEachin	Vargas
Dingell	McGovern	Veasey
Doggett	McNerney	Vela
Doyle, Michael	Meeks	Velázquez
F.	Meng	Visclosky
Engel	Mfume	Wasserman
Escobar	Moore	Schultz
Eshoo	Morelle	Waters
Espallat	Moulton	Watson Coleman
Evans	Mucarsel-Powell	Welch
Fletcher	Murphy (FL)	Wexton
Foster	Nadler	Wild
Frankel	Neal	Yarmuth
Fudge	Neguse	

NAYS—199

Abraham	Bacon	Bishop (UT)
Aderholt	Baird	Bost
Allen	Balderson	Brady
Amash	Banks	Brooks (AL)
Amodei	Barr	Brooks (IN)
Armstrong	Bergman	Buchanan
Arrington	Biggs	Buck
Axne	Bilirakis	Bucshon
Babin	Bishop (NC)	Budd

Burchett	Hollingsworth	Rice (SC)
Burgess	Hudson	Riggleman
Byrne	Huizenga	Roby
Calvert	Hurd (TX)	Rodgers (MA)
Carter (GA)	Jayapal	Roe, David P.
Chabot	Johnson (LA)	Rogers (AL)
Cheney	Johnson (OH)	Rogers (KY)
Cline	Johnson (SD)	Rose, John W.
Cloud	Jordan	Rouzer
Cole	Joyce (OH)	Roy
Collins (GA)	Joyce (PA)	Rutherford
Comer	Katko	Scalise
Conaway	Keller	Schweikert
Cook	Kelly (MS)	Scott, Austin
Crawford	Kelly (PA)	Sensenbrenner
Crenshaw	Khanna	Simpson
Curtis	King (IA)	Smith (MO)
Davidson (OH)	King (NY)	Smith (NE)
Davis, Rodney	Kinzinger	Smith (NJ)
Diaz-Balart	Kustoff (TN)	Smucker
Duncan	LaHood	Spanberger
Dunn	LaMalfa	Spano
Emmer	Lamb	Staubert
Estes	Lamborn	Stefanik
Ferguson	Latta	Steil
Finkenauer	Lesko	Steube
Fitzpatrick	Long	Stevens
Fleischmann	Loudermilk	Stewart
Flores	Luetkemeyer	Stivers
Fortenberry	Massie	Taylor
Fox (NC)	Mast	Thompson (PA)
Fulcher	McCarthy	Thornberry
Gaetz	McCaul	Timmons
Gallagher	McClintock	Tipton
Garcia (IL)	McHenry	Tlaib
Gianforte	McKinley	Turner
Gibbs	Meuser	Upton
Hoyer	Miller	Van Drew
Gohmert	Moore	Wagner
Gonzalez (OH)	Moolenaar	Walberg
Gooden	Mooney (WV)	Walden
Rush	Mullin	Walker
Ryan	Murphy (NC)	Waltz
Sánchez	Newhouse	Watkins
Sarbanes	Norman	Weber (TX)
Scanlon	Nunes	Webster (FL)
Schakowsky	Ocasio-Cortez	Wenstrup
Schiff	Griffith	Westerman
Schneider	Olson	Williams
Schrader	Omar	Wilson (SC)
Schrier	Palazzo	Wittman
Scott (VA)	Palmer	Womack
Scott, David	Pence	Woodall
Sewell (AL)	Perry	Yoho
Shalala	Pocan	Young
Sherman	Porter	Zeldin
Sherrill	Posey	
Sires	Pressley	
Slotkin	Reed	
Smith (WA)	Reschenthaler	
Soto		

NOT VOTING—24

Carter (TX)	Lieu, Ted	Ratcliffe
DeSaulnier	Lipinski	Rooney (FL)
DesJarlais	Lofgren	Roybal-Allard
Gonzalez (TX)	Lucas	Serrano
Granger	Marchant	Shimkus
Johnson (TX)	Marshall	Walorski
Kirkpatrick	Mitchell	Wilson (FL)
Lewis	Napolitano	Wright

□ 1228

Mr. GUEST changed his vote from "yea" to "nay."

Mrs. DINGELL changed her vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Madam Speaker, I was absent during roll call vote No. 106. Had I been present, I would have voted "yea" on Agreeing to the Resolution H. Res. 965.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess.

□ 1246

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 12 o'clock and 46 minutes p.m.

**AUTHORIZING REMOTE VOTING BY PROXY AND PROVIDING FOR OFFICIAL REMOTE COMMITTEE PROCEEDINGS DURING A PUBLIC HEALTH EMERGENCY DUE TO A NOVEL CORONAVIRUS**

Mr. MCGOVERN. Mr. Speaker, pursuant to House Resolution 967, I call up the resolution (H. Res. 965) authorizing remote voting by proxy in the House of Representatives and providing for official remote committee proceedings during a public health emergency due to a novel coronavirus, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 967, the resolution is considered read.

The text of the resolution is as follows:

H. RES. 965

*Resolved,*

**SECTION 1. AUTHORIZATION OF REMOTE VOTING BY PROXY DURING PUBLIC HEALTH EMERGENCY DUE TO NOVEL CORONAVIRUS.**

(a) AUTHORIZATION.—Notwithstanding rule III, at any time after the Speaker or the Speaker's designee is notified by the Sergeant-at-Arms, in consultation with the Attending Physician, that a public health emergency due to a novel coronavirus is in effect, the Speaker or the Speaker's designee, in consultation with the Minority Leader or the Minority Leader's designee, may designate a period (hereafter in this resolution referred to as a "covered period") during which a Member who is designated by another Member as a proxy in accordance with section 2 may cast the vote of such other Member or record the presence of such other Member in the House.

(b) LENGTH OF COVERED PERIOD.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a covered period shall terminate 45 days after the Speaker or the Speaker's designee designates such period.

(2) EXTENSION.—If, during a covered period, the Speaker or the Speaker's designee receives further notification from the Sergeant-at-Arms, in consultation with the Attending Physician, that the public health emergency due to a novel coronavirus remains in effect, the Speaker or the Speaker's designee, in consultation with the Minority Leader or the Minority Leader's designee, may extend the covered period for an additional 45 days.

(3) EARLY TERMINATION.—If, during a covered period, the Speaker or the Speaker's designee receives further notification by the Sergeant-at-Arms, in consultation with the Attending Physician, that the public health emergency due to a novel coronavirus is no longer in effect, the Speaker or the Speaker's designee shall terminate the covered period.

**SEC. 2. PROCESS FOR DESIGNATION OF PROXIES.**

(a) IN GENERAL.—

(1) DESIGNATION BY SIGNED LETTER.—In order for a Member to designate another